

117TH CONGRESS
1ST SESSION

S. 2130

To modify the disposition of certain outer Continental Shelf revenues and to open Federal financial sharing to heighten opportunities for renewable energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2021

Mr. WHITEHOUSE (for himself, Mr. CASSIDY, Mr. COONS, Mrs. HYDE-SMITH, Mr. KAINE, Mr. KING, Mr. SCHATZ, Mrs. SHAHEEN, Mr. VAN HOLLEN, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To modify the disposition of certain outer Continental Shelf revenues and to open Federal financial sharing to heighten opportunities for renewable energy, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reinvesting In Shore-
5 line Economies and Ecosystems Act of 2021” or the
6 “RISEE Act of 2021”.

1 **SEC. 2. NATIONAL OCEANS AND COASTAL SECURITY FUND;**
2 **PARITY IN OFFSHORE WIND REVENUE SHAR-**
3 **ING.**

4 (a) DEFINITIONS IN THE NATIONAL OCEANS AND
5 COASTAL SECURITY ACT.—Section 902 of the National
6 Oceans and Coastal Security Act (16 U.S.C. 7501) is
7 amended—

8 (1) by striking paragraph (5) and inserting the
9 following:

10 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
11 has the meaning given that term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).”; and

14 (2) by striking paragraph (7) and inserting the
15 following:

16 “(7) TIDAL SHORELINE.—The term ‘tidal
17 shoreline’ means the length of tidal shoreline or
18 Great Lake shoreline based on the most recently
19 available data from or accepted by the Office of
20 Coast Survey of the National Oceanic and Atmos-
21 pheric Administration.”.

22 (b) NATIONAL OCEANS AND COASTAL SECURITY
23 FUND.—Section 904 of the National Oceans and Coastal
24 Security Act (16 U.S.C. 7503) is amended—

25 (1) in subsection (a), by inserting “and man-
26 age” after “establish”;

1 (2) in subsection (b), by striking paragraph (1)
 2 and inserting the following:

3 “(1) IN GENERAL.—The Fund shall consist of
 4 such amounts as—

5 “(A) are deposited in the Fund under sec-
 6 tion 105(a)(2)(B) of the Gulf of Mexico Energy
 7 Security Act of 2006 (43 U.S.C. 1331 note;
 8 Public Law 109–432);

9 “(B) are deposited in the Fund under sub-
 10 paragraph (C)(ii)(I)(bb) of section 8(p)(2) of
 11 the Outer Continental Shelf Lands Act (43
 12 U.S.C. 1337(p)(2)); and

13 “(C) are appropriated or otherwise made
 14 available for the Fund.”;

15 (3) by striking subsection (d) and inserting the
 16 following:

17 “(d) EXPENDITURE.—

18 “(1) \$34,000,000 OR LESS.—If \$34,000,000 or
 19 less is deposited in, or appropriated or otherwise
 20 made available for, the Fund for a fiscal year, in
 21 that fiscal year—

22 “(A) not more than 5 percent of such
 23 amounts may be used by the Administrator and
 24 the Foundation for administrative expenses to
 25 carry out this title; and

1 “(B) any remaining amounts shall be used
 2 only for the award of grants under section
 3 906(c).

4 “(2) MORE THAN \$34,000,000.—If more than
 5 \$34,000,000 is deposited in, or appropriated or oth-
 6 erwise made available for, the Fund for a fiscal year,
 7 in that fiscal year—

8 “(A) not more than 5 percent of such
 9 amounts may be used by the Administrator and
 10 the Foundation for administrative expenses to
 11 carry out this title;

12 “(B) not less than \$34,000,000 shall be
 13 used for the award of grants under section
 14 906(c); and

15 “(C) of any amounts exceeding
 16 \$34,000,000—

17 “(i) not more than 75 percent may be
 18 used for the award of grants under section
 19 906(b); and

20 “(ii) not more than 20 percent may be
 21 used for the award of grants under section
 22 906(c).

23 “(3) DIVISION OF AMOUNTS FOR ADMINISTRA-
 24 TIVE EXPENSES.—The amounts referred to in para-
 25 graphs (1)(A) and (2)(A) shall be divided between

1 the Administrator and the Foundation pursuant to
 2 an agreement reached and documented by both the
 3 Administrator and the Foundation.”; and

4 (4) in subsection (e)(2), by striking “section
 5 906(a)(1)” and inserting “section 906(a)”.

6 (c) ELIGIBLE USES OF AMOUNTS IN THE NATIONAL
 7 OCEANS AND COASTAL SECURITY FUND.—Section 905 of
 8 the National Oceans and Coastal Security Act (16 U.S.C.
 9 7504) is amended to read as follows:

10 **“SEC. 905. ELIGIBLE USES.**

11 “(a) IN GENERAL.—Amounts in the Fund may be
 12 allocated by the Administrator under section 906(b) and
 13 the Foundation, in consultation with the Administrator,
 14 under section 906(c) to support programs and activities
 15 intended to improve understanding and use of ocean and
 16 coastal resources and coastal infrastructure.

17 “(b) PROGRAMS AND ACTIVITIES.—The programs
 18 and activities referred to in subsection (a) may include sci-
 19 entific research related to changing environmental condi-
 20 tions, ocean observing projects, efforts to enhance resil-
 21 iency of infrastructure and communities (including project
 22 planning and design), habitat protection and restoration,
 23 monitoring and reducing damage to natural resources and
 24 marine life (including birds, marine mammals, and fish),
 25 and efforts to support sustainable seafood production car-

ried out by States, local governments, Indian tribes, regional and interstate collaboratives (such as regional ocean partnerships), nongovernmental organizations, public-private partnerships, and academic institutions.

“(c) PROHIBITION ON USE OF FUNDS FOR LITIGATION OR OTHER PURPOSES.—No funds made available under this title may be used—

“(1) to fund litigation against the Federal Government; or

“(2) to fund the creation of national marine monuments, marine protected areas, or marine spatial plans.”.

(d) GRANTS UNDER THE NATIONAL OCEANS AND COASTAL SECURITY ACT.—Section 906 of the National Oceans and Coastal Security Act (16 U.S.C. 7505) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by striking “(a) ADMINISTRATION OF GRANTS.—” and all that follows through “the following:” and inserting the following:

“(a) ADMINISTRATION OF GRANTS.—Not later than 90 days after funds are deposited in the Fund and made available to the Administrator and the Foundation for ad-

1 ministrative purposes, the Administrator and the Founda-
 2 tion shall establish the following:”;

3 (C) in subparagraph (A), by striking “such
 4 subsections” and inserting “this section”;

5 (D) by striking subparagraph (B) and in-
 6 serting the following:

7 “(B) Selection procedures and criteria for
 8 the awarding of grants under this section that
 9 require consultation with the Administrator and
 10 the Secretary of the Interior.”;

11 (E) in subparagraph (C), by striking
 12 clause (ii) and inserting the following:

13 “(ii) under subsection (c) to entities
 14 including States, local governments, Indian
 15 tribes, regional and interstate collabora-
 16 tives (such as regional ocean partnerships),
 17 nongovernmental organizations, public-pri-
 18 vate partnerships, and academic institu-
 19 tions.”;

20 (F) in subparagraph (D), by striking “Per-
 21 formance accountability and monitoring” and
 22 inserting “Performance, accountability, and
 23 monitoring”;

24 (G) by redesignating subparagraphs (A)
 25 through (H) as paragraphs (1) through (8), re-

spectively, and moving such paragraphs, as so redesignated, 2 ems to the left; and

(H) in paragraph (3), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the left;

(2) by striking subsection (b) and inserting the following:

“(b) GRANTS TO COASTAL STATES.—

“(1) IN GENERAL.—The Administrator shall award grants to coastal States as follows:

“(A) Seventy percent of available amounts shall be allocated equally among coastal States.

“(B) Fifteen percent of available amounts shall be allocated on the basis of the ratio of tidal shoreline in a coastal State to the tidal shoreline of all coastal States.

“(C) Fifteen percent of available amounts shall be allocated on the basis of the ratio of population density of the coastal counties of a coastal State to the average population density of all coastal counties based on the most recent data available from the Bureau of the Census.

1 “(2) MAXIMUM ALLOCATION TO STATES.—Not-
 2 withstanding paragraph (1), not more than 5 per-
 3 cent of the total funds distributed under this sub-
 4 section may be allocated to any single coastal State.
 5 Any amount exceeding that limitation shall be redis-
 6 tributed equally among the remaining coastal States.

7 “(3) OPTIONAL MATCHING FUNDS.—Each enti-
 8 ty seeking to receive a grant under this subsection
 9 is encouraged, but not required, to demonstrate that
 10 funds of any amount are available from non-Federal
 11 sources to supplement the amount of the grant.”;
 12 and

13 (3) in subsection (c)—

14 (A) in paragraph (1), by striking “The Ad-
 15 ministrators and the Foundation” and inserting
 16 “The Foundation, in consultation with the Ad-
 17 ministrators,”; and

18 (B) by adding at the end the following:

19 “(3) EXCLUSION OF FUNDS FROM LIMITA-
 20 TION.—The amount of a grant awarded under this
 21 subsection shall not count toward the limitation
 22 under subsection (b)(2) on funding to coastal States
 23 through grants awarded under subsection (b).”.

24 (e) ANNUAL REPORT ON OPERATION OF THE NA-
 25 TIONAL OCEANS AND COASTAL SECURITY FUND.—Sec-

tion 907(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7506(a)) is amended by striking “Subject to” and all that follows through “the Foundation” and inserting the following: “Not later than 60 days after the end of each fiscal year, the Administrator and the Foundation”.

(f) REPEAL OF AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2017, 2018, AND 2019.—Section 908 of the National Oceans and Coastal Security Act (16 U.S.C. 7507) is repealed.

(g) PARITY IN OFFSHORE WIND REVENUE SHARING.—Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)) is amended—

(1) in subparagraph (A), by striking “(A) The Secretary” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary”;

(2) in subparagraph (B), by striking “(B) The Secretary” and inserting the following:

“(B) DISPOSITION OF REVENUES FOR PROJECTS LOCATED WITHIN 3 NAUTICAL MILES SEAWARD OF STATE SUBMERGED LAND.—The Secretary”; and

(3) by adding at the end the following:

1 “(C) DISPOSITION OF REVENUES FOR OFF-
2 SHORE WIND PROJECTS IN CERTAIN AREAS.—

3 “(i) DEFINITIONS.—In this subpara-
4 graph:

5 “(I) COVERED OFFSHORE WIND
6 PROJECT.—The term ‘covered off-
7 shore wind project’ means a wind-
8 powered electric generation project in
9 a wind energy area on the outer Con-
10 tinental Shelf that is not wholly or
11 partially located within an area sub-
12 ject to subparagraph (B).

13 “(II) ELIGIBLE STATE.—The
14 term ‘eligible State’ means a State a
15 point on the coastline of which is lo-
16 cated within 75 miles of the geo-
17 graphic center of the covered offshore
18 wind project.

19 “(ii) REQUIREMENT.—

20 “(I) IN GENERAL.—Of the oper-
21 ating fees, rentals, bonuses, royalties,
22 and other payments that are paid to
23 the Secretary under subparagraph (A)
24 from covered offshore wind projects—

1 “(aa) 12.5 percent shall be
2 deposited in the Treasury and
3 credited to miscellaneous re-
4 ceipts;

5 “(bb) 37.5 percent shall be
6 deposited in the National Oceans
7 and Coastal Security Fund estab-
8 lished under section 904(a) of
9 the National Oceans and Coastal
10 Security Act (16 U.S.C.
11 7503(a)); and

12 “(cc) 50 percent shall be de-
13 posited in a special account in
14 the Treasury, from which the
15 Secretary, subject to subclause
16 (II), shall disburse to each eligi-
17 ble State an amount (based on a
18 formula established by the Sec-
19 retary of the Interior by rule-
20 making not later than 180 days
21 after the date of enactment of
22 the Reinvesting In Shoreline
23 Economies and Ecosystems Act
24 of 2021) that is inversely propor-

1 tional to the respective distances
 2 between—

3 “(AA) the point on the
 4 coastline of each eligible
 5 State that is closest to the
 6 geographic center of the ap-
 7 plicable leased tract; and

8 “(BB) the geographic
 9 center of the leased tract.

10 “(II) MINIMUM ALLOCATION.—

11 The amount allocated to an eligible
 12 State each fiscal year under item (cc)
 13 of subclause (I) shall be at least 10
 14 percent of the amounts available
 15 under that item.

16 “(iii) TIMING.—The amounts required
 17 to be deposited under item (cc) of clause
 18 (ii)(I) for the applicable fiscal year shall be
 19 made available in accordance with that
 20 item during the fiscal year immediately fol-
 21 lowing the applicable fiscal year.

22 “(iv) AUTHORIZED USES.—

23 “(I) IN GENERAL.—Subject to
 24 subclause (II), each State shall use all
 25 amounts received under clause

1 (ii)(I)(cc) in accordance with all appli-
2 cable Federal and State laws, only for
3 1 or more of the following purposes:

4 “(aa) Projects and activities
5 for the purposes of coastal pro-
6 tection, including conservation,
7 coastal restoration, hurricane
8 protection, and infrastructure di-
9 rectly affected by coastal wetland
10 losses.

11 “(bb) Mitigation of damage
12 to fish, wildlife, or natural re-
13 sources, including through fish-
14 eries science and research.

15 “(cc) Implementation of a
16 federally approved marine, coast-
17 al, or comprehensive conservation
18 management plan.

19 “(dd) Mitigation of the im-
20 pact of outer Continental Shelf
21 activities through the funding of
22 onshore infrastructure projects.

23 “(ee) Planning assistance
24 and the administrative costs of
25 complying with this section.

1 “(II) LIMITATION.—Of the
 2 amounts received by a State under
 3 clause (ii)(I)(cc), not more than 3 per-
 4 cent shall be used for the purposes de-
 5 scribed in subclause (I)(ee).

6 “(v) ADMINISTRATION.—Subject to
 7 clause (vi)(III), amounts made available
 8 under clause (ii)(I) shall—

9 “(I) be made available, without
 10 further appropriation, in accordance
 11 with this paragraph;

12 “(II) remain available until ex-
 13 pended; and

14 “(III) be in addition to any
 15 amount appropriated under any other
 16 Act.

17 “(vi) REPORTING REQUIREMENT.—

18 “(I) IN GENERAL.—Not later
 19 than 180 days after the end of each
 20 fiscal year, the Governor of each eligi-
 21 ble State that receives amounts under
 22 clause (ii)(I)(cc) for the applicable fis-
 23 cal year shall submit to the Secretary
 24 a report that describes the use of the

1 amounts by the eligible State during
2 the period covered by the report.

3 “(II) PUBLIC AVAILABILITY.—On
4 receipt of a report under subclause
5 (I), the Secretary shall make the re-
6 port available to the public on the
7 website of the Department of the In-
8 terior.

9 “(III) LIMITATION.—If the Gov-
10 ernor of an eligible State that receives
11 amounts under clause (ii)(I)(cc) for
12 the applicable fiscal year fails to sub-
13 mit the report required under sub-
14 clause (I) by the deadline specified in
15 that subclause, any amounts that
16 would otherwise be provided to the eli-
17 gible State under clause (ii)(I)(cc) for
18 the succeeding fiscal year shall be de-
19 posited in the National Oceans and
20 Coastal Security Fund established
21 under section 904(a) of the National
22 Oceans and Coastal Security Act (16
23 U.S.C. 7503(a)).”.

24 (h) EXEMPTION OF CERTAIN PAYMENTS FROM SE-

25 QUESTRATION.—

1 (1) IN GENERAL.—Section 255(g)(1)(A) of the
 2 Balanced Budget and Emergency Deficit Control
 3 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
 4 inserting after “Payments to Social Security Trust
 5 Funds (28–0404–0–1–651).” the following:

6 “Payments to States pursuant to subpara-
 7 graph (C)(ii)(I)(cc) of section 8(p)(2) of the
 8 Outer Continental Shelf Lands Act (43 U.S.C.
 9 1337(p)(2)).”.

10 (2) APPLICABILITY.—The amendment made by
 11 this subsection shall apply to any sequestration
 12 order issued under the Balanced Budget and Emer-
 13 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
 14 seq.) on or after the date of enactment of this Act.

15 **SEC. 3. GULF OF MEXICO OUTER CONTINENTAL SHELF**
 16 **REVENUES.**

17 (a) DEFINITION OF QUALIFIED OUTER CONTI-
 18 NENTAL SHELF REVENUES.—Section 102(9)(A) of the
 19 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
 20 1331 note; Public Law 109–432) is amended—

21 (1) in clause (i)(II), by striking “and” after the
 22 semicolon; and

23 (2) by striking clause (ii) and inserting the fol-
 24 lowing:

1 “(ii) with respect to amounts dis-
 2 bursed under subparagraphs (A) and (B)
 3 of section 105(a)(2)—

4 “(I) in the case of each of fiscal
 5 years 2017 through 2021, all rentals,
 6 royalties, bonus bids, and other sums
 7 due and payable to the United States
 8 received on or after October 1, 2016,
 9 from leases entered into on or after
 10 December 20, 2006, for—

11 “(aa) the 181 Area;

12 “(bb) the 181 South Area;

13 and

14 “(cc) the 2002–2007 plan-
 15 ning area; and

16 “(II) in the case of fiscal year
 17 2022 and each fiscal year thereafter,
 18 all rentals, royalties, bonus bids, and
 19 other sums due and payable to the
 20 United States received on or after Oc-
 21 tober 1, 2021, from leases entered
 22 into on or after October 1, 2000,
 23 for—

24 “(aa) the 181 Area;

1 “(bb) the 181 South Area;
2 and

3 “(cc) the 2002–2007 plan-
4 ning area; and

5 “(iii) with respect to amounts dis-
6 bursed under section 105(a)(2)(C), in the
7 case of fiscal year 2017 and each fiscal
8 year thereafter, all rentals, royalties, bonus
9 bids, and other sums due and payable to
10 the United States received on or after Oc-
11 tober 1, 2016, from leases entered into on
12 or after December 20, 2006, for—

13 “(I) the 181 Area;

14 “(II) the 181 South Area; and

15 “(III) the 2002–2007 planning
16 area.”.

17 (b) DISPOSITION OF QUALIFIED OUTER CONTI-
18 NENTAL SHELF REVENUES.—

19 (1) IN GENERAL.—Section 105(a) of the Gulf
20 of Mexico Energy Security Act of 2006 (43 U.S.C.
21 1331 note; Public Law 109–432) is amended—

22 (A) in paragraph (1), by striking “50” and
23 inserting “25”; and

24 (B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “50” and inserting “75”;

(ii) in subparagraph (A)—

(I) by striking “75 percent” and inserting “ $\frac{2}{3}$ ”; and

(II) by striking “and” after the semicolon;

(iii) in subparagraph (B), by striking “25 percent” and inserting “ $\frac{1}{6}$ ”;

(iv) by redesignating subparagraph (B) as subparagraph (C); and

(v) by inserting after subparagraph (A) the following:

“(B) $\frac{1}{6}$ to the National Oceans and Coastal Security Fund established under section 904(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7503(a)).”.

(2) CONFORMING AMENDMENT.—Section 200304(b) of title 54, United States Code, is amended, in the matter preceding paragraph (1), by striking “105(a)(2)(B)” and inserting “105(a)(2)(C)”.

(c) ELIMINATION OF LIMITATION ON AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—Section 105(f) of the Gulf of Mexico Energy

1 Security Act of 2006 (43 U.S.C. 1331 note; Public Law
2 109–432) is amended—

3 (1) in paragraph (1), by striking subparagraphs
4 (A) through (C) and inserting the following:

5 “(A) \$500,000,000 for each of fiscal years
6 2016 through 2019; and

7 “(B) \$650,000,000 for each of fiscal years
8 2020 and 2021.”;

9 (2) in paragraph (2), by striking “2055” and
10 inserting “2021”; and

11 (3) in paragraph (3), by striking “and (B)” and
12 inserting “, (B), and (C)”.

13 (d) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
14 QUESTRATION.—

15 (1) IN GENERAL.—Section 255(g)(1)(A) of the
16 Balanced Budget and Emergency Deficit Control
17 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
18 inserting after “Payments to Social Security Trust
19 Funds (28–0404–0–1–651).” the following:

20 “Payments to States pursuant to section
21 105(a)(2)(A) of the Gulf of Mexico Energy Se-
22 curity Act of 2006 (Public Law 109–432; 43
23 U.S.C. 1331 note) (014–5535–0–2–302).”.

24 (2) APPLICABILITY.—The amendment made by
25 this subsection shall apply to any sequestration

1 order issued under the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
3 seq.) on or after the date of enactment of this Act.

○