

AMENDMENT NO. _____ Calendar No. _____

Purpose: To open Federal financial sharing to heighten opportunities for renewable energy.

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

H. R. 1957

To amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, 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. WHITEHOUSE
(for himself, Mr. SCHATZ, Mr. REED, Mr. COONS, Mrs.
SHAHEEN, Mr. KAINE, Ms. HIRONO, and Mr. BOOKER)
to the amendment (No. _____) proposed by

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. __. NATIONAL OCEANS AND COASTAL SECURITY FUND;**
- 3 **PARITY IN OFFSHORE WIND REVENUE SHAR-**
- 4 **ING.**
- 5 (a) DEFINITIONS IN THE NATIONAL OCEANS AND
- 6 COASTAL SECURITY ACT.—Section 902 of the National
- 7 Oceans and Coastal Security Act (16 U.S.C. 7501) is
- 8 amended—

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

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

7 (2) in paragraph (7), by striking “has the
8 meaning given that term pursuant to” and inserting
9 “means a ‘tidal shoreline’ or a ‘Great Lake shore-
10 line’, as those terms are used in”.

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

14 (1) in subsection (a), by inserting “and jointly
15 manage” after “establish”;

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

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

20 “(A) are deposited in the Fund under sub-
21 paragraph (C)(ii)(I)(bb) of section 8(p)(2) of
22 the Outer Continental Shelf Lands Act (43
23 U.S.C. 1337(p)(2)); or

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

1 (3) by striking subsection (d) and inserting the
2 following:

3 “(d) EXPENDITURE.—

4 “(1) IN GENERAL.—Of the amounts deposited
5 into, and amounts appropriated or otherwise made
6 available for, the Fund for each fiscal year—

7 “(A) not more than 75 percent may be
8 used for the award of grants under section
9 906(b);

10 “(B) not more than 20 percent may be
11 used for the award of grants under section
12 906(c); and

13 “(C) not more than 5 percent may be used
14 by the Administrator and the Foundation for
15 administrative expenses to carry out this title.

16 “(2) LIMITATION.—If less than \$50,000,000 is
17 deposited into, or appropriated or otherwise made
18 available for, the Fund for a fiscal year, in that fis-
19 cal year—

20 “(A) amounts in the Fund shall be used
21 for the award of grants only under section
22 906(c); and

23 “(B) not more than 5 percent may be used
24 by the Administrator and the Foundation for
25 administrative expenses to carry out this title.

1 “(3) DIVISION OF AMOUNTS FOR ADMINISTRA-
2 TIVE EXPENSES.—The amounts referred to in para-
3 graphs (1)(C) and (2)(B) 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 and the Foundation to sup-
16 port programs and activities carried out by States, local
17 governments, Indian tribes, regional and interstate
18 collaboratives such as regional ocean partnerships, non-
19 governmental organizations, public-private partnerships,
20 and academic institutions for the purposes described in
21 subsection (b).

22 “(b) PURPOSES DESCRIBED.—The purposes de-
23 scribed in this subsection are the following:

24 “(1) Ocean, coastal, and Great Lakes restora-
25 tion and protection, including efforts to address po-

1 tential impacts to natural resources, communities,
2 and coastal economies of sea level change, sedi-
3 mentation, erosion, changes in ocean chemistry, hur-
4 ricanes and other extreme coastal storms, flooding,
5 and changes in ocean temperature.

6 “(2) Restoration, protection, or maintenance of
7 ocean, coastal, and Great Lakes resources and ma-
8 rine habitats.

9 “(3) Projects to address management, planning,
10 or resiliency and readiness at a regional scope, such
11 as through regional ocean partnerships or similar
12 bodies, including sustainable coastal development.

13 “(4) Scientific research that contributes to the
14 understanding and mitigation of ecological, eco-
15 nomic, societal, and national security threats driven
16 by sea level change, sedimentation, erosion, changes
17 in ocean chemistry, hurricanes and other extreme
18 weather that result in declarations of major disas-
19 ters pursuant to section 401 of the Robert T. Staf-
20 ford Disaster Relief and Emergency Assistance Act
21 (42 U.S.C. 5170), flooding, and changes in ocean
22 temperature, including specific attention to how
23 those conditions impact commercial and recreational
24 fishing businesses, aquaculture, boat building, ports,
25 or other coastal-related businesses.

1 “(5) Efforts to assist coastal States in strength-
2 ening, stabilizing, elevating, modifying, repositioning,
3 or otherwise enhancing the resiliency of onshore in-
4 frastructure, including public infrastructure, affected
5 by coastal land loss or erosion, hurricanes or other
6 extreme coastal storms, or flooding from sea level
7 change.

8 “(6) The collection, compilation, and sharing of
9 data that supports and includes regular stakeholder
10 engagement to minimize actual or potential conflicts
11 among ocean users.

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

15 “(1) to fund litigation against the Federal Gov-
16 ernment; or

17 “(2) to fund the creation of national marine
18 monuments, marine protected areas, or marine spa-
19 tial plans.”.

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

24 (1) in subsection (a)—

25 (A) by striking paragraph (2);

1 (B) by striking “(a) ADMINISTRATION OF
2 GRANTS.—” and all that follows through “the
3 following:” and inserting the following:

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

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

11 (D) by striking subparagraph (B) and in-
12 serting the following:

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

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

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

1 (F) in subparagraph (D), by striking “Per-
2 formance accountability and monitoring” and
3 inserting “Performance, accountability, and
4 monitoring”; and

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

9 (2) by striking subsection (b) and inserting the
10 following:

11 “(b) GRANTS TO COASTAL STATES.—

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

14 “(A) 50 percent of available amounts shall
15 be allocated equally among coastal States.

16 “(B) 25 percent of available amounts shall
17 be allocated on the basis of the ratio of tidal
18 shoreline miles in a coastal State to the tidal
19 shoreline miles of all coastal States.

20 “(C) 25 percent of available amounts shall
21 be allocated on the basis of the ratio of popu-
22 lation density of the coastal counties of a coast-
23 al State to the average population density of all
24 coastal counties based on the most recent data
25 available from the Bureau of the Census.

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

7 “(3) REQUIREMENT TO SUBMIT PLANS.—

8 “(A) IN GENERAL.—To be eligible to re-
9 ceive a grant under this subsection, a coastal
10 State shall submit to the Administrator for re-
11 view and approval a 5-year plan, which shall in-
12 clude the following:

13 “(i) Criteria to determine eligibility
14 for entities that may receive funding under
15 this subsection.

16 “(ii) A description of the process the
17 coastal State will use in allocating amounts
18 received under this subsection, which shall
19 include—

20 “(I) a description of the relative
21 roles in the State process of—

22 “(aa) the State coastal zone
23 management program approved
24 under the Coastal Zone Manage-
25 ment Act of 1972 (16 U.S.C.

1 1451 et seq.), if the coastal State
2 has such a program; and

3 “(bb) any sea grant pro-
4 gram (as defined in section 203
5 of the National Sea Grant Col-
6 lege Program Act (33 U.S.C.
7 1122)), if the coastal State has
8 such a program; and

9 “(II) a demonstration the process
10 is consistent with the procedures es-
11 tablished by the Administrator and
12 the Foundation under subsection (a).

13 “(iii) A process to certify that a
14 project or program carried out using
15 amounts received under this subsection,
16 and the awarding of a contract for the ex-
17 penditure of such amounts, are consistent
18 with the standard procurement rules and
19 regulations governing a comparable project
20 or program in the coastal State, including
21 all applicable competitive bidding and audit
22 requirements.

23 “(iv) Procedures to make publicly
24 available on the internet a list of all
25 projects and programs receiving amounts

1 under this subsection that includes, at a
2 minimum—

3 “(I) an identification of each en-
4 tity receiving amounts under this sub-
5 section;

6 “(II) the amount of funds re-
7 ceived by each such entity;

8 “(III) a description of each such
9 project and program; and

10 “(IV) a statement of the status
11 of each such project and program.

12 “(B) UPDATES.—As a condition of receiv-
13 ing a grant under this subsection, a coastal
14 State shall submit to the Administrator, not
15 less frequently than once every 5 years, an up-
16 date to the plan submitted by the coastal State
17 under subparagraph (A) for the 5-year period
18 immediately following the most recent submittal
19 under this paragraph.

20 “(C) INAUGURAL YEAR.—In the first year
21 after the date of the enactment of the Great
22 American Outdoors Act in which the Adminis-
23 trator awards grants under this subsection—

24 “(i) a plan approved under this para-
25 graph shall not be required; and

1 “(ii) a coastal State may use amounts
2 received under this subsection to develop a
3 plan under this paragraph to receive fund-
4 ing in future years.

5 “(4) OPPORTUNITY FOR PUBLIC COMMENT.—In
6 determining whether to approve a plan or an update
7 to a plan under paragraph (3), the Administrator
8 shall provide the opportunity for, and take into con-
9 sideration, public input and comment on the plan.

10 “(5) NONPARTICIPATION BY A STATE.—In any
11 year, if a coastal State does not submit a plan as
12 required by paragraph (3) or declines amounts dis-
13 tributed under this subsection, the amounts that
14 would have been allocated to the coastal State shall
15 be redistributed equally among the remaining coastal
16 States.”; and

17 (3) in subsection (c)—

18 (A) in paragraph (2)(B)—

19 (i) in clause (ii), by striking “; and”
20 and inserting a semicolon;

21 (ii) by redesignating clause (iii) as
22 clause (iv); and

23 (iii) by inserting after clause (ii) the
24 following:

1 “(iii) nongovernmental organizations;
2 and”; and

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

4 “(3) MATCHING REQUIREMENT.—As a condi-
5 tion of receiving a grant under this subsection, the
6 entity seeking to receive the grant shall demonstrate
7 that funds are available from non-Federal sources to
8 match the amount of the grant.

9 “(4) EXCLUSION OF FUNDS FROM LIMITA-
10 TION.—The amount of a grant awarded under this
11 subsection shall not count toward the limitation
12 under subsection (b)(2) on funding to coastal States
13 through grants awarded under subsection (b).”.

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

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

1 (g) EXTENSION OF CONSTITUTION, LAWS, AND JU-
2 RISDICTION OF THE UNITED STATES TO ENERGY FACILI-
3 TIES AND DEVICES ON THE OUTER CONTINENTAL
4 SHELF.—Section 4(a)(1) of the Outer Continental Shelf
5 Lands Act (43 U.S.C. 1333(a)(1)) is amended—

6 (1) by inserting “or producing or supporting
7 the production of energy from sources other than oil
8 and gas” before “, or any such installation”;

9 (2) by inserting “or transmitting energy” after
10 “transporting such resources”; and

11 (3) in the proviso, by inserting “and other en-
12 ergy” after “That mineral”.

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

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

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

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

22 “(B) DISPOSITION OF REVENUES FOR
23 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES
24 SEAWARD OF STATE SUBMERGED LAND.—The
25 Secretary”; and

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

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

4 “(i) DEFINITIONS.—In this subpara-
5 graph:

6 “(I) COVERED OFFSHORE WIND
7 PROJECT.—The term ‘covered off-
8 shore wind project’ means a wind-
9 powered electric generation project in
10 a wind energy area on the outer Con-
11 tinental Shelf that is not wholly or
12 partially located within an area sub-
13 ject to subparagraph (B).

14 “(II) ELIGIBLE STATE.—The
15 term ‘eligible State’ means a State a
16 point on the coastline of which is lo-
17 cated within 75 miles of the geo-
18 graphic center of the covered offshore
19 wind project.

20 “(ii) REQUIREMENT.—

21 “(I) IN GENERAL.—Of the oper-
22 ating fees, rentals, bonuses, royalties,
23 and other payments that are paid to
24 the Secretary under subparagraph (A)
25 from covered offshore wind projects—

1 “(aa) 50 percent shall be de-
2 posited in the Treasury and cred-
3 ited to miscellaneous receipts;

4 “(bb) 12.5 percent shall be
5 deposited in the National Oceans
6 and Coastal Security Fund estab-
7 lished under section 904(a) of
8 the National Oceans and Coastal
9 Security Act (16 U.S.C.
10 7503(a)); and

11 “(cc) 37.5 percent shall be
12 deposited in a special account in
13 the Treasury, from which the
14 Secretary, subject to subclause
15 (II), shall disburse to each eligi-
16 ble State an amount (based on a
17 formula established by the Sec-
18 retary of the Interior by rule-
19 making not later than 180 days
20 after the date of enactment of
21 the Great American Outdoors
22 Act) that is inversely propor-
23 tional to the respective distances
24 between—

1 “(AA) the point on the
2 coastline of each eligible
3 State that is closest to the
4 geographic center of the ap-
5 plicable leased tract; and

6 “(BB) the geographic
7 center of the leased tract.

8 “(II) MINIMUM ALLOCATION.—

9 The amount allocated to an eligible
10 State each fiscal year under item (cc)
11 of subclause (I) shall be at least 10
12 percent of the amounts available
13 under that item.

14 “(iii) TIMING.—The amounts required
15 to be deposited under item (cc) of clause
16 (ii)(I) for the applicable fiscal year shall be
17 made available in accordance with that
18 item during the fiscal year immediately fol-
19 lowing the applicable fiscal year.

20 “(iv) AUTHORIZED USES.—

21 “(I) IN GENERAL.—Subject to
22 subclause (II), each State shall use all
23 amounts received under clause
24 (ii)(I)(cc) in accordance with all appli-

1 cable Federal and State laws, only for
2 1 or more of the following purposes:

3 “(aa) Projects and activities
4 for the purposes of coastal pro-
5 tection, including conservation,
6 coastal restoration, hurricane
7 protection, and infrastructure di-
8 rectly affected by coastal wetland
9 losses.

10 “(bb) Mitigation of damage
11 to fish, wildlife, or natural re-
12 sources.

13 “(cc) Implementation of a
14 federally approved marine, coast-
15 al, or comprehensive conservation
16 management plan.

17 “(dd) Mitigation of the im-
18 pact of outer Continental Shelf
19 activities through the funding of
20 onshore infrastructure projects.

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

24 “(II) LIMITATION.—Of the
25 amounts received by a State under

1 clause (ii)(I)(cc), not more than 3 per-
2 cent shall be used for the purposes de-
3 scribed in subclause (I)(ee).

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

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

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

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

15 “(vi) REPORTING REQUIREMENT.—

16 “(I) IN GENERAL.—Not later
17 than 180 days after the end of each
18 fiscal year, the Governor of each eligi-
19 ble State that receives amounts under
20 clause (ii)(I)(cc) for the applicable fis-
21 cal year shall submit to the Secretary
22 a report that describes the use of the
23 amounts by the eligible State during
24 the period covered by the 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 the Gov-
8 ernor of an eligible State that receives
9 amounts under clause (ii)(I)(cc) for
10 the applicable fiscal year fails to sub-
11 mit the report required under sub-
12 clause (I) by the deadline specified in
13 that subclause, any amounts that
14 would otherwise be provided to the eli-
15 gible State under clause (ii)(I)(cc) for
16 the succeeding fiscal year shall be de-
17 posited in the National Oceans and
18 Coastal Security Fund established
19 under section 904(a) of the National
20 Oceans and Coastal Security Act (16
21 U.S.C. 7503(a)).”.

22 (i) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
23 QUESTRATION.—

24 (1) IN GENERAL.—Section 255(g)(1)(A) of the
25 Balanced Budget and Emergency Deficit Control

1 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
2 inserting after “Payments to Social Security Trust
3 Funds (28–0404–0–1–651).” the following:

4 “Payments to States pursuant to subpara-
5 graph (C)(ii)(I)(cc) of section 8(p)(2) of the
6 Outer Continental Shelf Lands Act (43 U.S.C.
7 1337(p)(2)).”.

8 (2) APPLICABILITY.—The amendment made by
9 this section shall apply to any sequestration order
10 issued under the Balanced Budget and Emergency
11 Deficit Control Act of 1985 (2 U.S.C. 900 et seq.)
12 on or after the date of enactment of this Act.