

118TH CONGRESS
1ST SESSION

H. R. 2716

To distribute revenue from offshore wind projects in the New York Bight Area to certain coastal States, and promote conservation and workforce development.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 2023

Ms. MALLIOTAKIS introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To distribute revenue from offshore wind projects in the New York Bight Area to certain coastal States, and promote conservation and workforce development.

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
5 Northeastern Energy Revenue Act” or the “OWNER
6 Act”.

1 **SEC. 2. PARITY IN OFFSHORE WIND REVENUE SHARING**
2 **WITHIN THE NEW YORK BIGHT AREA.**

3 Section 8(p)(2) of the Outer Continental Shelf Lands
4 Act (43 U.S.C. 1337(p)(2)) is amended—

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

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

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

11 “(B) DISPOSITION OF REVENUES FROM
12 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES
13 SEAWARD OF STATE SUBMERGED LAND.—The
14 Secretary”; and

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

16 “(C) DISPOSITION OF REVENUES FROM
17 OFFSHORE WIND PROJECTS IN CERTAIN
18 AREAS.—

19 “(i) DEPOSITS.—For each fiscal year,
20 the Secretary of the Treasury shall de-
21 posit—

22 “(I) 50 percent of qualified rev-
23 enue in the general fund of the Treas-
24 ury and credited to miscellaneous re-
25 ceipts; and

1 “(II) 50 percent of qualified rev-
2 enue in a special account in the
3 Treasury to be allocated to eligible
4 States and coastal political subdivi-
5 sions in accordance with clause (ii).

6 “(ii) ALLOCATIONS.—

7 “(I) ELIGIBLE STATES.—

8 “(aa) IN GENERAL.—Sub-
9 ject to item (bb), for each fiscal
10 year the amount made available
11 under clause (i)(II) shall be allo-
12 cated to each eligible State in
13 amounts (based on a formula es-
14 tablished by the Secretary by a
15 regulation issued not later than
16 180 days after the date of enact-
17 ment of this subparagraph) that
18 are inversely proportional to the
19 respective distances between the
20 point on the coastline of each eli-
21 gible State that is closest to the
22 geographic center of the applica-
23 ble leased tract and the geo-
24 graphic center of the leased tract.

1 “(bb) MINIMUM ALLOCA-
2 TION.—The amount allocated to
3 an eligible State each fiscal year
4 under item (aa) shall be at least
5 10 percent of the amounts made
6 available under clause (i)(II).

7 “(II) COASTAL POLITICAL SUB-
8 DIVISIONS.—

9 “(aa) IN GENERAL.—For
10 each fiscal year, the Secretary
11 shall pay 25 percent of the allo-
12 cable share of each eligible State,
13 as determined under subclause
14 (I), to any coastal political sub-
15 divisions of the eligible State.

16 “(bb) FORMULA.—The
17 amount paid by the Secretary to
18 a coastal political subdivision
19 under item (aa) shall be deter-
20 mined in accordance with section
21 31(b)(4)(B).

22 “(iii) TIMING.—The amounts required
23 to be deposited under clause (i)(II) for the
24 applicable fiscal year shall be made avail-
25 able in accordance with clause (i)(II) dur-

1 ing the fiscal year immediately following
2 the applicable fiscal year.

3 “(iv) AUTHORIZED USES.—

4 “(I) IN GENERAL.—Subject to
5 subclause (II), each eligible State and
6 coastal political subdivision shall, in
7 accordance with all applicable Federal
8 and State laws, use all amounts re-
9 ceived under clause (ii) for one or
10 more of the following purposes:

11 “(aa) Coastal protection, in-
12 cluding conservation, coastal res-
13 toration, hurricane protection,
14 and infrastructure directly af-
15 fected by coastal wetland losses.

16 “(bb) Workforce training,
17 including for employment in the
18 renewable energy sector and re-
19 lated sectors.

20 “(cc) Infrastructure develop-
21 ment to support renewable en-
22 ergy projects, including the
23 transmission of renewable energy.

1 “(dd) Supporting science,
2 technology, engineering, and
3 mathematics education.

4 “(ee) Reducing carbon diox-
5 ide emissions and improving air
6 quality.

7 “(ff) Mitigation of damage
8 to fish, wildlife, or natural re-
9 sources.

10 “(gg) Mitigation of the im-
11 pact of outer Continental Shelf
12 activities through the funding of
13 onshore infrastructure projects.

14 “(hh) Planning assistance
15 and the administrative costs of
16 complying with this subpara-
17 graph.

18 “(II) LIMITATION.—An eligible
19 State and coastal political subdivision
20 may not use more than 3 percent of
21 the amounts such eligible State or
22 coastal political subdivision receives
23 for a fiscal year under clause (ii) for
24 the purposes described in subclause
25 (I)(hh).

1 “(v) ADMINISTRATION.—Subject to
2 clause (vi)(III), amounts made available
3 under clause (i)(II) shall—

4 “(I) be made available, without
5 further appropriation, in accordance
6 with this subparagraph;

7 “(II) remain available until ex-
8 pended; and

9 “(III) be in addition to any
10 amount appropriated under any other
11 provision of law.

12 “(vi) REPORTING.—

13 “(I) IN GENERAL.—Not later
14 than 180 days after the end of each
15 applicable fiscal year, the Governor of
16 each eligible State that receives an
17 amount under clause (ii) for a fiscal
18 year shall submit to the Secretary a
19 report that describes the use of such
20 amounts by the eligible State during
21 the period covered by the report.

22 “(II) PUBLIC AVAILABILITY.—On
23 receipt of a report under subclause
24 (I), the Secretary shall make the re-
25 port available to the public on the

1 website of the Department of the In-
2 terior.

3 “(III) LIMITATION.—If the Gov-
4 ernor of an eligible State that receives
5 an amount under clause (ii) for a fis-
6 cal year fails to submit the report re-
7 quired under subclause (I) by the
8 deadline specified in that subclause,
9 any amount that would otherwise be
10 provided to the eligible State under
11 clause (ii) for the succeeding fiscal
12 year shall be deposited in the general
13 fund of the Treasury and credited to
14 miscellaneous receipts.

15 “(vii) DEFINITIONS.—In this subpara-
16 graph:

17 “(I) COASTAL POLITICAL SUB-
18 DIVISION.—The term ‘coastal political
19 subdivision’ means a political subdivi-
20 sion of an eligible State any part of
21 which political subdivision is—

22 “(aa) within the coastal zone
23 (as defined in section 304 of the
24 Coastal Zone Management Act of
25 1972 (16 U.S.C. 1453)) of the

1 eligible State as of the date of
2 enactment of this subparagraph;
3 and

4 “(bb) not more than 100
5 nautical miles from the geo-
6 graphic center of any covered off-
7 shore wind project.

8 “(II) COVERED OFFSHORE WIND
9 PROJECT.—The term ‘covered off-
10 shore wind project’ means a wind-
11 powered electric generation project in
12 a wind energy area on the outer Con-
13 tinental Shelf within the New York
14 Bight Area that is not wholly or par-
15 tially located within an area subject to
16 subparagraph (B), including—

17 “(aa) Hudson North OCS–A
18 0544;

19 “(bb) Central Bight OCS–A
20 0537; and

21 “(cc) Hudson South OCS–A
22 0538, OCS–A 0539, OCS–A
23 0541, and OCS–A 0542.

24 “(III) ELIGIBLE STATE.—The
25 term ‘eligible State’ means a State a

1 point on the coastline of which is lo-
2 cated within 75 nautical miles of the
3 geographic center of a covered off-
4 shore wind project.

5 “(IV) NEW YORK BIGHT AREA.—

6 The term ‘New York Bight Area’
7 means the area extending generally
8 northeast from Cape May in New Jer-
9 sey to Montauk Point on the eastern
10 tip of Long Island, as described by
11 the Bureau of Ocean Energy Manage-
12 ment in the final environmental as-
13 sessment titled ‘Commercial and Re-
14 search Wind Lease and Grant
15 Issuance and Site Assessment Activi-
16 ties on the Atlantic Outer Continental
17 Shelf of the New York Bight’ (Decem-
18 ber 16, 2021; BOEM 2021–073).

19 “(V) QUALIFIED REVENUE.—The

20 term ‘qualified revenue’ means all
21 rentals, royalties, bonus bids, and
22 other sums due and payable to the
23 United States from leases for covered
24 offshore wind projects.”.

1 **SEC. 3. REVENUE SHARING FOR WIND LEASE SALES IN THE**
2 **NEW YORK BIGHT AREA IN FISCAL YEAR 2023.**

3 (a) IN GENERAL.—For any lease sales held in the
4 New York Bight Area before the date of enactment of this
5 Act, including OCS–A 0544, OCS–A 0537, OCS–A 0538,
6 OCS–A 0539, OCS–A 0541, and OCS–A 0542, the Sec-
7 retary of the Interior shall disburse the revenue generated
8 by the bonus bids from such lease sales to eligible States
9 pursuant to subparagraph (C) of section 8(p)(2) of the
10 Outer Continental Shelf Lands Act, as added by this Act.

11 (b) ELIGIBLE STATE; NEW YORK BIGHT AREA.—In
12 this section, the terms “eligible State” and “New York
13 Bight Area” have the meanings given such terms in sub-
14 paragraph (C) of section 8(p)(2) of the Outer Continental
15 Shelf Lands Act, as added by this Act.

16 **SEC. 4. EXEMPTION OF CERTAIN PAYMENTS FROM SEQUES-**
17 **TRATION.**

18 (a) IN GENERAL.—Section 255(g)(1)(A) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985
20 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after
21 “Payments to Social Security Trust Funds (28–0404–0–
22 1–651).” the following:

23 “Payments to States pursuant to subpara-
24 graph (C) of section 8(p)(2) of the Outer Conti-
25 nental Shelf Lands Act (43 U.S.C.
26 1337(p)(2)(C)).”.

1 (b) APPLICABILITY.—The amendment made by sec-
2 tion shall apply to any sequestration order issued under
3 the Balanced Budget and Emergency Deficit Control Act
4 of 1985 (2 U.S.C. 900 et seq.) on or after the date of
5 enactment of this Act.

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