

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide for reforms of the administration of  
the outer Continental Shelf of the United States.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2012**

To provide for the modernization of the energy policy of  
the United States, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by  
\_\_\_\_\_ to the amendment (No. 2953)  
proposed by Ms. MURKOWSKI

Viz:

1 At the end of subtitle B of title III, add the following:

2 **SEC. 3105. OIL AND GAS.**

3 (a) DISPOSITION OF OUTER CONTINENTAL SHELF

4 REVENUES TO GULF PRODUCING STATES.—Section

5 105(f) of the Gulf of Mexico Energy Security Act of 2006

6 (43 U.S.C. 1331 note; Public Law 109–432) is amended

7 by striking paragraph (1) and inserting the following:

8 “(1) IN GENERAL.—Subject to paragraph (2),

9 the total amount of qualified outer Continental Shelf

10 revenues described in section 102(9)(A)(ii) that are

1 made available under subsection (a)(2) shall not ex-  
2 ceed—

3 “(A) for each of fiscal years 2017 through  
4 2026, \$500,000,000;

5 “(B) for each of fiscal years 2027 through  
6 2031, \$999,000,000; and

7 “(C) for each of fiscal years 2032 through  
8 2055, \$500,000,000.”.

9 (b) DISTRIBUTION OF REVENUE TO ALASKA.—Sec-  
10 tion 9 of the Outer Continental Shelf Lands Act (43  
11 U.S.C. 1338) is amended—

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

14 “(a) IN GENERAL.—Except as provided in sub-  
15 sections (b) and (c), all rentals,”; and

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

17 “(b) DISTRIBUTION OF REVENUE TO ALASKA.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) COASTAL POLITICAL SUBDIVISION.—

20 The term ‘coastal political subdivision’ means a  
21 county-equivalent or municipal subdivision of  
22 the State—

23 “(i) all or part of which lies within the  
24 coastal zone of the State (as defined in

1 section 304 of the Coastal Zone Manage-  
2 ment Act of 1972 (16 U.S.C. 1453)); and

3 “(ii)(I) the closest coastal point of  
4 which is not more than 200 nautical miles  
5 from the geographical center of any leased  
6 tract in the Alaska outer Continental Shelf  
7 region; or

8 “(II)(aa) the closest point of which is  
9 more than 200 nautical miles from the  
10 geographical center of a leased tract in the  
11 Alaska outer Continental Shelf region; and

12 “(bb) that is determined by the State  
13 to be a significant staging area for oil and  
14 gas servicing, supply vessels, operations,  
15 suppliers, or workers.

16 “(B) QUALIFIED REVENUES.—

17 “(i) IN GENERAL.—The term ‘quali-  
18 fied revenues’ means all revenues derived  
19 from all rentals, royalties, bonus bids, and  
20 other sums due and payable to the United  
21 States from energy development in the  
22 Alaska outer Continental Shelf region.

23 “(ii) EXCLUSIONS.—The term ‘quali-  
24 fied revenues’ does not include revenues

1 generated from leases subject to section  
2 8(g).

3 “(C) STATE.—The term ‘State’ means the  
4 State of Alaska.

5 “(2) FISCAL YEARS 2027–2031.—For each of fis-  
6 cal years 2027 through 2031, the Secretary shall de-  
7 posit—

8 “(A) 62.5 percent of qualified revenues in  
9 the general fund of the Treasury, of which 12.5  
10 percent shall be allocated to the Tribal Resil-  
11 ience Fund established by section 3105(e) of  
12 the Energy Policy Modernization Act of 2016;

13 “(B) 28 percent of qualified revenues in a  
14 special account in the Treasury, to be distrib-  
15 uted by the Secretary to the State;

16 “(C) 7.5 percent of qualified revenues in a  
17 special account in the Treasury, to be distrib-  
18 uted by the Secretary to coastal political sub-  
19 divisions; and

20 “(D) 2 percent of qualified revenues in the  
21 general account of the Denali Commission.

22 “(3) ALLOCATION AMONG COASTAL POLITICAL  
23 SUBDIVISIONS.—Of the amount paid by the Sec-  
24 retary to coastal political subdivisions under para-  
25 graph (2)(C)—

1           “(A) 90 percent shall be allocated in  
2           amounts (based on a formula established by the  
3           Secretary by regulation) that are inversely pro-  
4           portional to the respective distances between  
5           the point in each coastal political subdivision  
6           that is closest to the geographic center of the  
7           applicable leased tract and not more than 200  
8           miles from the geographic center of the leased  
9           tract; and

10           “(B) 10 percent shall be divided equally  
11           among each coastal political subdivision that—

12                   “(i) is more than 200 nautical miles  
13                   from the geographic center of a leased  
14                   tract; and

15                   “(ii) the State of Alaska determines to  
16                   be a significant staging area for oil and  
17                   gas servicing, supply vessels, operations,  
18                   suppliers, or workers.

19           “(4) TIMING.—The amounts required to be de-  
20           posited under paragraph (2) for the applicable fiscal  
21           year shall be made available in accordance with that  
22           paragraph during the fiscal year immediately fol-  
23           lowing the applicable fiscal year.

24           “(5) ADMINISTRATION.—Amounts made avail-  
25           able under paragraph (2) shall—

1           “(A) be made available, without further  
2           appropriation, in accordance with this sub-  
3           section;

4           “(B) remain available until expended; and

5           “(C) be in addition to any amounts appro-  
6           priated under any other provision of law.”.

7           (c) DISPOSITION OF REVENUES TO ATLANTIC  
8 STATES.—Section 9 of the Outer Continental Shelf Lands  
9 Act (43 U.S.C. 1338) (as amended by subsection (b)) is  
10 amended by adding at the end the following:

11           “(c) DISTRIBUTION OF REVENUE TO ATLANTIC  
12 STATES.—

13           “(1) DEFINITIONS.—In this subsection:

14           “(A) ATLANTIC STATE.—The term ‘atlan-  
15           tic State’ means any of the following States,  
16           which are adjacent to the South Atlantic plan-  
17           ning area:

18                   “(i) Georgia.

19                   “(ii) North Carolina.

20                   “(iii) South Carolina.

21                   “(iv) Virginia.

22           “(B) QUALIFIED REVENUES.—

23           “(i) IN GENERAL.—The term ‘quali-  
24           fied revenues’ means all revenues derived  
25           from all rentals, royalties, bonus bids, and

1 other sums due and payable to the United  
2 States from energy development in the At-  
3 lantic planning region.

4 “(ii) EXCLUSIONS.—The term ‘quali-  
5 fied revenues’ does not include revenues  
6 generated from leases subject to section  
7 8(g).

8 “(C) SOUTH ATLANTIC PLANNING AREA.—  
9 The term ‘South Atlantic planning area’ means  
10 the area of the outer Continental Shelf (as de-  
11 fined in section 2 of the Outer Continental  
12 Shelf Lands Act (43 U.S.C. 1331)) that is lo-  
13 cated between the northern lateral seaward ad-  
14 ministrative boundary of the Commonwealth of  
15 Virginia and the southernmost lateral seaward  
16 administrative boundary of the State of Geor-  
17 gia.

18 “(2) DEPOSIT.—For each of fiscal years 2027  
19 through 2031, the Secretary shall deposit—

20 “(A) 62.5 percent of any qualified reve-  
21 nues in the general fund of the Treasury, of  
22 which 12.5 percent shall be split equally among,  
23 and allocated to, or deposited in, as applica-  
24 ble—

1           “(i) programs for energy efficiency,  
2           renewable energy, and nuclear at the De-  
3           partment of Energy;

4           “(ii) the National Park Service Crit-  
5           ical Maintenance and Revitalization Con-  
6           servation Fund established by section  
7           104908 of title 54, United States Code, for  
8           use in accordance with subsection (d) of  
9           that section; and

10           “(iii) the Secretary of Transportation  
11           to administer and award TIGER discre-  
12           tionary grants; and

13           “(B) 37.5 percent of any qualified reve-  
14           nues in a special account in the Treasury from  
15           which the Secretary shall disburse amounts to  
16           the Atlantic States in accordance with para-  
17           graph (3).

18           “(3) ALLOCATION TO STATES.—

19           “(A) IN GENERAL.—Subject to subpara-  
20           graphs (B) and (C), effective for fiscal year  
21           2017 and each fiscal year thereafter, the Sec-  
22           retary of the Treasury shall allocate the quali-  
23           fied revenues described in paragraph (2)(B) to  
24           each Atlantic State in amounts (based on a for-  
25           mula established by the Secretary, by regula-



1                   “(IV) to enhance beach nourish-  
2                   ment and costal dredging; and

3                   “(ii) 2.5 percent to enhance geological  
4                   and geophysical education for the energy  
5                   future of the United States.

6                   “(4) TIMING.—The amounts required to be de-  
7                   posited under paragraph (2) for the applicable fiscal  
8                   year shall be made available in accordance with that  
9                   paragraph during the fiscal year immediately fol-  
10                  lowing the applicable fiscal year.”.

11                  (d) TRIBAL RESILIENCE PROGRAM.—

12                   (1) DEFINITION OF INDIAN TRIBE.—In this  
13                   subsection, the term “Indian tribe” has the meaning  
14                   given the term in section 4 of the Indian Self-Deter-  
15                   mination and Education Assistance Act (25 U.S.C.  
16                   450b).

17                   (2) ESTABLISHMENT.—The Secretary shall es-  
18                   tablish a program—

19                   (A) to improve the resilience of Indian  
20                   tribes to the effects of a changing climate;

21                   (B) to support Native American leaders in  
22                   building strong, resilient communities; and

23                   (C) to ensure the development of modern,  
24                   cost-effective infrastructure.

1           (3) GRANTS.—Subject to the availability of ap-  
2           propriations and amounts in the Tribal Resilience  
3           Fund established by subsection (e)(1), in carrying  
4           out the program described in paragraph (2), the  
5           Secretary shall make adaptation grants, in amounts  
6           not to exceed \$200,000,000 total per fiscal year, to  
7           Indian tribes for eligible activities described in para-  
8           graph (4).

9           (4) ELIGIBLE ACTIVITIES.—An Indian tribe re-  
10          ceiving a grant under paragraph (3) may only use  
11          grant funds for 1 or more of the following eligible  
12          activities:

13                 (A) Development and delivery of adapta-  
14                 tion training.

15                 (B) Adaptation planning, vulnerability as-  
16                 sessments, emergency preparedness planning,  
17                 and monitoring.

18                 (C) Capacity building through travel sup-  
19                 port for training, technical sessions, and cooper-  
20                 ative management forums.

21                 (D) Travel support for participation in  
22                 ocean and coastal planning.

23                 (E) Development of science-based informa-  
24                 tion and tools to enable adaptive resource man-  
25                 agement and the ability to plan for resilience.

1 (F) Relocation of villages or other commu-  
2 nities experiencing or susceptible to coastal or  
3 river erosion.

4 (G) Construction of infrastructure to sup-  
5 port emergency evacuations.

6 (H) Restoration or repair of infrastructure  
7 damaged by melting permafrost or coastal or  
8 river erosion.

9 (I) Installation and management of energy  
10 systems that reduce energy costs and green-  
11 house gas emissions compared to the energy  
12 systems in use before that installation and man-  
13 agement.

14 (J) Construction and maintenance of social  
15 or cultural infrastructure that the Secretary de-  
16 termines supports resilience.

17 (5) APPLICATIONS.—An Indian tribe desiring  
18 an adaptation grant under paragraph (3) shall sub-  
19 mit to the Secretary an application at such time, in  
20 such manner, and containing such information as  
21 the Secretary may require, including a description of  
22 the eligible activities to be undertaken using the  
23 grant.

24 (6) CAPITAL PROJECTS.—Of amounts made  
25 available to carry out this program, not less than 90

1 percent shall be used for the engineering, design,  
2 and construction or implementation of capital  
3 projects.

4 (7) INTERAGENCY COOPERATION.—The Sec-  
5 retary and the Administrator of the Environmental  
6 Protection Agency shall establish under the White  
7 House Council on Native American Affairs an inter-  
8 agency subgroup on tribal resilience—

9 (A) to work with Indian tribes to collect  
10 and share data and information, including tra-  
11 ditional ecological knowledge, about how the ef-  
12 fects of a changing climate are relevant to In-  
13 dian tribes and Alaska Natives; and

14 (B) to identify opportunities for the Fed-  
15 eral Government to improve collaboration and  
16 assist with adaptation and mitigation efforts  
17 that promote resilience.

18 (8) TRIBAL RESILIENCE LIAISON.—The Sec-  
19 retary shall establish a tribal resilience liaison—

20 (A) to coordinate with Indian tribes and  
21 relevant Federal agencies; and

22 (B) to help ensure tribal engagement in  
23 climate conversations at the Federal level.

24 (e) TRIBAL RESILIENCE FUND.—

1           (1) ESTABLISHMENT.—There is established in  
2 the Treasury a fund, to be known as the “Tribal Re-  
3 siliance Fund” (referred to in this subsection as the  
4 “Fund”).

5           (2) DEPOSITS.—The Fund shall consist of the  
6 following:

7           (A) Amounts made available through an  
8 appropriation Act for deposit in the Fund.

9           (B) Amounts deposited into the Fund  
10 under subsection (b)(2)(A) of section 9 of the  
11 Outer Continental Shelf Lands Act (43 U.S.C.  
12 1338) (as added by subsection (b)(2)).

13           (3) AUTHORIZATION OF APPROPRIATIONS.—

14           (A) IN GENERAL.—In addition to the  
15 amounts estimated by the Secretary to be de-  
16 posited in the Fund under paragraph (2), there  
17 are authorized to be appropriated annually to  
18 the Fund out of any money in the Treasury not  
19 otherwise appropriated such amounts as are  
20 necessary to make the income of the Fund not  
21 more than \$200,000,000 for fiscal year 2027  
22 and each fiscal year thereafter.

23           (B) AVAILABILITY OF DEPOSITS.—

24           (i) IN GENERAL.—Amounts deposited  
25 in the Fund under this paragraph shall re-

1 main available until expended, without fis-  
2 cal year limitation.

3 (ii) USE.—Amounts deposited in the  
4 Fund under this paragraph and made  
5 available for obligation or expenditure from  
6 the Fund may be obligated or expended  
7 only to carry out the Tribal Resilience Pro-  
8 gram under subsection (d).