

Calendar No. 576

118TH CONGRESS
2D 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, Mr. SCHATZ, Mr. SCOTT of South Carolina, Mr. PETERS, Mr. WELCH, Ms. BUTLER, and Mr. HELMY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reinvesting In Shore-
3 line Economies and Ecosystems Act of 2023” or the
4 “RISEE Act of 2023”.

5 **SEC. 2. NATIONAL OCEANS AND COASTAL SECURITY FUND;**

6 **PARITY IN OFFSHORE WIND REVENUE SHAR-**
7 **ING.**

8 (a) DEFINITIONS IN THE NATIONAL OCEANS AND
9 COASTAL SECURITY ACT.—Section 902 of the National
10 Oceans and Coastal Security Act (16 U.S.C. 7501) is
11 amended—

12 (1) by striking paragraph (5) and inserting the
13 following:

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

18 (2) by striking paragraph (7) and inserting the
19 following:

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

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

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

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

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

10 “(A) are deposited in the Fund under sub-
11 paragraph (C)(ii)(II) of section 8(p)(2) of the
12 Outer Continental Shelf Lands Act (43 U.S.C.
13 1337(p)(2)); and

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

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

18 “(d) EXPENDITURE.—

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

23 “(A) not more than 5 percent of such
24 amounts may be used by the Administrator and

1 the Foundation for administrative expenses to
2 carry out this title; and

3 “(B) any remaining amounts shall be used
4 only for the award of grants under section
5 906(c).

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

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

14 “(B) not less than \$34,000,000 shall be
15 used for the award of grants under section
16 906(c); and

17 “(C) of any amounts exceeding
18 \$34,000,000—

19 “(i) not more than 75 percent may be
20 used for the award of grants under section
21 906(b); and

22 “(ii) not more than 20 percent may be
23 used for the award of grants under section
24 906(c).

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

7 (4) in subsection (e)(2), by striking “section
8 906(a)(1)” and inserting “section 906(a)”.

9 (c) ELIGIBLE USES OF AMOUNTS IN THE NATIONAL
10 OCEANS AND COASTAL SECURITY FUND.—Section 905 of
11 the National Oceans and Coastal Security Act (16 U.S.C.
12 7504) is amended to read as follows:

13 **“SEC. 905. ELIGIBLE USES.**

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

20 “(b) PROGRAMS AND ACTIVITIES.—The programs
21 and activities referred to in subsection (a) may include sci-
22 entific research related to changing environmental condi-
23 tions, ocean observing projects, efforts to enhance resil-
24 iency of infrastructure and communities (including project
25 planning and design), habitat protection and restoration,

1 monitoring and reducing damage to natural resources and
 2 marine life (including birds, marine mammals, and fish),
 3 and efforts to support sustainable seafood production car-
 4 ried out by States, local governments, Indian tribes, re-
 5 gional and interstate collaboratives (such as regional ocean
 6 partnerships), nongovernmental organizations, public-pri-
 7 vate partnerships, and academic institutions.

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

11 “(1) to fund litigation against the Federal Gov-
 12 ernment; or

13 “(2) to fund the creation of national marine
 14 monuments, marine protected areas, or marine spa-
 15 tial plans.”.

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

20 (1) in subsection (a)—

21 (A) by striking paragraph (2);

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

1 “(a) ADMINISTRATION OF GRANTS.—Not later than
2 90 days after funds are deposited in the Fund and made
3 available to the Administrator and the Foundation for ad-
4 ministrative purposes, the Administrator and the Founda-
5 tion shall establish the following:”;

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

8 (D) by striking subparagraph (B) and in-
9 serting the following:

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

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

16 “(ii) under subsection (c) to entities
17 including States, local governments, Indian
18 tribes, regional and interstate
19 collaboratives (such as regional ocean part-
20 nerships), nongovernmental organizations,
21 public-private partnerships, and academic
22 institutions.”;

23 (F) in subparagraph (D), by striking “Per-
24 formance accountability and monitoring” and

1 inserting “Performance, accountability, and
2 monitoring”;

3 (G) by redesignating subparagraphs (A)
4 through (H) as paragraphs (1) through (8), re-
5 spectively, and moving such paragraphs, as so
6 redesignated, 2 ems to the left; and

7 (H) in paragraph (3), as so redesignated,
8 by redesignating clauses (i) and (ii) as subpara-
9 graphs (A) and (B), respectively, and moving
10 such subparagraphs, as so redesignated, 2 ems
11 to the left;

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

14 “(b) GRANTS TO COASTAL STATES.—

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

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

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

23 “(C) 15 percent of available amounts shall
24 be allocated on the basis of the ratio of popu-
25 lation density of the coastal counties of a coast-

1 al State to the average population density of all
2 coastal counties based on the most recent data
3 available from the Bureau of the Census.

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

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

16 (3) in subsection (c)—

17 (A) in paragraph (1), by striking “The Ad-
18 ministrator and the Foundation” and inserting
19 “The Foundation, in consultation with the Ad-
20 ministrator,”; and

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

22 “(3) EXCLUSION OF FUNDS FROM LIMITA-
23 TION.—The amount of a grant awarded under this
24 subsection shall not count toward the limitation

1 under subsection (b)(2) on funding to coastal States
2 through grants awarded under subsection (b).”.

3 (e) ANNUAL REPORT ON OPERATION OF THE NA-
4 TIONAL OCEANS AND COASTAL SECURITY FUND.—Sec-
5 tion 907(a) of the National Oceans and Coastal Security
6 Act (16 U.S.C. 7506(a)) is amended by striking “Subject
7 to” and all that follows through “the Foundation” and
8 inserting the following: “Not later than 60 days after the
9 end of each fiscal year, the Administrator and the Founda-
10 tion”.

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

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

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

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

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

24 “(B) DISPOSITION OF REVENUES FOR
25 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES

1 SEAWARD OF STATE SUBMERGED LAND.—The
2 Secretary’; and

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

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

6 “(i) DEFINITIONS.—In this subpara-
7 graph:

8 “(I) COVERED OFFSHORE WIND
9 PROJECT.—The term ‘covered off-
10 shore wind project’ means a wind-
11 powered electric generation project in
12 a lease area on the outer Continental
13 Shelf that is not wholly or partially lo-
14 cated within an area subject to sub-
15 paragraph (B).

16 “(II) ELIGIBLE STATE.—The
17 term ‘eligible State’ means a State a
18 point on the coastline of which is lo-
19 cated within 75 miles of the geo-
20 graphic center of a lease tract lying
21 wholly or partly within the area of the
22 applicable covered offshore wind
23 project.

24 “(ii) REQUIREMENT.—Of the oper-
25 ating fees, rentals, bonuses, royalties, and

1 other payments that are paid to the Sec-
2 retary under subparagraph (A) from cov-
3 ered offshore wind projects carried out
4 under a lease entered into on or after Jan-
5 uary 1, 2022—

6 “(I) 50 percent shall be deposited
7 in the Treasury and credited to mis-
8 cellaneous receipts;

9 “(II) 12.5 percent shall be depos-
10 ited in the National Oceans and
11 Coastal Security Fund established
12 under section 904(a) of the National
13 Oceans and Coastal Security Act (16
14 U.S.C. 7503(a)); and

15 “(III) 37.5 percent shall be de-
16 posited in a special account in the
17 Treasury, from which the Secretary
18 shall disburse to each eligible State an
19 amount (based on a formula estab-
20 lished by the Secretary of the Interior
21 by rulemaking not later than 180
22 days after the date of enactment of
23 the Reinvesting In Shoreline Econo-
24 mies and Ecosystems Act of 2023)

1 that is inversely proportional to the
2 respective distances between—

3 “(aa) the point on the coast-
4 line of each eligible State that is
5 closest to the geographic center
6 of the applicable leased tract; and

7 “(bb) the geographic center
8 of the leased tract.

9 “(iii) TIMING.—The amounts required
10 to be deposited under subclause (III) of
11 clause (ii) for the applicable fiscal year
12 shall be made available in accordance with
13 that item during the fiscal year imme-
14 diately following the applicable fiscal year.

15 “(iv) AUTHORIZED USES.—

16 “(I) IN GENERAL.—Subject to
17 subclause (II), each State shall use all
18 amounts received under clause
19 (ii)(III) in accordance with all applica-
20 ble Federal and State laws, only for 1
21 or more of the following purposes:

22 “(aa) Projects and activities
23 for the purposes of coastal pro-
24 tection, including conservation,
25 coastal restoration, hurricane

1 protection, and infrastructure di-
2 rectly affected by coastal wetland
3 losses.

4 “(bb) Mitigation of damage
5 to fish, wildlife, or natural re-
6 sources, including through fish-
7 eries science and research.

8 “(cc) Implementation of a
9 federally approved marine, coast-
10 al, or comprehensive conservation
11 management plan.

12 “(dd) Mitigation of the im-
13 pact of outer Continental Shelf
14 activities through the funding of
15 onshore infrastructure projects,
16 on the condition that the projects
17 are not primarily for entertain-
18 ment purposes.

19 “(ee) Planning assistance
20 and the administrative costs of
21 complying with this section.

22 “(II) LIMITATION.—Of the
23 amounts received by a State under
24 clause (ii)(III), not more than 3 per-

1 cent shall be used for the purposes de-
2 scribed in subclause (I)(ee).

3 “(v) ADMINISTRATION.—Subject to
4 clause (vi)(III), amounts made available
5 under clause (ii) shall—

6 “(I) be made available, without
7 further appropriation, in accordance
8 with this paragraph;

9 “(II) remain available until ex-
10 pended; and

11 “(III) be in addition to any
12 amount appropriated under any other
13 Act.

14 “(vi) REPORTING REQUIREMENT FOR
15 FISCAL YEAR 2023 AND THEREAFTER.—

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

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

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

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

1 “(aa) the name and descrip-
2 tion of the project;

3 “(bb) the amount received
4 under clause (ii)(III) that is allo-
5 cated to the project; and

6 “(cc) a description of how
7 each project is consistent with
8 the authorized uses under clause
9 (iv)(I).

10 “(V) CLARIFICATION.—Nothing
11 in this clause—

12 “(aa) requires or provides
13 authority for the Secretary to
14 delay, modify, or withhold pay-
15 ment under clause (ii)(III), other
16 than for failure to submit a re-
17 port as required under this
18 clause;

19 “(bb) requires or provides
20 authority for the Secretary to re-
21 view or approve uses of funds re-
22 ported under this clause;

23 “(cc) requires or provides
24 authority for the Secretary to ap-
25 prove individual projects that re-

1 ceive funds reported under this
2 clause;

3 “(dd) requires an eligible
4 State to obtain the approval of,
5 or review by, the Secretary prior
6 to spending funds disbursed
7 under clause (ii)(III);

8 “(ee) requires or provides
9 authority for the Secretary to
10 issue guidance relating to the
11 contents of, or to determine the
12 completeness of, the report re-
13 quired under this clause;

14 “(ff) requires an eligible
15 State to obligate or expend funds
16 by a certain date; or

17 “(gg) requires or provides
18 authority for the Secretary to re-
19 quest an eligible State to return
20 unobligated funds.”.

21 **SEC. 3. GULF OF MEXICO OUTER CONTINENTAL SHELF**
22 **REVENUES.**

23 (a) AUTHORIZED USES.—Section 105(d)(1)(D) of
24 the Gulf of Mexico Energy Security Act of 2006 (43
25 U.S.C. 1331 note; Public Law 109–432) is amended by

1 inserting “, on the condition that the projects are not pri-
2 marily for entertainment purposes” after “infrastructure
3 projects”.

4 (b) ADMINISTRATION.—Section 105(e) of the Gulf of
5 Mexico Energy Security Act of 2006 (43 U.S.C. 1331
6 note; Public Law 109–432) is amended, in the matter pre-
7 ceding paragraph (1), by striking “Amounts” and insert-
8 ing “Subject to subsection (g)(3), amounts”.

9 (c) ELIMINATION OF LIMITATION ON AMOUNT OF
10 DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF
11 REVENUES.—Section 105(f) of the Gulf of Mexico Energy
12 Security Act of 2006 (43 U.S.C. 1331 note; Public Law
13 109–432) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A), by inserting
16 “and” after the semicolon;

17 (B) in subparagraph (B), by striking “;
18 and” and inserting a period; and

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

20 (2) in paragraph (2), by striking “2055” and
21 inserting “2022”.

22 (d) REPORTING REQUIREMENTS.—Section 105 of the
23 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
24 1331 note; Public Law 109–432) is amended by adding
25 at the end the following:

1 “(g) REPORTING REQUIREMENT FOR FISCAL YEAR
2 2023 AND THEREAFTER.—

3 “(1) IN GENERAL.—Beginning with fiscal year
4 2023, not later than 180 days after the end of each
5 fiscal year, each Gulf producing State that receives
6 amounts under subsection (a)(2)(A) for the applica-
7 ble fiscal year shall submit to the Secretary a report
8 that describes the use of the amounts by the Gulf
9 producing State during the period covered by the re-
10 port.

11 “(2) PUBLIC AVAILABILITY.—On receipt of a
12 report under paragraph (1), the Secretary shall
13 make the report available to the public on the
14 website of the Department of the Interior.

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

24 “(4) CONTENTS OF REPORT.—Each report re-
25 quired under paragraph (1) shall include, for each

1 project funded in whole or in part using amounts re-
2 ceived under subsection (a)(2)(A)—

3 “(A) the name and description of the
4 project;

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

7 “(C) a description of how each project is
8 consistent with the authorized uses under sub-
9 section (d)(1).

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

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

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

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

22 “(D) requires a Gulf producing State to
23 obtain the approval of, or review by, the Sec-
24 retary prior to spending funds disbursed under
25 subsection (a)(2)(A);

1 “(E) requires or provides authority for the
2 Secretary to issue guidance relating to the con-
3 tents of, or to determine the completeness of,
4 the report required under this subsection;

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

7 “(G) requires or provides authority for the
8 Secretary to request a Gulf producing State to
9 return unobligated funds.”.

10 **SEC. 4. ELIMINATION OF ADMINISTRATIVE FEE UNDER THE**
11 **MINERAL LEASING ACT.**

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

14 (1) in subsection (a), in the first sentence, by
15 striking “and, subject to the provisions of subsection
16 (b),”;

17 (2) by striking subsection (b);

18 (3) by redesignating subsections (c) and (d) as
19 subsections (b) and (c), respectively;

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

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

1 (b) CONFORMING AMENDMENTS.—

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

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

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

12 (2) Section 20(a) of the Geothermal Steam Act
13 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-
14 ond sentence of the matter preceding paragraph (1),
15 by striking “the provisions of subsection (b) of sec-
16 tion 35 of the Mineral Leasing Act (30 U.S.C.
17 191(b)) and section 5(a)(2) of this Act” and insert-
18 ing “section 5(a)(2)”.

19 (3) Section 205(f) of the Federal Oil and Gas
20 Royalty Management Act of 1982 (30 U.S.C.
21 1735(f)) is amended—

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

24 (B) by striking the fourth, fifth, and sixth
25 sentences.

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