

118TH CONGRESS
1ST SESSION

S. 373

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

FEBRUARY 9, 2023

Mr. WHITEHOUSE (for himself, Mr. CASSIDY, Mr. KENNEDY, Mr. KING, Mr. GRAHAM, Mrs. SHAHEEN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. DAINES, Mr. MURPHY, Mr. BLUMENTHAL, Mr. COONS, Mr. VAN HOLLEN, Mr. CARDIN, Mr. WARNER, Mr. KAINE, Ms. STABENOW, Mr. HEINRICH, Mr. HICKENLOOPER, Mrs. FEINSTEIN, Mr. PADILLA, and Mr. SCHATZ) 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 2023” or the
6 “RISEE Act of 2023”.

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 sub-
6 paragraph (C)(ii)(II) of section 8(p)(2) of the
7 Outer Continental Shelf Lands Act (43 U.S.C.
8 1337(p)(2)); and

9 “(B) are appropriated or otherwise made
10 available for the Fund.”;

11 (3) by striking subsection (d) and inserting the
12 following:

13 “(d) EXPENDITURE.—

14 “(1) \$34,000,000 OR LESS.—If \$34,000,000 or
15 less is deposited in, or appropriated or otherwise
16 made available for, the Fund for a fiscal year, in
17 that fiscal year—

18 “(A) not more than 5 percent of such
19 amounts may be used by the Administrator and
20 the Foundation for administrative expenses to
21 carry out this title; and

22 “(B) any remaining amounts shall be used
23 only for the award of grants under section
24 906(c).

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

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

9 “(B) not less than \$34,000,000 shall be
10 used for the award of grants under section
11 906(c); and

12 “(C) of any amounts exceeding
13 \$34,000,000—

14 “(i) not more than 75 percent may be
15 used for the award of grants under section
16 906(b); and

17 “(ii) not more than 20 percent may be
18 used for the award of grants under section
19 906(c).

20 “(3) DIVISION OF AMOUNTS FOR ADMINISTRA-
21 TIVE EXPENSES.—The amounts referred to in para-
22 graphs (1)(A) and (2)(A) shall be divided between
23 the Administrator and the Foundation pursuant to
24 an agreement reached and documented by both the
25 Administrator and the Foundation.”; and

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

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

7 **“SEC. 905. ELIGIBLE USES.**

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

14 “(b) PROGRAMS AND ACTIVITIES.—The programs
15 and activities referred to in subsection (a) may include sci-
16 entific research related to changing environmental condi-
17 tions, ocean observing projects, efforts to enhance resil-
18 iency of infrastructure and communities (including project
19 planning and design), habitat protection and restoration,
20 monitoring and reducing damage to natural resources and
21 marine life (including birds, marine mammals, and fish),
22 and efforts to support sustainable seafood production car-
23 ried out by States, local governments, Indian tribes, re-
24 gional and interstate collaboratives (such as regional ocean

1 partnerships), nongovernmental organizations, public-pri-
 2 vate partnerships, and academic institutions.

3 “(c) PROHIBITION ON USE OF FUNDS FOR LITIGA-
 4 TION OR OTHER PURPOSES.—No funds made available
 5 under this title may be used—

6 “(1) to fund litigation against the Federal Gov-
 7 ernment; or

8 “(2) to fund the creation of national marine
 9 monuments, marine protected areas, or marine spa-
 10 tial plans.”.

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

15 (1) in subsection (a)—

16 (A) by striking paragraph (2);

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

20 “(a) ADMINISTRATION OF GRANTS.—Not later than
 21 90 days after funds are deposited in the Fund and made
 22 available to the Administrator and the Foundation for ad-
 23 ministrative purposes, the Administrator and the Founda-
 24 tion shall establish the following:”;

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

3 (D) by striking subparagraph (B) and in-
4 serting the following:

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

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

11 “(ii) under subsection (c) to entities
12 including States, local governments, Indian
13 tribes, regional and interstate
14 collaboratives (such as regional ocean part-
15 nerships), nongovernmental organizations,
16 public-private partnerships, and academic
17 institutions.”;

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

22 (G) by redesignating subparagraphs (A)
23 through (H) as paragraphs (1) through (8), re-
24 spectively, and moving such paragraphs, as so
25 redesignated, 2 ems to the left; and

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

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

8 “(b) GRANTS TO COASTAL STATES.—

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

11 “(A) 70 percent of available amounts shall
12 be allocated equally among coastal States.

13 “(B) 15 percent of available amounts shall
14 be allocated on the basis of the ratio of tidal
15 shoreline in a coastal State to the tidal shore-
16 line of all coastal States.

17 “(C) 15 percent of available amounts shall
18 be allocated on the basis of the ratio of popu-
19 lation density of the coastal counties of a coast-
20 al State to the average population density of all
21 coastal counties based on the most recent data
22 available from the Bureau of the Census.

23 “(2) MAXIMUM ALLOCATION TO STATES.—Not-
24 withstanding paragraph (1), not more than 5 per-
25 cent of the total funds distributed under this sub-

1 section may be allocated to any single coastal State.
2 Any amount exceeding that limitation shall be redis-
3 tributed equally among the remaining coastal States.

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

10 (3) in subsection (c)—

11 (A) in paragraph (1), by striking “The Ad-
12 ministrator and the Foundation” and inserting
13 “The Foundation, in consultation with the Ad-
14 ministrator,”; and

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

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

21 (e) ANNUAL REPORT ON OPERATION OF THE NA-
22 TIONAL OCEANS AND COASTAL SECURITY FUND.—Sec-
23 tion 907(a) of the National Oceans and Coastal Security
24 Act (16 U.S.C. 7506(a)) is amended by striking “Subject
25 to” and all that follows through “the Foundation” and

1 inserting the following: “Not later than 60 days after the
2 end of each fiscal year, the Administrator and the Founda-
3 tion”.

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

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

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

13 “(A) IN GENERAL.—Subject to subpara-
14 graphs (B) and (C), the Secretary”;

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

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

21 (3) by adding at the end the following:

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

24 “(i) DEFINITIONS.—In this subpara-
25 graph:

1 “(I) COVERED OFFSHORE WIND
2 PROJECT.—The term ‘covered off-
3 shore wind project’ means a wind-
4 powered electric generation project in
5 a lease area on the outer Continental
6 Shelf that is not wholly or partially lo-
7 cated within an area subject to sub-
8 paragraph (B).

9 “(II) ELIGIBLE STATE.—The
10 term ‘eligible State’ means a State a
11 point on the coastline of which is lo-
12 cated within 75 miles of the geo-
13 graphic center of a lease tract lying
14 wholly or partly within the area of the
15 applicable covered offshore wind
16 project.

17 “(ii) REQUIREMENT.—Of the oper-
18 ating fees, rentals, bonuses, royalties, and
19 other payments that are paid to the Sec-
20 retary under subparagraph (A) from cov-
21 ered offshore wind projects carried out
22 under a lease entered into on or after Jan-
23 uary 1, 2022—

1 “(I) 50 percent shall be deposited
2 in the Treasury and credited to mis-
3 cellaneous receipts;

4 “(II) 12.5 percent shall be depos-
5 ited in the National Oceans and
6 Coastal Security Fund established
7 under section 904(a) of the National
8 Oceans and Coastal Security Act (16
9 U.S.C. 7503(a)); and

10 “(III) 37.5 percent shall be de-
11 posited in a special account in the
12 Treasury, from which the Secretary
13 shall disburse to each eligible State an
14 amount (based on a formula estab-
15 lished by the Secretary of the Interior
16 by rulemaking not later than 180
17 days after the date of enactment of
18 the Reinvesting In Shoreline Econo-
19 mies and Ecosystems Act of 2023)
20 that is inversely proportional to the
21 respective distances between—

22 “(aa) the point on the coast-
23 line of each eligible State that is
24 closest to the geographic center
25 of the applicable leased tract; and

1 “(bb) the geographic center
2 of the leased tract.

3 “(iii) TIMING.—The amounts required
4 to be deposited under subclause (III) of
5 clause (ii) for the applicable fiscal year
6 shall be made available in accordance with
7 that item during the fiscal year imme-
8 diately following the applicable fiscal year.

9 “(iv) AUTHORIZED USES.—

10 “(I) IN GENERAL.—Subject to
11 subclause (II), each State shall use all
12 amounts received under clause
13 (ii)(III) in accordance with all applica-
14 ble Federal and State laws, only for 1
15 or more of the following purposes:

16 “(aa) Projects and activities
17 for the purposes of coastal pro-
18 tection, including conservation,
19 coastal restoration, hurricane
20 protection, and infrastructure di-
21 rectly affected by coastal wetland
22 losses.

23 “(bb) Mitigation of damage
24 to fish, wildlife, or natural re-

1 sources, including through fish-
2 eries science and research.

3 “(cc) Implementation of a
4 federally approved marine, coast-
5 al, or comprehensive conservation
6 management plan.

7 “(dd) Mitigation of the im-
8 pact of outer Continental Shelf
9 activities through the funding of
10 onshore infrastructure projects,
11 on the condition that the projects
12 are not primarily for entertain-
13 ment purposes.

14 “(ee) Planning assistance
15 and the administrative costs of
16 complying with this section.

17 “(II) LIMITATION.—Of the
18 amounts received by a State under
19 clause (ii)(III), not more than 3 per-
20 cent shall be used for the purposes de-
21 scribed in subclause (I)(ee).

22 “(v) ADMINISTRATION.—Subject to
23 clause (vi)(III), amounts made available
24 under clause (ii) shall—

1 “(I) be made available, without
2 further appropriation, in accordance
3 with this paragraph;

4 “(II) remain available until ex-
5 pended; and

6 “(III) be in addition to any
7 amount appropriated under any other
8 Act.

9 “(vi) REPORTING REQUIREMENT FOR
10 FISCAL YEAR 2023 AND THEREAFTER.—

11 “(I) IN GENERAL.—Beginning
12 with fiscal year 2023, not later than
13 180 days after the end of each fiscal
14 year, each eligible State that receives
15 amounts under clause (ii)(III) for the
16 applicable fiscal year shall submit to
17 the Secretary a report that describes
18 the use of the amounts by the eligible
19 State during the period covered by the
20 report.

21 “(II) PUBLIC AVAILABILITY.—On
22 receipt of a report under subclause
23 (I), the Secretary shall make the re-
24 port available to the public on the

1 website of the Department of the In-
2 terior.

3 “(III) LIMITATION.—If an eligi-
4 ble State that receives amounts under
5 clause (ii)(III) for the applicable fiscal
6 year fails to submit the report re-
7 quired under subclause (I) by the
8 deadline specified in that subclause,
9 any amounts that would otherwise be
10 provided to the eligible State under
11 clause (ii)(III) for the succeeding fis-
12 cal year shall be withheld for the suc-
13 ceeding fiscal year until the date on
14 which the report is submitted.

15 “(IV) CONTENTS OF REPORT.—
16 Each report required under subclause
17 (I) shall include, for each project
18 funded in whole or in part using
19 amounts received under clause
20 (ii)(III)—

21 “(aa) the name and descrip-
22 tion of the project;

23 “(bb) the amount received
24 under clause (ii)(III) that is allo-
25 cated to the project; and

1 “(cc) a description of how
2 each project is consistent with
3 the authorized uses under clause
4 (iv)(I).

5 “(V) CLARIFICATION.—Nothing
6 in this clause—

7 “(aa) requires or provides
8 authority for the Secretary to
9 delay, modify, or withhold pay-
10 ment under clause (ii)(III), other
11 than for failure to submit a re-
12 port as required under this
13 clause;

14 “(bb) requires or provides
15 authority for the Secretary to re-
16 view or approve uses of funds re-
17 ported under this clause;

18 “(cc) requires or provides
19 authority for the Secretary to ap-
20 prove individual projects that re-
21 ceive funds reported under this
22 clause;

23 “(dd) requires an eligible
24 State to obtain the approval of,
25 or review by, the Secretary prior

1 to spending funds disbursed
2 under clause (ii)(III);

3 “(ee) requires or provides
4 authority for the Secretary to
5 issue guidance relating to the
6 contents of, or to determine the
7 completeness of, the report re-
8 quired under this clause;

9 “(ff) requires an eligible
10 State to obligate or expend funds
11 by a certain date; or

12 “(gg) requires or provides
13 authority for the Secretary to re-
14 quest an eligible State to return
15 unobligated funds.”.

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

18 (a) **AUTHORIZED USES.**—Section 105(d)(1)(D) of
19 the Gulf of Mexico Energy Security Act of 2006 (43
20 U.S.C. 1331 note; Public Law 109–432) is amended by
21 inserting “, on the condition that the projects are not pri-
22 marily for entertainment purposes” after “infrastructure
23 projects”.

24 (b) **ADMINISTRATION.**—Section 105(e) of the Gulf of
25 Mexico Energy Security Act of 2006 (43 U.S.C. 1331

1 note; Public Law 109–432) is amended, in the matter pre-
 2 ceding paragraph (1), by striking “Amounts” and insert-
 3 ing “Subject to subsection (g)(3), amounts”.

4 (c) ELIMINATION OF LIMITATION ON AMOUNT OF
 5 DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF
 6 REVENUES.—Section 105(f) of the Gulf of Mexico Energy
 7 Security Act of 2006 (43 U.S.C. 1331 note; Public Law
 8 109–432) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (A), by inserting
 11 “and” after the semicolon;

12 (B) in subparagraph (B), by striking “;
 13 and” and inserting a period; and

14 (C) by striking subparagraph (C); and

15 (2) in paragraph (2), by striking “2055” and
 16 inserting “2022”.

17 (d) REPORTING REQUIREMENTS.—Section 105 of the
 18 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
 19 1331 note; Public Law 109–432) is amended by adding
 20 at the end the following:

21 “(g) REPORTING REQUIREMENT FOR FISCAL YEAR
 22 2023 AND THEREAFTER.—

23 “(1) IN GENERAL.—Beginning with fiscal year
 24 2023, not later than 180 days after the end of each
 25 fiscal year, each Gulf producing State that receives

1 amounts under subsection (a)(2)(A) for the applica-
2 ble fiscal year shall submit to the Secretary a report
3 that describes the use of the amounts by the Gulf
4 producing State during the period covered by the re-
5 port.

6 “(2) PUBLIC AVAILABILITY.—On receipt of a
7 report under paragraph (1), the Secretary shall
8 make the report available to the public on the
9 website of the Department of the Interior.

10 “(3) LIMITATION.—If a Gulf producing State
11 that receives amounts under subsection (a)(2)(A) for
12 the applicable fiscal year fails to submit the report
13 required under paragraph (1) by the deadline speci-
14 fied in that paragraph, any amounts that would oth-
15 erwise be provided to the Gulf producing State
16 under subsection (a)(2)(A) for the succeeding fiscal
17 year shall be withheld for the succeeding fiscal year
18 until the date on which the report is submitted.

19 “(4) CONTENTS OF REPORT.—Each report re-
20 quired under paragraph (1) shall include, for each
21 project funded in whole or in part using amounts re-
22 ceived under subsection (a)(2)(A)—

23 “(A) the name and description of the
24 project;

1 “(B) the amount received under subsection
2 (a)(2)(A) that is allocated to the project; and

3 “(C) a description of how each project is
4 consistent with the authorized uses under sub-
5 section (d)(1).

6 “(5) CLARIFICATION.—Nothing in this clause—

7 “(A) requires or provides authority for the
8 Secretary to delay, modify, or withhold payment
9 under subsection (a)(2)(A), other than for fail-
10 ure to submit a report as required under this
11 subsection;

12 “(B) requires or provides authority for the
13 Secretary to review or approve uses of funds re-
14 ported under this subsection;

15 “(C) requires or provides authority for the
16 Secretary to approve individual projects that re-
17 ceive funds reported under this subsection;

18 “(D) requires a Gulf producing State to
19 obtain the approval of, or review by, the Sec-
20 retary prior to spending funds disbursed under
21 subsection (a)(2)(A);

22 “(E) requires or provides authority for the
23 Secretary to issue guidance relating to the con-
24 tents of, or to determine the completeness of,
25 the report required under this subsection;

1 “(F) requires a Gulf producing State to
2 obligate or expend funds by a certain date; or

3 “(G) requires or provides authority for the
4 Secretary to request a Gulf producing State to
5 return unobligated funds.”.

6 **SEC. 4. ELIMINATION OF ADMINISTRATIVE FEE UNDER THE**
7 **MINERAL LEASING ACT.**

8 (a) IN GENERAL.—Section 35 of the Mineral Leasing
9 Act (30 U.S.C. 191) is amended—

10 (1) in subsection (a), in the first sentence, by
11 striking “and, subject to the provisions of subsection
12 (b),”;

13 (2) by striking subsection (b);

14 (3) by redesignating subsections (c) and (d) as
15 subsections (b) and (c), respectively;

16 (4) in paragraph (3)(B)(ii) of subsection (b) (as
17 so redesignated), by striking “subsection (d)” and
18 inserting “subsection (c)”; and

19 (5) in paragraph (3)(A)(ii) of subsection (c) (as
20 so redesignated), by striking “subsection (c)(2)(B)”
21 and inserting “subsection (b)(2)(B)”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 6(a) of the Mineral Leasing Act for
24 Acquired Lands (30 U.S.C. 355(a)) is amended—

1 (A) in the first sentence, by striking “Sub-
2 ject to the provisions of section 35(b) of the
3 Mineral Leasing Act (30 U.S.C. 191(b)), all”
4 and inserting “All”; and

5 (B) in the second sentence, by striking “of
6 the Act of February 25, 1920 (41 Stat. 450; 30
7 U.S.C. 191),” and inserting “of the Mineral
8 Leasing Act (30 U.S.C. 191)”.

9 (2) Section 20(a) of the Geothermal Steam Act
10 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-
11 ond sentence of the matter preceding paragraph (1),
12 by striking “the provisions of subsection (b) of sec-
13 tion 35 of the Mineral Leasing Act (30 U.S.C.
14 191(b)) and section 5(a)(2) of this Act” and insert-
15 ing “section 5(a)(2)”.

16 (3) Section 205(f) of the Federal Oil and Gas
17 Royalty Management Act of 1982 (30 U.S.C.
18 1735(f)) is amended—

19 (A) in the first sentence, by striking “this
20 Section” and inserting “this section”; and

21 (B) by striking the fourth, fifth, and sixth
22 sentences.

○