

# Union Calendar No. 803

115TH CONGRESS  
2D SESSION

# H. R. 6665

[Report No. 115–1029]

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.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 2018

Ms. BORDALLO (for herself, Mr. SOTO, Miss GONZÁLEZ-COLÓN of Puerto Rico, and Mrs. RADEWAGEN) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 16, 2018

Additional sponsors: Mr. SABLAN and Ms. PLASKETT

NOVEMBER 16, 2018

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **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”.

6       **SEC. 2. APPLICATION OF OUTER CONTINENTAL SHELF**  
7                       **LANDS ACT WITH RESPECT TO TERRITORIES**  
8                       **OF THE UNITED STATES.**

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

11               (1) in paragraph (a)—

12                       (A) by inserting after “control” the fol-  
13                       lowing: “or lying within the exclusive economic  
14                       zone of the United States and the outer Conti-  
15                       nental Shelf adjacent to any territory or posses-  
16                       sion of the United States”; and

17                       (B) by adding at the end the following: “,  
18                       except that such term shall not include any  
19                       area conveyed by Congress to a territorial gov-  
20                       ernment for administration”;

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

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

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

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

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

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

9 **SEC. 3. DISPOSITION OF REVENUES WITH RESPECT TO**  
10 **TERRITORIES OF THE UNITED STATES.**

11 Section 9 of the Outer Continental Shelf Lands Act  
12 (43 U.S.C. 1338) is amended—

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

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

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

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

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

3 “(2) 12.5 percent shall be deposited in the  
4 Coral Reef Conservation Fund established under  
5 section 211 of the Coral Reef Conservation Act of  
6 2000; and

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

15 **SEC. 4. WIND LEASE SALES FOR AREAS OF OUTER CONTI-**  
16 **NENTAL SHELF.**

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

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

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

1       “(b) WIND LEASE SALE PROCEDURE.—Any wind  
2 lease sale conducted under this section shall be considered  
3 a lease under section 8(p).

4       “(c) WIND LEASE SALES OFF COASTS OF TERRI-  
5 TORIES OF THE UNITED STATES.—

6               “(1) STUDY ON FEASIBILITY OF CONDUCTING  
7 WIND LEASE SALES.—

8               “(A) IN GENERAL.—The Secretary shall  
9 conduct a study on the feasibility, including the  
10 technological and long-term economic feasibility,  
11 of conducting wind lease sales on an area of the  
12 outer Continental Shelf within the territorial ju-  
13 risdiction of American Samoa, Guam, the  
14 Northern Mariana Islands, Puerto Rico, and  
15 the Virgin Islands of the United States.

16               “(B) CONSULTATION.—In conducting the  
17 study required in paragraph (A), the Secretary  
18 shall consult—

19                       “(i) the National Renewable Energy  
20 Laboratory of the Department of Energy;  
21 and

22                       “(ii) the Governor of each of Amer-  
23 ican Samoa, Guam, the Northern Mariana  
24 Islands, Puerto Rico, and the Virgin Is-  
25 lands of the United States.

1           “(C) PUBLICATION.—The study required  
2           in paragraph (A) shall be published in the Fed-  
3           eral Register for public comment for not fewer  
4           than 60 days.

5           “(D) SUBMISSION OF RESULTS.—Not later  
6           than 18 months after the date of the enactment  
7           of this section, the Secretary shall submit the  
8           results of the study conducted under subpara-  
9           graph (A) to:

10           “(i) the Committee on Energy and  
11           Natural Resources of the Senate;

12           “(ii) the Committee on Natural Re-  
13           sources of the House of Representatives;  
14           and

15           “(iii) each of the delegates or resident  
16           commissioner to the House of Representa-  
17           tives from American Samoa, Guam, the  
18           Northern Mariana Islands, Puerto Rico,  
19           and the Virgin Islands of the United  
20           States, respectively.

21           “(E) PUBLIC AVAILABILITY.—The study  
22           required under subparagraph (A) and results  
23           submitted under subparagraph (C) shall be  
24           made readily available on a public Government  
25           internet website.

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

6           “(3) CONDITIONAL WIND LEASE SALES.—

7           “(A) IN GENERAL.—For each territory,  
8           the Secretary shall conduct not less than 1 wind  
9           lease sale on an area of the outer Continental  
10          Shelf within the territorial jurisdiction of such  
11          territory that meets each of the following cri-  
12          teria:

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

16               “(ii) The Secretary has determined  
17               that the call for information has generated  
18               sufficient interest for the area.

19               “(iii) The Secretary has consulted  
20               with the Secretary of Defense regarding  
21               such a sale.

22               “(iv) The Secretary has consulted  
23               with the Governor of the territory regard-  
24               ing the suitability of the area for wind en-  
25               ergy development.



1                   “(B) EXCEPTION.—If no area of the outer  
 2                   Continental Shelf within the territorial jurisdic-  
 3                   tion of a territory meets each of the criteria in  
 4                   clauses (i) through (iii) of subparagraph (A),  
 5                   the requirement under subparagraph (A) shall  
 6                   not apply to such territory.”.

7   **SEC. 5. ESTABLISHMENT OF CORAL REEF CONSERVATION**  
 8                   **FUND.**

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

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

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

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

21           “(c) USES.—Amounts deposited in the Fund under  
 22 this section and appropriated to the Secretary of Com-  
 23 merce under subsection (f) shall be used by the Secretary  
 24 of Commerce to carry out the Coral Reef Conservation Act  
 25 of 2000 (16 U.S.C. 6401 et seq.), with priority given to

1 carrying out sections 204 and 206 of such Act (16 U.S.C.  
2 6403 and 6405).

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

5 “(e) REPORTING.—The President shall include with  
6 the proposed budget for the United States Government  
7 submitted to Congress for a fiscal year a comprehensive  
8 statement of deposits into the Fund during the previous  
9 fiscal year and estimated requirements during the fol-  
10 lowing fiscal year for appropriations from the Fund.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated from the Fund to the  
13 Secretary of Commerce, an amount equal to the amount  
14 deposited in the Fund in the previous fiscal year.

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

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

21 (1) in the heading, by striking “**CORAL REEF**  
22 **CONSERVATION FUND**” and inserting “**CORAL**  
23 **REEF PUBLIC-PRIVATE PARTNERSHIP**”;

24 (2) in subsection (a)—

1                   (A) by striking “Fund” and inserting  
2                   “Public-Private Partnership”; and  
3                   (B) by striking “, hereafter referred to as  
4                   the Fund,”; and  
5                   (3) in subsection (b), by striking “Fund” and  
6                   inserting “separate interest bearing account”.

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