

117TH CONGRESS
1ST SESSION

S. 1740

To require the Secretary of the Interior to make energy transition payments to States, counties, and Indian Tribes to replace Federal mineral revenues lost as a result of changes in Federal policy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2021

Mr. HEINRICH (for himself and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior to make energy transition payments to States, counties, and Indian Tribes to replace Federal mineral revenues lost as a result of changes in Federal policy, 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 “Schools and State
5 Budgets Certainty Act of 2021”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

(1) BASE MINERAL REVENUE AMOUNT.—The term “base mineral revenue amount” means—

(A) for fiscal year 2021, the average of the annual mineral revenue payments received by an eligible State, eligible county, or eligible Indian Tribe for the period of fiscal years 2016 through 2020; and

(B) for fiscal year 2022 and each fiscal year thereafter, an amount equal to 95 percent of the base mineral revenue amount for the eligible State, eligible county, or eligible Indian Tribe for the preceding fiscal year.

(2) COUNTY.—The term “county” means a coastal political subdivision (as defined in section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432)).

(3) ELIGIBLE STATE, ELIGIBLE COUNTY, ELIGIBLE INDIAN TRIBE.—The terms “eligible State”, “eligible county”, and “eligible Indian Tribe” mean a State, county, and Indian Tribe, respectively, that received a mineral revenue payment in any of fiscal years 2016 through 2020.

(4) ENERGY TRANSITION PAYMENT.—The term “energy transition payment” means the payment for

1 an eligible State, eligible county, or eligible Indian
 2 Tribe calculated under section 3(a).

3 (5) MINERAL REVENUE PAYMENT.—The term
 4 “mineral revenue payment” means the total amount
 5 paid by the Federal Government to a State, county,
 6 or Indian Tribe in a fiscal year pursuant to—

7 (A) the Act of May 11, 1938 (52 Stat.
 8 347, chapter 198; 25 U.S.C. 396a et seq.)
 9 (commonly known as the “Indian Mineral Leas-
 10 ing Act of 1938”);

11 (B) the Mineral Leasing Act (30 U.S.C.
 12 181 et seq.);

13 (C) the Mineral Leasing Act for Acquired
 14 Lands (30 U.S.C. 351 et seq.); and

15 (D) the Gulf of Mexico Energy Security
 16 Act of 2006 (43 U.S.C. 1331 note; Public Law
 17 109–432) (other than section 105(a)(2)(B) of
 18 that Act).

19 (6) SECRETARY.—The term “Secretary” means
 20 the Secretary of the Interior.

21 **SEC. 3. ANNUAL ENERGY TRANSITION PAYMENTS.**

22 (a) IN GENERAL.—For fiscal year 2021 and each fis-
 23 cal year thereafter, the Secretary shall calculate for each
 24 eligible State, eligible county, and eligible Indian Tribe an
 25 amount equal to the difference between—

1 (1) the base mineral revenue amount for the eli-
 2 gible State, eligible county, or eligible Indian Tribe
 3 for that fiscal year; and

4 (2) the mineral revenue payment for the eligible
 5 State, eligible county, or eligible Indian Tribe for
 6 that fiscal year.

7 (b) PAYMENTS TO ELIGIBLE STATES, COUNTIES,
 8 AND INDIAN TRIBES.—

9 (1) IN GENERAL.—Subject to subsection (c), for
 10 each fiscal year, the Secretary shall pay to each eli-
 11 gible State, eligible county, and eligible Indian Tribe,
 12 without further appropriation, the amount of the en-
 13 ergy transition payment calculated under subsection
 14 (a).

15 (2) CONDITION ON USE OF FUNDS.—For each
 16 energy transition payment received by an eligible
 17 State or eligible county for a fiscal year, the percent-
 18 age of the energy transition payment that is equiva-
 19 lent to the percentage of the mineral revenue pay-
 20 ment received by the eligible State or eligible county
 21 for that fiscal year pursuant to the Gulf of Mexico
 22 Energy Security Act of 2006 (43 U.S.C. 1331 note;
 23 Public Law 109–432) shall be subject to section
 24 105(d) that Act.

1 (c) LIMITATION.—An eligible State, eligible county,
2 or eligible Indian Tribe shall not receive an energy transi-
3 tion payment under this section for any fiscal year for
4 which the mineral revenue payment received by the eligible
5 State, eligible county, or eligible Indian Tribe is greater
6 than the base mineral revenue amount for the eligible
7 State, eligible county, or eligible Indian Tribe for that fis-
8 cal year.

9 (d) TIMING OF PAYMENT.—The energy transition
10 payments required under this section for a fiscal year shall
11 be made as soon as practicable after the end of that fiscal
12 year.

13 (e) MAINTENANCE OF FUNDING.—The energy transi-
14 tion payments made to eligible States, eligible counties,
15 and eligible Indian Tribes under this section shall supple-
16 ment (and not supplant) other Federal funding made
17 available to eligible States, eligible counties, and eligible
18 Indian Tribes.

19 (f) DIRECT PAYMENTS.—The energy transition pay-
20 ments made to eligible States, eligible counties, and eligi-
21 ble Indian Tribes under this section shall be made as di-
22 rect payments and not as Federal financial assistance.

23 (g) MANDATORY FUNDING.—

24 (1) IN GENERAL.—As soon as practicable after
25 the date of enactment of this Act, and on October

1 1, 2021, and on each October 1 thereafter, out of
2 any funds in the Treasury not otherwise appro-
3 priated, the Secretary of the Treasury shall transfer
4 to the Secretary such sums as are necessary to carry
5 out this section, to remain available until expended.

6 (2) RECEIPT AND ACCEPTANCE.—The Sec-
7 retary shall be entitled to receive, shall accept, and
8 shall use to carry out this section the funds trans-
9 ferred under paragraph (1), without further appro-
10 priation.

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