

115TH CONGRESS  
1ST SESSION

# S. 883

To provide for reforms of the administration of the outer Continental Shelf  
of the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 4), 2017

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To provide for reforms of the administration of the outer  
Continental Shelf of the United States, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Offshore Production and Energizing National Security  
6 Alaska Act of 2017” or the “OPENS Alaska Act of  
7 2017”.

8 (b) TABLE OF CONTENTS.—The table of contents for  
9 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

## TITLE I— THE ALASKA OUTER CONTINENTAL SHELF LEASE SALE ACT

Sec. 101. Mineral leasing in certain areas on the Arctic outer Continental Shelf.

Sec. 102. Lease sales in Nearshore Beaufort Sea Planning Area, Cook Inlet Planning Area.

Sec. 103. Lease terms of certain Chukchi and Beaufort leases.

Sec. 104. Distribution of revenue to Alaska.

Sec. 105. Inclusion of Beaufort, Nearshore Beaufort, Cook Inlet, and Chukchi lease sales in 5-year leasing programs.

Sec. 106. North Slope science initiative.

## TITLE II—TRIBAL RESILIENCE PROGRAM

Sec. 201. Tribal Resilience Program.

Sec. 202. Tribal Resilience Fund.

### 1 **SEC. 2. DEFINITION OF SECRETARY.**

2       In this Act, the term “Secretary” means the Sec-  
3 retary of the Interior.

## 4 **TITLE I— THE ALASKA OUTER** 5 **CONTINENTAL SHELF LEASE** 6 **SALE ACT**

### 7 **SEC. 101. MINERAL LEASING IN CERTAIN AREAS ON THE** 8 **ARCTIC OUTER CONTINENTAL SHELF.**

9       The Presidential Memorandum entitled “Withdrawal  
10 of Certain Portions of the United States Arctic Outer Con-  
11 tinental Shelf from Mineral Leasing” issued on December  
12 20, 2016, and any other substantially similar memo-  
13 randum, Executive order, or other action by the President  
14 issued or taken before, on, or after the date of enactment  
15 of this Act to withdraw from mineral leasing the areas  
16 of the outer Continental Shelf described in that memo-  
17 randum (as in effect on the day before the date of enact-

1 ment of this Act) under section 12(a) of the Outer Conti-  
 2 nental Shelf Lands Act (43 U.S.C. 1341(a)) shall have  
 3 no force or effect.

4 **SEC. 102. LEASE SALES IN NEARSHORE BEAUFORT SEA**  
 5 **PLANNING AREA, COOK INLET PLANNING**  
 6 **AREA.**

7 (a) ESTABLISHMENT OF NEARSHORE BEAUFORT  
 8 SEA PLANNING AREA.—

9 (1) IN GENERAL.—The Secretary shall establish  
 10 a planning area for purposes of conducting lease  
 11 sales under the Outer Continental Shelf Lands Act  
 12 (43 U.S.C. 1331 et seq.), to be known as the “Near-  
 13 shore Beaufort Sea Planning Area” and to be de-  
 14 fined in accordance with paragraph (2).

15 (2) DEFINITION OF NEARSHORE BEAUFORT SEA  
 16 PLANNING AREA.—The Secretary shall define the  
 17 Nearshore Beaufort Sea Planning Area as the area  
 18 of the outer Continental Shelf (as defined in section  
 19 2 of the Outer Continental Shelf Lands Act (43  
 20 U.S.C. 1331)) consisting of the portion of the Beau-  
 21 fort Planning Area located within 3 nautical miles of  
 22 the seaward boundary of Alaska.

23 (b) LEASE SALES.—Notwithstanding section 18 of  
 24 the Outer Continental Shelf Lands Act (43 U.S.C. 1344),

1 the Secretary shall conduct under that Act (43 U.S.C.  
2 1331 et seq.)—

3 (1) in the Nearshore Beaufort Sea Planning  
4 Area, 1 lease sale in each of fiscal years 2018, 2019,  
5 and 2020; and

6 (2) in the Cook Inlet Planning Area, 1 lease  
7 sale in each of fiscal years 2018, 2019, and 2020.

8 **SEC. 103. LEASE TERMS OF CERTAIN CHUKCHI AND BEAU-**  
9 **FORT LEASES.**

10 (a) IN GENERAL.—Section 8(b)(2) of the Outer Con-  
11 tinental Shelf Lands Act (43 U.S.C. 1337(b)(2)) is  
12 amended—

13 (1) in subparagraph (A), by striking “or” at  
14 the end;

15 (2) in subparagraph (B), by striking “;” and  
16 inserting “; or”; and

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

18 “(C) in the case of an oil and gas lease in  
19 the Beaufort Planning Area or the portion of  
20 the Chukchi Planning Area that is beyond 3  
21 nautical miles of the seaward boundary of the  
22 State of Alaska, 20 years;”.

23 (b) EXTENSION OF EXISTING LEASES.—

24 (1) IN GENERAL.—The Secretary, with the con-  
25 sent of the holder of a covered lease described in

1 paragraph (2), may extend the initial term of the  
2 covered lease to 20 years.

3 (2) DESCRIPTION OF COVERED LEASE.—

4 (A) IN GENERAL.—A covered lease re-  
5 ferred to in paragraph (1) is a lease for oil and  
6 gas production in effect on the date of enact-  
7 ment of this Act that was issued under section  
8 of the Outer Continental Shelf Lands Act (43  
9 U.S.C. 1337) for a portion of the Beaufort  
10 Planning Area or Chukchi Planning Area that  
11 is beyond 3 nautical miles of the seaward  
12 boundary of the State.

13 (B) EXCLUSION.—A covered lease referred  
14 to in paragraph (1) does not include any lease  
15 in the Nearshore Beaufort Sea Planning Area.

16 **SEC. 104. DISTRIBUTION OF REVENUE TO ALASKA.**

17 Section 9 of the Outer Continental Shelf Lands Act  
18 (43 U.S.C. 1338) is amended—

19 (1) by striking “All rentals,” and inserting the  
20 following:

21 “(a) IN GENERAL.—Except as provided in subsection  
22 (b), all rentals,”; and

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

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

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

1 “(A) COASTAL POLITICAL SUBDIVISION.—

2 The term ‘coastal political subdivision’ means a  
3 county-equivalent subdivision of the State—

4 “(i) all or part of which lies within the  
5 coastal zone of the State (as defined in  
6 section 304 of the Coastal Zone Manage-  
7 ment Act of 1972 (16 U.S.C. 1453)); and

8 “(ii)(I) the closest coastal point of  
9 which is not more than 200 nautical miles  
10 from the geographical center of any leased  
11 tract in the Alaska outer Continental Shelf  
12 region; or

13 “(II)(aa) the closest point of which is  
14 more than 200 nautical miles from the  
15 geographical center of a leased tract in the  
16 Alaska outer Continental Shelf region; and

17 “(bb) that is determined by the State  
18 to be a significant staging area for oil and  
19 gas servicing, supply vessels, operations,  
20 suppliers, or workers.

21 “(B) INSTITUTION OF HIGHER EDU-  
22 CATION.—The term ‘institution of higher edu-  
23 cation’ has the meaning given the term in sec-  
24 tion 102 of the Higher Education Act of 1965  
25 (20 U.S.C. 1002).

1 “(C) QUALIFIED REVENUES.—

2 “(i) IN GENERAL.—The term ‘quali-  
3 fied revenues’ means all revenues derived  
4 from all rentals, royalties, bonus bids, and  
5 other sums due and payable to the United  
6 States from energy development in the  
7 Alaska outer Continental Shelf region.

8 “(ii) EXCLUSIONS.—The term ‘quali-  
9 fied revenues’ does not include revenues  
10 generated from leases subject to section  
11 8(g).

12 “(D) STATE.—The term ‘State’ means the  
13 State of Alaska.

14 “(E) WORKFORCE INVESTMENT BOARD.—  
15 The term ‘workforce investment board’ means a  
16 State or local workforce investment board es-  
17 tablished under subtitle B of title I of the  
18 Workforce Investment Act of 1998 (29 U.S.C.  
19 2811 et seq.).

20 “(2) FISCAL YEARS 2017–2027.—For each of fis-  
21 cal years 2017 through 2027, the Secretary shall de-  
22 posit—

23 “(A) 75 percent of qualified revenues in  
24 the general fund of the Treasury;

1           “(B) 7.5 percent of qualified revenues in a  
2           special account in the Treasury, to be distrib-  
3           uted by the Secretary to the State;

4           “(C) 7.5 percent of qualified revenues in a  
5           special account in the Treasury, to be distrib-  
6           uted by the Secretary to coastal political sub-  
7           divisions;

8           “(D) 2.5 percent of qualified revenues in a  
9           special account in the Treasury, to be used to  
10          carry out the North Slope Science Initiative es-  
11          tablished under section 348(a)(1) of the Energy  
12          Policy Act of 2005 (42 U.S.C. 15906(a)(1));

13          “(E) 2.5 percent of qualified revenues in a  
14          special account in the Treasury, to be used by  
15          the Secretary to provide grants on a competitive  
16          basis to eligible institutions of higher education  
17          and workforce investment boards in the State  
18          to establish and providing funding for—

19               “(i) programs to ensure an adequately  
20               skilled workforce to construct, operate, or  
21               maintain oil or gas pipelines; or

22               “(ii) programs to ensure an ade-  
23               quately skilled workforce to operate, main-  
24               tain, and perform all environmental proc-



1                   esses relating to existing or future oil and  
2                   gas infrastructure;

3                   “(F) 2.5 percent of qualified revenues in a  
4                   special account in the Treasury to provide fi-  
5                   nancial assistance for—

6                   “(i) offshore leasing and development  
7                   programs in the State; and

8                   “(ii) the development of rights-of-way  
9                   for pipelines to transport oil or gas pro-  
10                  duced offshore through land under the ju-  
11                  risdiction of the Secretary in the State;  
12                  and

13                  “(G) 2.5 percent of qualified revenues in  
14                  the Tribal Resilience Fund established by sec-  
15                  tion 202 of the Offshore Production and Ener-  
16                  gizing National Security Alaska Act of 2017.

17                  “(3) SUBSEQUENT FISCAL YEARS.—For fiscal  
18                  year 2028 and each subsequent fiscal year, the Sec-  
19                  retary shall deposit—

20                  “(A) 50 percent of qualified revenues in  
21                  general fund of the Treasury;

22                  “(B) 30 percent of qualified revenues in a  
23                  special account in the Treasury, to be distrib-  
24                  uted by the Secretary to the State;

1           “(C) 12.5 percent of qualified revenues in  
2           the Tribal Resilience Fund established by sec-  
3           tion 202 of the Offshore Production and Ener-  
4           gizing National Security Alaska Act of 2017;  
5           and

6           “(D) 7.5 in a special account in the Treas-  
7           ury, to be distributed by the Secretary to coast-  
8           al political subdivisions.

9           “(4) ALLOCATION AMONG COASTAL POLITICAL  
10          SUBDIVISIONS.—Of the amount paid by the Sec-  
11          retary to coastal political subdivisions under para-  
12          graph (2)(C) or (3)(D)—

13               “(A) 90 percent shall be allocated in  
14               amounts (based on a formula established by the  
15               Secretary by regulation) that are inversely pro-  
16               portional to the respective distances between  
17               the point in each coastal political subdivision  
18               that is closest to the geographic center of the  
19               applicable leased tract and not more than 200  
20               miles from the geographic center of the leased  
21               tract; and

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

1 “(i) is more than 200 nautical miles  
2 from the geographic center of a leased  
3 tract; and

4 “(ii) the State of Alaska determines to  
5 be a significant staging area for oil and  
6 gas servicing, supply vessels, operations,  
7 suppliers, or workers.

8 “(5) TIMING.—The amounts required to be de-  
9 posited under paragraphs (2) and (3) for the appli-  
10 cable fiscal year shall be made available in accord-  
11 ance with those paragraphs during the fiscal year  
12 immediately following the applicable fiscal year.

13 “(6) ADMINISTRATION.—Amounts made avail-  
14 able under paragraphs (2) and (3) shall—

15 “(A) be made available, without further  
16 appropriation, in accordance with this sub-  
17 section;

18 “(B) remain available until expended; and

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

1 **SEC. 105. INCLUSION OF BEAUFORT, NEARSHORE BEAU-**  
 2 **FORT, COOK INLET, AND CHUKCHI LEASE**  
 3 **SALES IN 5-YEAR LEASING PROGRAMS.**

4 Section 18 of the Outer Continental Shelf Lands Act  
 5 (43 U.S.C. 1344) is amended by adding at the end the  
 6 following:

7 “(i) INCLUSION OF CERTAIN LEASE SALES.—Effec-  
 8 tive starting with the first leasing program prepared after  
 9 the date of enactment of the Offshore Production and En-  
 10 ergizing National Security Alaska Act of 2017, the Sec-  
 11 retary shall include in any leasing program prepared in  
 12 accordance with this section provisions for the conduct of  
 13 at least 3 lease sales in each of the Beaufort Planning  
 14 Area and the Chukchi Planning Area, and annual lease  
 15 sales in the Nearshore Beaufort Sea Planning Area and  
 16 the Cook Inlet Planning Area during the term of the leas-  
 17 ing program.”.

18 **SEC. 106. NORTH SLOPE SCIENCE INITIATIVE.**

19 Section 348 of the Energy Policy Act of 2005 (42  
 20 U.S.C. 15906) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by inserting “(re-  
 23 ferred to in this section as the ‘Secretary’)”  
 24 after “Secretary of the Interior”; and

(B) in paragraph (2), by inserting “(including the Beaufort and Chukchi seas)” after “North Slope of Alaska”;  
 (2) in subsection (b)—

(A) in paragraph (1), by inserting “(including the Beaufort and Chukchi seas)” after “North Slope”; and

(B) in paragraph (2), by striking “develop an understanding of” and inserting “identify”;  
 and

(3) in subsection (c)(2), by inserting “the Northwest Arctic Borough, the NANA Regional Corporation,” after “Arctic Slope Regional Corporation,”.

## **TITLE II—TRIBAL RESILIENCE PROGRAM**

### **SEC. 201. TRIBAL RESILIENCE PROGRAM.**

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) ESTABLISHMENT.—The Secretary shall establish a program—

(1) to improve the resilience of Indian tribes to the effects of a changing climate;

1           (2) to support Native American leaders in  
2       building strong, resilient communities; and

3           (3) to ensure the development of modern, cost-  
4       effective infrastructure.

5       (c) GRANTS.—Subject to the availability of appro-  
6       priations and amounts in the Tribal Resilience Fund es-  
7       tablished by section 202(a), in carrying out the program  
8       described in subsection (b), the Secretary shall make ad-  
9       aptation grants, in amounts not to exceed \$200,000,000  
10      total per fiscal year, to Indian tribes for eligible activities  
11      described in subsection (d).

12      (d) ELIGIBLE ACTIVITIES.—An Indian tribe receiving  
13      a grant under subsection (c) may only use grant funds  
14      for one or more of the following eligible activities:

15           (1) Development and delivery of adaptation  
16      training.

17           (2) Adaptation planning, vulnerability assess-  
18      ments, emergency preparedness planning, and moni-  
19      toring.

20           (3) Capacity building through travel support for  
21      training, technical sessions, and cooperative manage-  
22      ment forums.

23           (4) Travel support for participation in ocean  
24      and coastal planning.

1           (5) Development of science-based information  
2           and tools to enable adaptive resource management  
3           and the ability to plan for resilience.

4           (6) Relocation of villages or other communities  
5           experiencing or susceptible to coastal or river ero-  
6           sion.

7           (7) Construction of infrastructure to support  
8           emergency evacuations.

9           (8) Restoration or repair of infrastructure dam-  
10          aged by melting permafrost or coastal or river ero-  
11          sion.

12          (9) Installation and management of energy sys-  
13          tems that reduce energy costs and greenhouse gas  
14          emissions compared to the energy systems in use be-  
15          fore that installation and management.

16          (10) Construction and maintenance of social or  
17          cultural infrastructure that the Secretary determines  
18          supports resilience.

19          (e) APPLICATIONS.—An Indian tribe desiring an ad-  
20          aptation grant under subsection (c) shall submit to the  
21          Secretary an application at such time, in such manner,  
22          and containing such information as the Secretary may re-  
23          quire, including a description of the eligible activities to  
24          be undertaken using the grant.

1 (f) CAPITAL PROJECTS.—Of amounts made available  
2 to carry out this program, not less than 90 percent shall  
3 be used for the engineering, design, and construction or  
4 implementation of capital projects.

5 (g) INTERAGENCY COOPERATION.—The Secretary  
6 and the Administrator of the Environmental Protection  
7 Agency shall establish under the White House Council on  
8 Native American Affairs an interagency subgroup on trib-  
9 al resilience—

10 (1) to work with Indian tribes to collect and  
11 share data and information, including traditional ec-  
12 ological knowledge, about how the effects of a chang-  
13 ing climate are relevant to Indian tribes and Alaska  
14 Natives; and

15 (2) to identify opportunities for the Federal  
16 Government to improve collaboration and assist with  
17 adaptation and mitigation efforts that promote resil-  
18 ience.

19 (h) TRIBAL RESILIENCE LIAISON.—The Secretary  
20 shall establish a tribal resilience liaison—

21 (1) to coordinate with Indian tribes and rel-  
22 evant Federal agencies; and

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



1 **SEC. 202. TRIBAL RESILIENCE FUND.**

2 (a) ESTABLISHMENT.—There is established in the  
3 Treasury a fund, to be known as the “Tribal Resilience  
4 Fund” (referred to in this section as the “Fund”).

5 (b) DEPOSITS.—The Fund shall consist of the fol-  
6 lowing:

7 (1) Amounts made available through an appro-  
8 priation Act for deposit in the Fund.

9 (2) Amounts deposited into the Fund under  
10 paragraphs (2)(G) and (3)(C) of subsection (b) of  
11 section 9 of the Outer Continental Shelf Lands Act  
12 (43 U.S.C. 1338) (as added by section 104(2)).

13 (c) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—In addition to the amounts  
15 estimated by the Secretary to be deposited in the  
16 Fund under subsection (b), there are authorized to  
17 be appropriated annually to the Fund out of any  
18 money in the Treasury not otherwise appropriated  
19 such amounts as are necessary to make the income  
20 of the Fund not more than \$200,000,000 for fiscal  
21 year 2028 and each fiscal year thereafter.

22 (2) RECEIPTS UNDER OUTER CONTINENTAL  
23 SHELF LANDS ACT.—To the extent that amounts ap-  
24 propriated under paragraph (1) and deposited under  
25 subsection (b) are not sufficient to make the total  
26 annual income of the Fund equivalent to the

1 amounts provided in paragraph (1), an amount suf-  
2 ficient to cover the remainder shall be credited to  
3 the Fund from revenues due and payable to the  
4 United States for deposit in the Treasury as mis-  
5 cellaneous receipts under the Outer Continental  
6 Shelf Lands Act (43 U.S.C. 1331 et seq.).

7 (3) AVAILABILITY OF DEPOSITS.—

8 (A) IN GENERAL.—Amounts deposited in  
9 the Fund under this subsection shall remain  
10 available until expended, without fiscal year  
11 limitation.

12 (B) USE.—Amounts deposited in the Fund  
13 under this subsection and made available for  
14 obligation or expenditure from the Fund may  
15 be obligated or expended only to carry out the  
16 Tribal Resilience Program under section 201.

○