

116TH CONGRESS
1ST SESSION

S. 499

To amend the Outer Continental Shelf Lands Act to apply to territories of the United States, to establish offshore wind lease sale requirements, to provide dedicated funding for coral reef conservation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2019

Mr. CASSIDY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Outer Continental Shelf Lands Act to apply to territories of the United States, to establish offshore wind lease sale requirements, to provide dedicated funding for coral reef conservation, 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 “Offshore Wind for Ter-
5 ritories Act”.

1 **SEC. 2. APPLICATION OF OUTER CONTINENTAL SHELF**
2 **LANDS ACT WITH RESPECT TO TERRITORIES**
3 **OF THE UNITED STATES.**

4 (a) IN GENERAL.—Section 2 of the Outer Conti-
5 nental Shelf Lands Act (43 U.S.C. 1331) is amended—

6 (1) in paragraph (a)—

7 (A) by inserting after “control” the fol-
8 lowing: “or lying within the exclusive economic
9 zone of the United States and the outer Conti-
10 nental Shelf adjacent to any territory or posses-
11 sion of the United States”; and

12 (B) by adding at the end before the semi-
13 colon the following: “, except that such term
14 shall not include any area conveyed by Congress
15 to a territorial government for administration”;

16 (2) in paragraph (p), by striking “and” after
17 the semicolon at the end;

18 (3) in paragraph (q), by striking the period at
19 the end and inserting “; and”; and

20 (4) by adding at the end the following:

21 “(r) The term ‘State’ includes each territory of the
22 United States.”.

23 (b) EXCLUSIONS.—Section 18 of the Outer Conti-
24 nental Shelf Lands Act (43 U.S.C. 1344) is amended by
25 adding at the end the following:

1 “(i) This section shall not apply to the scheduling of
 2 lease sales in the outer Continental Shelf adjacent to the
 3 territories and possessions of the United States.”.

4 **SEC. 3. DISPOSITION OF REVENUES WITH RESPECT TO**
 5 **TERRITORIES OF THE UNITED STATES.**

6 Section 9 of the Outer Continental Shelf Lands Act
 7 (43 U.S.C. 1338) is amended—

8 (1) by striking “All rentals” and inserting the
 9 following:

10 “(a) IN GENERAL.—Except as otherwise provided in
 11 law, all rentals”; and

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

13 “(b) DISPOSITION OF REVENUES TO TERRITORIES
 14 OF THE UNITED STATES.—Of the rentals, royalties, and
 15 other sums paid to the Secretary under this Act from a
 16 lease for an area of land on the outer Continental Shelf
 17 adjacent to a territory and lying within the exclusive eco-
 18 nomic zone of the United States pertaining to such terri-
 19 tory, and not otherwise obligated or appropriated—

20 “(1) 50 percent shall be deposited in the Treas-
 21 ury and credited to miscellaneous receipts;

22 “(2) 12.5 percent shall be deposited in the
 23 Coral Reef Conservation Fund established under
 24 section 211 of the Coral Reef Conservation Act of
 25 2000; and

1 “(3) 37.5 percent shall be disbursed to terri-
 2 tories of the United States in an amount for each
 3 territory (based on a formula established by the Sec-
 4 retary by regulation) that is inversely proportional to
 5 the respective distance between the point on the
 6 coastline of the territory that is closest to the geo-
 7 graphic center of the applicable leased tract and the
 8 geographic center of the leased tract.”.

9 **SEC. 4. WIND LEASE SALES FOR AREAS OF OUTER CONTI-**
 10 **NENTAL SHELF.**

11 (a) **CONDITIONAL WIND LEASE SALES IN TERRI-**
 12 **TORIES OF THE UNITED STATES.**—The Outer Continental
 13 Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by
 14 adding at the end the following:

15 **“SEC. 33. WIND LEASE SALES FOR AREAS OF OUTER CONTI-**
 16 **NENTAL SHELF.**

17 “(a) **AUTHORIZATION.**—The Secretary may conduct
 18 wind lease sales on the outer Continental Shelf.

19 “(b) **WIND LEASE SALE PROCEDURE.**—Any wind
 20 lease sale conducted under this section shall be considered
 21 a lease under section 8(p).

22 “(c) **WIND LEASE SALES OFF COASTS OF TERRI-**
 23 **TORIES OF THE UNITED STATES.**—

24 “(1) **STUDY ON FEASIBILITY OF CONDUCTING**
 25 **WIND LEASE SALES.**—

1 “(A) IN GENERAL.—The Secretary shall
2 conduct a study on the feasibility, including the
3 technological and long-term economic feasibility,
4 of conducting wind lease sales on an area of the
5 outer Continental Shelf within the territorial ju-
6 risdiction of American Samoa, Guam, the
7 Northern Mariana Islands, Puerto Rico, and
8 the Virgin Islands of the United States.

9 “(B) CONSULTATION.—In conducting the
10 study required in paragraph (A), the Secretary
11 shall consult—

12 “(i) the National Renewable Energy
13 Laboratory of the Department of Energy;
14 and

15 “(ii) the Governor of each of Amer-
16 ican Samoa, Guam, the Northern Mariana
17 Islands, Puerto Rico, and the Virgin Is-
18 lands of the United States.

19 “(C) PUBLICATION.—The study required
20 in paragraph (A) shall be published in the Fed-
21 eral Register for public comment for not fewer
22 than 60 days.

23 “(D) SUBMISSION OF RESULTS.—Not later
24 than 18 months after the date of the enactment
25 of this section, the Secretary shall submit the

1 results of the study conducted under subpara-
2 graph (A) to:

3 “(i) the Committee on Energy and
4 Natural Resources of the Senate;

5 “(ii) the Committee on Natural Re-
6 sources of the House of Representatives;
7 and

8 “(iii) each of the delegates or resident
9 commissioner to the House of Representa-
10 tives from American Samoa, Guam, the
11 Northern Mariana Islands, Puerto Rico,
12 and the Virgin Islands of the United
13 States, respectively.

14 “(E) PUBLIC AVAILABILITY.—The study
15 required under subparagraph (A) and results
16 submitted under subparagraph (C) shall be
17 made readily available on a public Government
18 internet website.

19 “(2) CALL FOR INFORMATION AND NOMINA-
20 TIONS.—The Secretary shall issue a call for informa-
21 tion and nominations for proposed wind lease sales
22 for areas determined to be feasible under the study
23 conducted under paragraph (1).

24 “(3) CONDITIONAL WIND LEASE SALES.—

1 “(A) IN GENERAL.—For each territory,
2 the Secretary shall conduct not less than 1 wind
3 lease sale on an area of the outer Continental
4 Shelf within the territorial jurisdiction of such
5 territory that meets each of the following cri-
6 teria:

7 “(i) The study required under para-
8 graph (1)(A) concluded that a wind lease
9 sale on the area is feasible.

10 “(ii) The Secretary has determined
11 that the call for information has generated
12 sufficient interest for the area.

13 “(iii) The Secretary has consulted
14 with the Secretary of Defense regarding
15 such a sale.

16 “(iv) The Secretary has consulted
17 with the Governor of the territory regard-
18 ing the suitability of the area for wind en-
19 ergy development.

20 “(B) EXCEPTION.—If no area of the outer
21 Continental Shelf within the territorial jurisdic-
22 tion of a territory meets each of the criteria in
23 clauses (i) through (iii) of subparagraph (A),
24 the requirement under subparagraph (A) shall
25 not apply to such territory.”.

1 **SEC. 5. ESTABLISHMENT OF CORAL REEF CONSERVATION**
2 **FUND.**

3 (a) IN GENERAL.—The Coral Reef Conservation Act
4 of 2000 (16 U.S.C. 6401 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 211. CORAL REEF CONSERVATION FUND.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Treasury the Coral Reef Conservation Fund, hereafter re-
9 ferred to as the Fund.

10 “(b) DEPOSITS.—For each fiscal year, there shall be
11 deposited in the Fund the portion of such revenues due
12 and payable to the United States under subsection (b)(2)
13 of section 9 of the Outer Continental Shelf Lands Act (43
14 U.S.C. 1338).

15 “(c) USES.—Amounts deposited in the Fund under
16 this section and appropriated to the Secretary of Com-
17 merce under subsection (f) shall be used by the Secretary
18 of Commerce to carry out the Coral Reef Conservation Act
19 of 2000 (16 U.S.C. 6401 et seq.), with priority given to
20 carrying out sections 204 and 206 of such Act (16 U.S.C.
21 6403 and 6405).

22 “(d) AVAILABILITY.—Amounts deposited in the Fund
23 shall remain in the Fund until appropriated by Congress.

24 “(e) REPORTING.—The President shall include with
25 the proposed budget for the United States Government
26 submitted to Congress for a fiscal year a comprehensive

1 statement of deposits into the Fund during the previous
 2 fiscal year and estimated requirements during the fol-
 3 lowing fiscal year for appropriations from the Fund.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated from the Fund to the
 6 Secretary of Commerce, an amount equal to the amount
 7 deposited in the Fund in the previous fiscal year.

8 “(g) NO LIMITATION.—Appropriations from the
 9 Fund pursuant to this section may be made without fiscal
 10 year limitation.”.

11 (b) RENAMING OF EXISTING FUND.—Section 205 of
 12 the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404)
 13 is amended—

14 (1) in the heading, by striking “**CORAL REEF**
 15 **CONSERVATION FUND**” and inserting “**CORAL**
 16 **REEF PUBLIC-PRIVATE PARTNERSHIP**”;

17 (2) in subsection (a)—

18 (A) in the subsection heading, by striking
 19 “FUND” and inserting “PUBLIC-PRIVATE
 20 PARTNERSHIP”; and

21 (B) by striking “, hereafter referred to as
 22 the Fund,”; and

23 (3) in subsection (b), by striking “Fund” and
 24 inserting “separate interest bearing account”.

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