

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the disposition of certain outer Continental Shelf revenues.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 3422

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, 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 Mr. CASSIDY

Viz:

1 At the end, add the following:

2 **SEC. 4. OUTER CONTINENTAL SHELF REVENUES.**

3 (a) GULF OF MEXICO OUTER CONTINENTAL SHELF
4 REVENUES.—

5 (1) DEFINITION OF QUALIFIED OUTER CONTI-
6 NENTAL SHELF REVENUES.—Section 102(9)(A) of
7 the Gulf of Mexico Energy Security Act of 2006 (43

1 U.S.C. 1331 note; Public Law 109–432) is amend-
2 ed—

3 (A) in clause (i)(II), by striking “and”
4 after the semicolon;

5 (B) in clause (ii)—

6 (i) in the matter preceding subclause
7 (I), by striking “fiscal year 2017 and each
8 fiscal year thereafter” and inserting “each
9 of fiscal years 2017 through 2020”; and

10 (ii) in subclause (III), by striking the
11 period and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(iii) in the case of fiscal year 2021
14 and each fiscal year thereafter, all rentals,
15 royalties, bonus bids, and other sums due
16 and payable to the United States received
17 on or after October 1, 2020, from leases
18 entered into on or after October 1, 2000,
19 for—

20 “(I) the 181 Area;

21 “(II) the 181 South Area; and

22 “(III) the 2002–2007 planning
23 area.”.

24 (2) ELIMINATION OF LIMITATION ON AMOUNT
25 OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL

1 SHELF REVENUES.—Section 105 of the Gulf of Mex-
2 ico Energy Security Act of 2006 (43 U.S.C. 1331
3 note; Public Law 109–432) is amended by striking
4 subsection (f) and inserting the following:

5 “(f) LIMITATIONS ON AMOUNT OF DISTRIBUTED
6 QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

7 “(1) LIMITATIONS.—

8 “(A) FISCAL YEARS 2016 THROUGH 2020.—

9 Subject to paragraph (2), the total amount of
10 qualified outer Continental Shelf revenues made
11 available under subsection (a)(2) shall not ex-
12 ceed—

13 “(i) \$500,000,000 for each of fiscal
14 years 2016 through 2019; and

15 “(ii) \$650,000,000 for fiscal year
16 2020.

17 “(B) FISCAL YEARS 2021 THROUGH 2055.—

18 Subject to paragraph (2), the total amount of
19 qualified outer Continental Shelf revenues made
20 available under subsection (a)(2)(B) shall not
21 exceed \$125,000,000 for each of fiscal years
22 2021 through 2055.

23 “(2) EXPENDITURES.—

24 “(A) FISCAL YEARS 2016 THROUGH 2020.—

25 For the purpose of paragraph (1)(A), for each

1 of fiscal years 2016 through 2020, expenditures
2 under subsection (a)(2) shall be net of receipts
3 from that fiscal year from any area in the 181
4 Area in the Eastern Planning Area and the 181
5 South Area.

6 “(B) FISCAL YEARS 2021 THROUGH 2055.—
7 For the purpose of paragraph (1)(B), for each
8 of fiscal years 2021 through 2055, expenditures
9 under subsection (a)(2)(B) shall be net of re-
10 cepts from that fiscal year from any area in
11 the 181 Area in the Eastern Planning Area and
12 the 181 South Area.

13 “(3) PRO RATA REDUCTIONS; REVERSION.—

14 “(A) FISCAL YEARS 2016 THROUGH 2020.—
15 If paragraph (1)(A) limits the amount of quali-
16 fied outer Continental Shelf revenues that
17 would be paid under subparagraphs (A) and
18 (B) of subsection (a)(2)—

19 “(i) the Secretary shall reduce the
20 amount of qualified outer Continental
21 Shelf revenues provided to each recipient
22 on a pro rata basis; and

23 “(ii) any remainder of the qualified
24 outer Continental Shelf revenues shall re-
25 vert to the general fund of the Treasury.

1 miles from the geographical center of
2 any leased tract in the Alaska outer
3 Continental Shelf region; and

4 (ii) a municipal subdivision of the
5 State that is determined by the State to be
6 a significant staging area for oil and gas
7 servicing, supply vessels, operations, sup-
8 pliers, or workers.

9 (B) INSTITUTION OF HIGHER EDU-
10 CATION.—The term “institution of higher edu-
11 cation” has the meaning given the term in sec-
12 tion 102 of the Higher Education Act of 1965
13 (20 U.S.C. 1002).

14 (C) QUALIFIED REVENUES.—

15 (i) IN GENERAL.—The term “qualified
16 revenues” means all revenues derived from
17 all rentals, royalties, bonus bids, and other
18 sums due and payable to the United States
19 from energy development in the Alaska
20 outer Continental Shelf region.

21 (ii) EXCLUSIONS.—The term “quali-
22 fied revenues” does not include—

23 (I) revenues generated from
24 leases subject to section 8(g) of the

1 Outer Continental Shelf Lands Act
2 (43 U.S.C. 1337(g)); or

3 (II) revenues from the forfeiture
4 of a bond or other surety securing ob-
5 ligations other than royalties, civil
6 penalties, or royalties taken by the
7 Secretary in-kind and not sold.

8 (D) SECRETARY.—The term “Secretary”
9 means the Secretary of the Interior.

10 (E) STATE.—The term “State” means the
11 State of Alaska.

12 (2) DISPOSITION OF QUALIFIED REVENUES IN
13 ALASKA.—Notwithstanding section 9 of the Outer
14 Continental Shelf Lands Act (43 U.S.C. 1338) and
15 subject to the other provisions of this subsection, for
16 fiscal year 2021 and each fiscal year thereafter, the
17 Secretary of the Treasury shall deposit—

18 (A) 50 percent of qualified revenues in the
19 general fund of the Treasury;

20 (B) 42.5 percent of qualified revenues in a
21 special account in the Treasury, to be distrib-
22 uted by the Secretary to the State; and

23 (C) 7.5 percent of qualified revenues in a
24 special account in the Treasury, to be distrib-

1 uted by the Secretary to coastal political sub-
2 divisions.

3 (3) ALLOCATION AMONG COASTAL POLITICAL
4 SUBDIVISIONS.—Of the amount paid by the Sec-
5 retary to coastal political subdivisions under para-
6 graph (2)(C)—

7 (A) 90 percent shall be allocated among
8 costal political subdivisions described in para-
9 graph (1)(A)(i) in amounts (based on a formula
10 established by the Secretary by regulation) that
11 are inversely proportional to the respective dis-
12 tances between the point in each coastal polit-
13 ical subdivision that is closest to the geographic
14 center of the applicable leased tract and not
15 more than 200 miles from the geographic cen-
16 ter of the leased tract; and

17 (B) 10 percent shall be divided equally
18 among each coastal political subdivision de-
19 scribed in paragraph (1)(A)(ii).

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

25 (5) AUTHORIZED USES.—

1 (A) IN GENERAL.—Subject to subpara-
2 graph (B), the State shall use all amounts re-
3 ceived under paragraph (2)(B) in accordance
4 with all applicable Federal and State laws, for
5 1 or more of the following purposes:

6 (i) Projects and activities for the pur-
7 poses of coastal protection, conservation,
8 and restoration, including onshore infra-
9 structure and relocation of communities di-
10 rectly affected by coastal erosion, melting
11 permafrost, or climate change-related
12 losses.

13 (ii) Mitigation of damage to fish, wild-
14 life, or natural resources.

15 (iii) Mitigation of the impact of outer
16 Continental Shelf activities through the
17 funding of onshore infrastructure projects
18 and related rights-of-way.

19 (iv) Adaptation planning, vulnerability
20 assessments, and emergency preparedness
21 assistance to build healthy and resilient
22 communities.

23 (v) Installation and operation of en-
24 ergy systems to reduce energy costs and
25 greenhouse gas emissions compared to sys-

1 tems in use as of the date of enactment of
2 this Act.

3 (vi) Programs at institutions of higher
4 education in the State.

5 (vii) Other purposes, as determined by
6 the Governor of the State, with approval
7 from the State legislature.

8 (viii) Planning assistance and the ad-
9 ministrative costs of complying with this
10 subsection.

11 (B) LIMITATION.—Not more than 3 per-
12 cent of amounts received by the State under
13 paragraph (2)(B) may be used for the purposes
14 described in subparagraph (A)(viii).

15 (6) ADMINISTRATION.—Amounts made avail-
16 able under subparagraphs (B) and (C) of paragraph
17 (2) shall—

18 (A) be made available, without further ap-
19 propriation, in accordance with this subsection;

20 (B) remain available until expended; and

21 (C) be in addition to any amounts appro-
22 priated under any other provision of law.