

115TH CONGRESS
2D SESSION

H. R. 6665

IN THE SENATE OF THE UNITED STATES

DECEMBER 11, 2018

Received

AN ACT

To amend the Outer Continental Shelf Lands Act to apply to territories of the United States, to establish offshore wind lease sale requirements, to provide dedicated funding for coral reef conservation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Offshore Wind for Ter-
3 ritories Act”.

4 **SEC. 2. APPLICATION OF OUTER CONTINENTAL SHELF**
5 **LANDS ACT WITH RESPECT TO TERRITORIES**
6 **OF THE UNITED STATES.**

7 (a) IN GENERAL.—Section 2 of the Outer Conti-
8 nental Shelf Lands Act (43 U.S.C. 1331) is amended—

9 (1) in paragraph (a)—

10 (A) by inserting after “control” the fol-
11 lowing: “or lying within the exclusive economic
12 zone of the United States and the outer Conti-
13 nental Shelf adjacent to any territory or posses-
14 sion of the United States”; and

15 (B) by adding at the end before the semi-
16 colon the following: “, except that such term
17 shall not include any area conveyed by Congress
18 to a territorial government for administration”;

19 (2) in paragraph (p), by striking “and” after
20 the semicolon at the end;

21 (3) in paragraph (q), by striking the period at
22 the end and inserting “; and”; and

23 (4) by adding at the end the following:

24 “(r) The term ‘State’ includes each territory of the
25 United States.”.

1 (b) EXCLUSIONS.—Section 18 of the Outer Conti-
2 nental Shelf Lands Act (43 U.S.C. 1344) is amended by
3 adding at the end the following:

4 “(i) This section shall not apply to the scheduling of
5 lease sales in the outer Continental Shelf adjacent to the
6 territories and possessions of the United States.”.

7 **SEC. 3. DISPOSITION OF REVENUES WITH RESPECT TO**
8 **TERRITORIES OF THE UNITED STATES.**

9 Section 9 of the Outer Continental Shelf Lands Act
10 (43 U.S.C. 1338) is amended—

11 (1) by striking “All rentals” and inserting the
12 following:

13 “(a) IN GENERAL.—Except as otherwise provided in
14 law, all rentals”; and

15 (2) by adding at the end the following:

16 “(b) DISPOSITION OF REVENUES TO TERRITORIES
17 OF THE UNITED STATES.—Of the rentals, royalties, and
18 other sums paid to the Secretary under this Act from a
19 lease for an area of land on the outer Continental Shelf
20 adjacent to a territory and lying within the exclusive eco-
21 nomic zone of the United States pertaining to such terri-
22 tory, and not otherwise obligated or appropriated—

23 “(1) 50 percent shall be deposited in the Treas-
24 ury and credited to miscellaneous receipts;

1 “(2) 12.5 percent shall be deposited in the
2 Coral Reef Conservation Fund established under
3 section 211 of the Coral Reef Conservation Act of
4 2000; and

5 “(3) 37.5 percent shall be disbursed to terri-
6 tories of the United States in an amount for each
7 territory (based on a formula established by the Sec-
8 retary by regulation) that is inversely proportional to
9 the respective distance between the point on the
10 coastline of the territory that is closest to the geo-
11 graphic center of the applicable leased tract and the
12 geographic center of the leased tract.”.

13 **SEC. 4. WIND LEASE SALES FOR AREAS OF OUTER CONTI-**
14 **NENTAL SHELF.**

15 (a) **CONDITIONAL WIND LEASE SALES IN TERRI-**
16 **TORIES OF THE UNITED STATES.**—The Outer Continental
17 Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by
18 adding at the end the following:

19 **“SEC. 33. WIND LEASE SALES FOR AREAS OF OUTER CONTI-**
20 **NENTAL SHELF.**

21 “(a) **AUTHORIZATION.**—The Secretary may conduct
22 wind lease sales on the outer Continental Shelf.

23 “(b) **WIND LEASE SALE PROCEDURE.**—Any wind
24 lease sale conducted under this section shall be considered
25 a lease under section 8(p).

1 “(c) WIND LEASE SALES OFF COASTS OF TERRI-
2 TORIES OF THE UNITED STATES.—

3 “(1) STUDY ON FEASIBILITY OF CONDUCTING
4 WIND LEASE SALES.—

5 “(A) IN GENERAL.—The Secretary shall
6 conduct a study on the feasibility, including the
7 technological and long-term economic feasibility,
8 of conducting wind lease sales on an area of the
9 outer Continental Shelf within the territorial ju-
10 risdiction of American Samoa, Guam, the
11 Northern Mariana Islands, Puerto Rico, and
12 the Virgin Islands of the United States.

13 “(B) CONSULTATION.—In conducting the
14 study required in paragraph (A), the Secretary
15 shall consult—

16 “(i) the National Renewable Energy
17 Laboratory of the Department of Energy;
18 and

19 “(ii) the Governor of each of Amer-
20 ican Samoa, Guam, the Northern Mariana
21 Islands, Puerto Rico, and the Virgin Is-
22 lands of the United States.

23 “(C) PUBLICATION.—The study required
24 in paragraph (A) shall be published in the Fed-

1 eral Register for public comment for not fewer
2 than 60 days.

3 “(D) SUBMISSION OF RESULTS.—Not later
4 than 18 months after the date of the enactment
5 of this section, the Secretary shall submit the
6 results of the study conducted under subpara-
7 graph (A) to:

8 “(i) the Committee on Energy and
9 Natural Resources of the Senate;

10 “(ii) the Committee on Natural Re-
11 sources of the House of Representatives;
12 and

13 “(iii) each of the delegates or resident
14 commissioner to the House of Representa-
15 tives from American Samoa, Guam, the
16 Northern Mariana Islands, Puerto Rico,
17 and the Virgin Islands of the United
18 States, respectively.

19 “(E) PUBLIC AVAILABILITY.—The study
20 required under subparagraph (A) and results
21 submitted under subparagraph (C) shall be
22 made readily available on a public Government
23 internet website.

24 “(2) CALL FOR INFORMATION AND NOMINA-
25 TIONS.—The Secretary shall issue a call for informa-

tion and nominations for proposed wind lease sales for areas determined to be feasible under the study conducted under paragraph (1).

“(3) CONDITIONAL WIND LEASE SALES.—

“(A) IN GENERAL.—For each territory, the Secretary shall conduct not less than 1 wind lease sale on an area of the outer Continental Shelf within the territorial jurisdiction of such territory that meets each of the following criteria:

“(i) The study required under paragraph (1)(A) concluded that a wind lease sale on the area is feasible.

“(ii) The Secretary has determined that the call for information has generated sufficient interest for the area.

“(iii) The Secretary has consulted with the Secretary of Defense regarding such a sale.

“(iv) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.

“(B) EXCEPTION.—If no area of the outer Continental Shelf within the territorial jurisdic-

1 tion of a territory meets each of the criteria in
2 clauses (i) through (iii) of subparagraph (A),
3 the requirement under subparagraph (A) shall
4 not apply to such territory.”.

5 **SEC. 5. ESTABLISHMENT OF CORAL REEF CONSERVATION**
6 **FUND.**

7 (a) IN GENERAL.—The Coral Reef Conservation Act
8 of 2000 (16 U.S.C. 6401 et seq.) is amended by adding
9 at the end the following:

10 **“SEC. 211. CORAL REEF CONSERVATION FUND.**

11 “(a) ESTABLISHMENT.—There is established in the
12 Treasury the Coral Reef Conservation Fund, hereafter re-
13 ferred to as the Fund.

14 “(b) DEPOSITS.—For each fiscal year, there shall be
15 deposited in the Fund the portion of such revenues due
16 and payable to the United States under subsection (b)(2)
17 of section 9 of the Outer Continental Shelf Lands Act (43
18 U.S.C. 1338).

19 “(c) USES.—Amounts deposited in the Fund under
20 this section and appropriated to the Secretary of Com-
21 merce under subsection (f) shall be used by the Secretary
22 of Commerce to carry out the Coral Reef Conservation Act
23 of 2000 (16 U.S.C. 6401 et seq.), with priority given to
24 carrying out sections 204 and 206 of such Act (16 U.S.C.
25 6403 and 6405).

1 “(d) AVAILABILITY.—Amounts deposited in the Fund
2 shall remain in the Fund until appropriated by Congress.

3 “(e) REPORTING.—The President shall include with
4 the proposed budget for the United States Government
5 submitted to Congress for a fiscal year a comprehensive
6 statement of deposits into the Fund during the previous
7 fiscal year and estimated requirements during the fol-
8 lowing fiscal year for appropriations from the Fund.

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated from the Fund to the
11 Secretary of Commerce, an amount equal to the amount
12 deposited in the Fund in the previous fiscal year.

13 “(g) NO LIMITATION.—Appropriations from the
14 Fund pursuant to this section may be made without fiscal
15 year limitation.”.

16 (b) RENAMING OF EXISTING FUND.—Section 205 of
17 the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404)
18 is amended—

19 (1) in the heading, by striking “**CORAL REEF**
20 **CONSERVATION FUND**” and inserting “**CORAL**
21 **REEF PUBLIC-PRIVATE PARTNERSHIP**”;

22 (2) in subsection (a)—

23 (A) in the subsection heading, by striking
24 “FUND” and inserting “PUBLIC-PRIVATE
25 PARTNERSHIP”; and

1 (B) by striking “, hereafter referred to as
 2 the Fund,”; and
 3 (3) in subsection (b), by striking “Fund” and
 4 inserting “separate interest bearing account”.

Passed the House of Representatives December 10,
 2018.

Attest:

KAREN L. HAAS,
Clerk.