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1ST SESSION**S. 1400****[Report No. 112-100]**

To restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2011

Ms. LANDRIEU (for herself, Mr. SHELBY, Mr. VITTER, Mr. NELSON of Florida, Mr. RUBIO, Mr. SESSIONS, Mr. COCHRAN, Mr. WICKER, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

DECEMBER 8, 2011

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, 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 “Resources and Eco-
5 systems Sustainability, Tourist Opportunities, and Re-
6 vived Economies of the Gulf Coast States Act of 2011”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) as a result of decades of oil and gas devel-
10 opment in the Gulf of Mexico, producing and non-
11 producing States in the Gulf Coast region have
12 borne substantial risks of environmental damage and
13 economic harm, all of which culminated with the ex-
14 plosion on, and sinking of, the mobile offshore drill-
15 ing unit Deepwater Horizon;

16 (2) the discharge of oil in the Gulf of Mexico
17 that began following the explosion on, and sinking
18 of, the mobile offshore drilling unit Deepwater Hori-
19 zon has caused substantial environmental destruc-
20 tion and economic harm to the people and commu-
21 nities of the Gulf Coast region;

22 (3)(A) in the report entitled “America’s Gulf
23 Coast—A Long Term Recovery Plan after the Deep-
24 water Horizon Oil Spill”, the Secretary of the Navy
25 stated, “Together, the Gulf’s tourism and commer-

1 eial and recreational fishing industries contribute
2 tens of billions of dollars to the U.S. economy. More
3 than 90 percent of the nation's offshore crude oil
4 and natural gas is produced in the Gulf, and the
5 federal treasury receives roughly \$4.5 billion dollars
6 every year from offshore leases and royalties. And it
7 is in the Gulf of Mexico that nearly one third of sea-
8 food production in the continental U.S. is harvested.
9 America needs a healthy and resilient Gulf Coast,
10 one that can support the diverse economies, commu-
11 nities, and cultures of the region.”;

12 (B) to address the needs of the Gulf Coast re-
13 gion, the Secretary of the Navy stated, “It is rec-
14 ommended that the President urge Congress to pass
15 legislation that would dedicate a significant amount
16 of any civil penalties recovered under the Clean
17 Water Act from parties responsible for the Deep-
18 water Horizon oil spill to those directly impacted by
19 that spill.”; and

20 (C) to mitigate local challenges and help restore
21 the resiliency of communities adversely affected by
22 the spill, the Secretary of the Navy stated that the
23 legislation described in subparagraph (B) should
24 “[b]uild economic development strategies around
25 community needs, and take particular efforts to ad-

1 dress the needs of disadvantaged, underserved, and
2 resource constrained communities”;

3 (4) in a final report to the President, the Na-
4 tional Commission on the BP Deepwater Horizon
5 Oil Spill and Offshore Drilling—

6 (A) stated, “Estimates of the cost of Gulf
7 restoration, including but not limited to the
8 Mississippi Delta, vary widely, but according to
9 testimony before the Commission, full restora-
10 tion of the Gulf will require \$15 billion to \$20
11 billion: a minimum of \$500 million annually for
12 30 years.”; and

13 (B) like the Secretary of the Navy, rec-
14 ommended that, to meet the needs described in
15 subparagraph (A), a substantial portion of ap-
16 plicable penalties under the Federal Water Pol-
17 lution Control Act (33 U.S.C. 1251 et seq.) be
18 dedicated to long-term restoration of the Gulf
19 of Mexico;

20 (5) taking into account the risks borne by Gulf
21 Coast States for decades of oil and gas development
22 and the environmental degradation suffered by the
23 Gulf Coast ecosystem, the amounts received by the
24 United States as payment of administrative, civil, or
25 criminal penalties in connection with the explosion

1 on, and sinking of, the mobile offshore drilling unit
2 Deepwater Horizon should be expended—

3 ~~(A)~~ to restore the natural resources, eco-
4 systems, fisheries, marine and wildlife habitats,
5 beaches, barrier islands, dunes, coastal wet-
6 lands, and economy of the Gulf Coast; and

7 ~~(B)~~ to address the associated economic
8 harm suffered by the people and communities
9 of the region;

10 ~~(6)~~ the projects and programs authorized by
11 this Act and the amendments made by this Act
12 should be carried out pursuant to contracts awarded
13 in a manner that provides a preference to individuals
14 and entities that reside in, are headquartered in, or
15 are principally engaged in business in a Gulf Coast
16 State; and

17 ~~(7)~~ Federal, State, and local officials should
18 seek—

19 ~~(A)~~ to leverage the financial resources
20 made available under this Act; and

21 ~~(B)~~ to the maximum extent practicable, to
22 ensure that projects funded pursuant to this
23 Act complement efforts planned or in operation
24 to revitalize the natural resources and economic
25 health of the Gulf Coast region.

1 **SEC. 3. GULF COAST RESTORATION TRUST FUND.**

2 (a) **ESTABLISHMENT.**—There is established in the
3 Treasury of the United States a trust fund to be known
4 as the “Gulf Coast Restoration Trust Fund” (referred to
5 in this section as the “Trust Fund”), consisting of such
6 amounts as are deposited in the Trust Fund under this
7 Act or any other provision of law.

8 (b) **TRANSFERS.**—The Secretary of the Treasury
9 shall deposit in the Trust Fund an amount equal to 80
10 percent of all administrative and civil penalties paid by
11 responsible parties after the date of enactment of this Act
12 in connection with the explosion on, and sinking of, the
13 mobile offshore drilling unit Deepwater Horizon pursuant
14 to a court order, negotiated settlement, or other instru-
15 ment in accordance with section 311 of the Federal Water
16 Pollution Control Act (33 U.S.C. 1321).

17 (c) **EXPENDITURES.**—Amounts in the Trust Fund,
18 including interest earned on advances to the Trust Fund
19 and proceeds from investment under subsection (d),
20 shall—

21 (1) be available for expenditure, without further
22 appropriation, solely for the purpose and eligible ac-
23 tivities of this Act; and

24 (2) remain available until expended, without fis-
25 cal year limitation.

1 (d) INVESTMENT.—Amounts in the Trust Fund shall
2 be invested in accordance with section 9702 of title 31,
3 United States Code, and any interest on, and proceeds
4 from, any such investment shall be available for expendi-
5 ture in accordance with this Act and the amendments
6 made by this Act.

7 (e) ADMINISTRATION.—Not later than 180 days after
8 the date of enactment of this Act, after providing notice
9 and an opportunity for public comment, the Secretary of
10 the Treasury, in consultation with the Secretary of the In-
11 terior and the Secretary of Commerce, shall establish such
12 procedures as the Secretary determines to be necessary
13 to deposit amounts in, and expend amounts from, the
14 Trust Fund pursuant to this Act, including—

15 (1) procedures to assess whether the programs
16 and activities carried out under this Act and the
17 amendments made by this Act achieve compliance
18 with applicable requirements, including procedures
19 by which the Secretary of the Treasury may deter-
20 mine whether an expenditure by a Gulf Coast State
21 or coastal political subdivision (as those terms are
22 defined in section 311 of the Federal Water Pollu-
23 tion Control Act (33 U.S.C. 1321)) pursuant to such
24 a program or activity achieves compliance;

1 (2) auditing requirements to ensure that
2 amounts in the Trust Fund are expended as in-
3 tended; and

4 (3) procedures for identification and allocation
5 of funds available to the Secretary under other pro-
6 visions of law that may be necessary to pay the ad-
7 ministrative expenses directly attributable to the
8 management of the Trust Fund.

9 **SEC. 4. GULF COAST NATURAL RESOURCES RESTORATION**
10 **AND ECONOMIC RECOVERY.**

11 Section 311 of the Federal Water Pollution Control
12 Act (~~33~~ U.S.C. ~~1321~~) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph ~~(25)~~(B), by striking
15 “and” at the end;

16 (B) in paragraph ~~(26)~~(D), by striking the
17 period at the end and inserting a semicolon;
18 and

19 (C) by adding at the end the following:

20 “(27) the term ‘Chairperson’ means the Chair-
21 person of the Council;

22 “(28) the term ‘coastal political subdivision’
23 means any local political jurisdiction that is imme-
24 diately below the State level of government, includ-
25 ing a county, parish, or borough, with a coastline

1 that is contiguous with any portion of the United
2 States Gulf of Mexico;

3 “(29) the term ‘Comprehensive Plan’ means the
4 comprehensive plan developed by the Council pursu-
5 ant to subsection (t);

6 “(30) the term ‘Council’ means the Gulf Coast
7 Ecosystem Restoration Council established pursuant
8 to subsection (t);

9 “(31) the term ‘Deepwater Horizon oil spill’
10 means the blowout and explosion of the mobile off-
11 shore drilling unit Deepwater Horizon that occurred
12 on April 20, 2010, and resulting hydrocarbon re-
13 leases into the environment;

14 “(32) the term ‘Gulf Coast ecosystem’ means—

15 “(A) in the Gulf Coast States, the coastal
16 zones (as that term is defined in section 304 of
17 the Coastal Zone Management Act of 1972 (16
18 U.S.C. 1453)) that border the Gulf of Mexico;

19 “(B) any adjacent land, water, and water-
20 sheds, that are within 25 miles of those coastal
21 zones of the Gulf Coast States; and

22 “(C) all Federal waters in the Gulf of Mex-
23 ico;

1 “(33) the term ‘Gulf Coast State’ means any of
2 the States of Alabama, Florida, Louisiana, Mis-
3 sissippi, and Texas; and

4 “(34) the term ‘Trust Fund’ means the Gulf
5 Coast Restoration Trust Fund established pursuant
6 to section 3 of the Resources and Ecosystems Sus-
7 tainability, Tourist Opportunities, and Revived
8 Economies of the Gulf Coast States Act of 2011.”;

9 (2) in subsection (s), by inserting “except as
10 provided in subsection (t)” before the period at the
11 end; and

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

13 “(t) GULF COAST RESTORATION AND RECOVERY.—

14 “(1) STATE ALLOCATION AND EXPENDI-
15 TURES.—

16 “(A) IN GENERAL.—Of the total amounts
17 made available in any fiscal year from the
18 Trust Fund, 35 percent shall be available, in
19 accordance with the requirements of this sec-
20 tion, to the Gulf Coast States in equal shares
21 for expenditure for ecological and economic res-
22 toration of the Gulf Coast ecosystem in accord-
23 ance with this subsection.

24 “(B) USE OF FUNDS.—

1 “(i) ELIGIBLE ACTIVITIES.—Amounts
2 provided to the Gulf States under this sub-
3 section may only be used to carry out 1 or
4 more of the following activities:

5 “(I) Coastal restoration projects
6 and activities, including conservation
7 and coastal land acquisition.

8 “(II) Mitigation of damage to,
9 and restoration of, fish, wildlife, or
10 natural resources.

11 “(III) Implementation of a feder-
12 ally approved marine, coastal, or com-
13 prehensive conservation management
14 plan, including fisheries monitoring.

15 “(IV) Programs to promote tour-
16 ism in a Gulf Coast State.

17 “(V) Programs to promote the
18 consumption of seafood produced from
19 the Gulf Coast ecosystem.

20 “(VI) Programs to promote edu-
21 cation regarding the natural resources
22 of the Gulf Coast ecosystem.

23 “(VII) Planning assistance.

24 “(VIII) Workforce development
25 and job creation.

1 “(IX) Improvements to or upon
2 State parks located in coastal areas
3 affected by the Deepwater Horizon oil
4 spill.

5 “(X) Mitigation of the ecological
6 and economic impact of outer Conti-
7 nental Shelf activities and the impacts
8 of the Deepwater Horizon oil spill or
9 promotion of the long-term ecological
10 or economic recovery of the Gulf
11 Coast ecosystem through the funding
12 of infrastructure projects.

13 “(XI) Coastal flood protection
14 and infrastructure directly affected by
15 coastal wetland losses, beach erosion,
16 and the impacts of the Deepwater Ho-
17 rizon oil spill.

18 “(XII) Administrative costs of
19 complying with this subsection:

20 “(ii) LIMITATION.—

21 “(I) IN GENERAL.—Of the
22 amounts received by a Gulf State
23 under this subsection not more than 3
24 percent may be used for administra-

1 tive costs eligible under clause
2 (i)(XII).

3 “(H) PROHIBITION ON USE FOR
4 IMPORTED SEAFOOD.—None of the
5 funds made available under this sub-
6 section shall be used for any program
7 to support or promote imported sea-
8 food or any seafood product that is
9 not harvested from the Gulf Coast
10 ecosystem.

11 “(C) COASTAL POLITICAL SUBDIVISIONS.—

12 “(i) IN GENERAL.—In the case of a
13 State where the coastal zone includes the
14 entire State—

15 “(I) 75 percent of funding shall
16 be provided to the 8 counties that
17 were disproportionately impacted by
18 the Deepwater Horizon Oil Spill; and

19 “(II) 25 percent shall be provided
20 to nondisproportionately impacted
21 counties within the State.

22 “(ii) LOUISIANA.—Of the total
23 amounts made available to the State of
24 Louisiana under this paragraph:

1 “(I) Seventy percent shall be pro-
 2 vided directly to the State in accord-
 3 ance with this subsection.

4 “(II) Thirty percent shall be pro-
 5 vided directly to parishes in the coast-
 6 al zone (as defined in section 304 of
 7 the Coastal Zone Management Act of
 8 1972 (16 U.S.C. 1453)) of the State
 9 of Louisiana according to the fol-
 10 lowing weighted formula:

11 “(aa) Forty percent based
 12 on the weighted average of miles
 13 of the parish shoreline oiled.

14 “(bb) Forty percent based
 15 on the weighted average of the
 16 population of the parish.

17 “(cc) Twenty percent based
 18 on the weighted average of the
 19 land mass of the parish.

20 “(iii) CONDITIONS.—

21 “(I) LAND USE PLAN.—As a con-
 22 dition of receiving amounts allocated
 23 under clause (ii), the chief executive
 24 of the eligible parish shall certify to
 25 the Governor of the State that the

1 parish has completed a comprehensive
2 land use plan.

3 ~~“(H) OTHER CONDITIONS.—A~~
4 coastal political subdivision receiving
5 funding under this subsection shall
6 meet all of the conditions in subpara-
7 graph (D).

8 ~~“(D) CONDITIONS.—As a condition of re-~~
9 ~~ceiving amounts from the Trust Fund, a Gulf~~
10 ~~Coast State, including the entities described in~~
11 ~~subparagraph (E), or a coastal political subdivi-~~
12 ~~sion shall—~~

13 ~~“(i) agree to meet such conditions, in-~~
14 ~~cluding audit requirements, as the Sec-~~
15 ~~retary of the Treasury determines nec-~~
16 ~~essary to ensure that amounts disbursed~~
17 ~~from the Trust Fund will be used in ac-~~
18 ~~cordance with this subsection;~~

19 ~~“(ii) certify in such form and in such~~
20 ~~manner as the Secretary of the Treasury~~
21 ~~determines necessary that the project or~~
22 ~~program for which the Gulf Coast State or~~
23 ~~coastal political subdivision is requesting~~
24 ~~amounts—~~

1 “(I) is designed to restore and
2 protect the natural resources, eco-
3 systems, fisheries, marine and wildlife
4 habitats, beaches, coastal wetlands, or
5 economy of the Gulf Coast;

6 “(II) carries out 1 or more of the
7 activities described in subparagraph
8 (B)(i);

9 “(III) was selected based on
10 meaningful input from the public, in-
11 cluding broad-based participation
12 from individuals, businesses, and non-
13 profit organizations; and

14 “(IV) in the case of a natural re-
15 source protection or restoration
16 project, is based on the best available
17 science;

18 “(iii) certify that the project or pro-
19 gram and the awarding of a contract for
20 the expenditure of amounts received under
21 this subsection are consistent with the
22 standard procurement rules and regula-
23 tions governing a comparable project or
24 program in that State, including all appli-

1 cable competitive bidding and audit re-
2 quirements; and

3 “(iv) develop and submit a multiyear
4 implementation plan for use of those
5 funds.

6 “(E) APPROVAL BY STATE ENTITY, TASK
7 FORCE, OR AGENCY.—The following Gulf Coast
8 State entities, task forces, or agencies shall
9 carry out the duties of a Gulf Coast State pur-
10 suant to this paragraph:

11 “(i) ALABAMA.—

12 “(I) IN GENERAL.—In the State
13 of Alabama, the Alabama Gulf Coast
14 Recovery Council, which shall be com-
15 prised of only the following:

16 “(aa) The Governor of Ala-
17 bama, who shall also serve as
18 Chairperson and preside over the
19 meetings of the Alabama Gulf
20 Coast Recovery Council.

21 “(bb) The Director of the
22 Alabama State Port Authority,
23 who shall also serve as Vice
24 Chairperson and preside over the
25 meetings of the Alabama Gulf

1 Coast Recovery Council in the
2 absence of the Chairperson.

3 “(cc) The Chairman of the
4 Baldwin County Commission.

5 “(dd) The President of the
6 Mobile County Commission.

7 “(ee) The Mayor of the city
8 of Bayou La Batre.

9 “(ff) The Mayor of the town
10 of Dauphin Island.

11 “(gg) The Mayor of the city
12 of Fairhope.

13 “(hh) The Mayor of the city
14 of Gulf Shores.

15 “(ii) The Mayor of the city
16 of Mobile.

17 “(jj) The Mayor of the city
18 of Orange Beach.

19 “(H) VOTE.—Each member of
20 the Alabama Gulf Coast Recovery
21 Council shall be entitled to 1 vote.

22 “(III) MAJORITY VOTE.—All de-
23 cisions of the Alabama Gulf Coast Re-
24 covery Council shall be made by ma-
25 jority vote.

1 “(ii) LOUISIANA.—In the State of
2 Louisiana, the Coastal Protection and Res-
3 toration Authority of Louisiana.

4 “(iii) MISSISSIPPI.—In the State of
5 Mississippi, the Mississippi Department of
6 Environmental Quality.

7 “(F) COMPLIANCE WITH ELIGIBLE ACTIVI-
8 TIES.—If the Secretary of the Treasury deter-
9 mines that an expenditure by a Gulf Coast
10 State or coastal political subdivision of amounts
11 made available under this subsection does not
12 meet ~~1~~ of the activities described in subpara-
13 graph (B)(i), the Secretary shall make no addi-
14 tional amounts from the Trust Fund available
15 to that Gulf Coast State or coastal political
16 subdivision until such time as an amount equal
17 to the amount expended for the unauthorized
18 use—

19 “(i) has been deposited by the Gulf
20 Coast State or coastal political subdivision
21 in the Trust Fund; or

22 “(ii) has been authorized by the Sec-
23 retary of the Treasury for expenditure by
24 the Gulf Coast State or coastal political

1 subdivision for a project or program that
2 meets the requirements of this subsection.

3 “(G) COMPLIANCE WITH CONDITIONS.—If
4 the Secretary of the Treasury determines that
5 a Gulf Coast State or coastal political subdivi-
6 sion does not meet the requirements of this
7 subsection, including the conditions of subpara-
8 graph (D), where applicable, the Secretary of
9 the Treasury shall make no amounts from the
10 Trust Fund available to that Gulf Coast State
11 or coastal political subdivision until all condi-
12 tions of this subsection are met.

13 “(H) PUBLIC INPUT.—In meeting any con-
14 dition of this subsection, a Gulf Coast State
15 may use an appropriate procedure for public
16 consultation in that Gulf Coast State, including
17 consulting with 1 or more established task
18 forces or other entities, to develop recommenda-
19 tions for proposed projects and programs that
20 would restore and protect the natural resources,
21 ecosystems, fisheries, marine and wildlife habi-
22 tats, beaches, coastal wetlands, and economy of
23 the Gulf Coast.

24 “(I) PREVIOUSLY APPROVED PROJECTS
25 AND PROGRAMS.—A Gulf Coast State or coastal

1 political subdivision shall be considered to have
 2 met the conditions of subparagraph (D) for a
 3 specific project or program if, before the date of
 4 enactment of the Resources and Ecosystems
 5 Sustainability, Tourist Opportunities, and Re-
 6 vived Economies of the Gulf Coast States Act
 7 of 2011—

8 “(i) the Gulf Coast State or coastal
 9 political subdivision has established condi-
 10 tions for carrying out projects and pro-
 11 grams that are substantively the same as
 12 the conditions described in subparagraph
 13 (D); and

14 “(ii) the applicable project or program
 15 carries out 1 or more of the activities de-
 16 scribed in subparagraph (B)(ii).

17 “(J) CONSULTATION WITH COUNCIL.—In
 18 carrying out this subsection, each Gulf Coast
 19 State shall seek the input of the Chairperson of
 20 the Council to identify large-scale projects that
 21 may be jointly supported by that Gulf Coast
 22 State and by the Council pursuant to the Com-
 23 prehensive Plan with amounts provided under
 24 this subsection.

25 “(K) NON-FEDERAL MATCHING FUNDS.—

1 “(i) IN GENERAL.—A Gulf Coast
2 State or coastal political subdivision may
3 use, in whole or in part, amounts made
4 available to that Gulf Coast State from the
5 Trust Fund to satisfy the non-Federal
6 share of the cost of any project or program
7 authorized by Federal law that meets the
8 eligible use requirements under subpara-
9 graph (B)(i).

10 “(ii) EFFECT ON OTHER FUNDS.—
11 The use of funds made available from the
12 Trust Fund to satisfy the non-Federal
13 share of the cost of a project or program
14 that meets the requirements of clause (i)
15 shall not affect the priority in which other
16 Federal funds are allocated or awarded.

17 “(L) LOCAL PREFERENCE.—In awarding
18 contracts to carry out a project or program
19 under this subsection, a Gulf Coast State or
20 coastal political subdivision may give a pref-
21 erence to individuals and companies that reside
22 in, are headquartered in, or are principally en-
23 gaged in business in, a Gulf Coast State.

24 “(M) UNUSED FUNDS.—Any Funds not
25 identified in an implementation plan by a State

1 or coastal political subdivision in accordance
2 with subparagraph (D)(iv) shall remain in the
3 Trust Fund until such time as the State or
4 coastal political subdivision to which the funds
5 have been allocated develops and submits a plan
6 identifying uses for those funds in accordance
7 with subparagraph (D)(iv).

8 “(N) JUDICIAL REVIEW.—If the Secretary
9 of the Treasury determines that a Gulf Coast
10 State or coastal political subdivision does not
11 meet the requirements of this subsection, in-
12 cluding the conditions of subparagraph (D), the
13 Gulf Coast State or coastal political subdivision
14 may obtain expedited judicial review within 90
15 days of that decision in a district court of the
16 United States, of appropriate jurisdiction and
17 venue, that is located within the State seeking
18 such review.

19 “(2) COUNCIL ESTABLISHMENT AND ALLOCA-
20 TION.—

21 “(A) IN GENERAL.—Of the total amount
22 made available in any fiscal year from the
23 Trust Fund, 60 percent shall be disbursed to
24 the Council to carry out the Comprehensive
25 Plan.

1 “(B) COUNCIL EXPENDITURES.—

2 “~~(i)~~ IN GENERAL.—In accordance
3 with this paragraph, the Council shall se-
4 lect, and the Council shall undertake,
5 projects and programs that would restore
6 and protect the natural resources, eco-
7 systems, fisheries, marine and wildlife
8 habitats, beaches, coastal wetlands, and
9 economy of the Gulf Coast.

10 “~~(ii)~~ ALLOCATION AND EXPENDITURE
11 PROCEDURES.—The Secretary of the
12 Treasury shall develop such conditions, in-
13 cluding audit requirements, as the Sec-
14 retary of the Treasury determines nec-
15 essary to ensure that amounts disbursed
16 from the Trust Fund to the Council to im-
17 plement the Comprehensive Plan will be
18 used in accordance with this paragraph.

19 “~~(iii)~~ ADMINISTRATIVE EXPENSES.—
20 Of the amounts received by the Council
21 under this subsection, not more than 3
22 percent may be used for administrative ex-
23 penses.

24 “(C) GULF COAST ECOSYSTEM RESTORA-
25 TION COUNCIL.—

1 “(i) ESTABLISHMENT.—There is es-
2 tablished as an independent entity in the
3 Federal Government a council to be known
4 as the ‘Gulf Coast Ecosystem Restoration
5 Council’.

6 “(ii) MEMBERSHIP.—The Council
7 shall consist of the following members, or
8 in the case of a Federal agency, a designee
9 at the level of the Assistant Secretary or
10 the equivalent:

11 “(I) The Chair of the Council on
12 Environmental Quality.

13 “(II) The Secretary of the Inte-
14 rior.

15 “(III) The Secretary of the
16 Army.

17 “(IV) The Secretary of Com-
18 merce.

19 “(V) The Administrator of the
20 Environmental Protection Agency.

21 “(VI) The Secretary of Agri-
22 culture.

23 “(VII) The head of the depart-
24 ment in which the Coast Guard is op-
25 erating.

1 “(VIII) The Governor of the
2 State of Alabama.

3 “(IX) The Governor of the State
4 of Florida.

5 “(X) The Governor of the State
6 of Louisiana.

7 “(XI) The Governor of the State
8 of Mississippi.

9 “(XII) The Governor of the State
10 of Texas.

11 “(iii) ALTERNATE.—A Governor ap-
12 pointed to the Council by the President
13 may designate an alternate to represent
14 the Governor on the Council.

15 “(iv) CHAIRPERSON.—From among
16 the Federal agency members of the Coun-
17 cil, the representatives of States on the
18 Council shall select, and the President
19 shall appoint, 1 Federal member to serve
20 as Chairperson of the Council.

21 “(v) PRESIDENTIAL APPOINTMENT.—
22 All Council members shall be appointed by
23 the President.

24 “(vi) COUNCIL ACTIONS.—

1 “(I) IN GENERAL.—Subject to
2 subclause (IV), significant actions by
3 the Council shall require the affirma-
4 tive vote of the Federal Chairperson
5 and a majority of the State members
6 to be effective.

7 “(II) INCLUSIONS.—Significant
8 actions include but are not limited
9 to—

10 “(aa) approval of a Com-
11 prehensive Plan and future revi-
12 sions to a Comprehensive Plan;

13 “(bb) approval of State
14 plans pursuant to paragraph
15 (3)(B)(iii); and

16 “(cc) approval of reports to
17 Congress pursuant to clause
18 (vii)(X).

19 “(III) QUORUM.—A quorum of
20 State members shall be required to be
21 present for the Council to take any
22 significant action.

23 “(IV) AFFIRMATIVE VOTE RE-
24 QUIREMENT DEEMED MET.—For ap-
25 proval of State plans pursuant to

1 paragraph (3)(B)(iv), the certification
 2 by a State member of the Council that
 3 the plan satisfies all requirements of
 4 clauses (i) and (ii) of paragraphs
 5 (3)(B), when joined by an affirmative
 6 vote of the Federal Chairperson of the
 7 Council, is deemed to satisfy the re-
 8 quirements for affirmative votes under
 9 subclause (I).

10 “(V) PUBLIC TRANSPARENCY.—

11 Appropriate actions of the Council, in-
 12 cluding votes on significant actions
 13 and associated deliberations, shall be
 14 made available to the public.

15 “(vii) DUTIES OF COUNCIL.—The

16 Council shall—

17 “(I) develop the Comprehensive
 18 Plan, and future revisions to the Com-
 19 prehensive Plan;

20 “(II) identify as soon as prac-
 21 ticable the projects that—

22 “(aa) have been authorized
 23 prior to the date of enactment of
 24 this subsection but not yet com-
 25 menced; and

1 “(bb) if implemented quick-
2 ly, would restore and protect the
3 natural resources, ecosystems,
4 fisheries, marine and wildlife
5 habitats, beaches, barrier islands,
6 dunes, and coastal wetlands of
7 the Gulf Coast ecosystem;

8 “(III) coordinate the development
9 of consistent policies, strategies,
10 plans, and activities by Federal agen-
11 cies, State and local governments, and
12 private sector entities for addressing
13 the restoration and protection of the
14 Gulf Coast ecosystem;

15 “(IV) establish such other advi-
16 sory committee or committees as may
17 be necessary to assist the Council, in-
18 cluding to address public policy and
19 scientific issues;

20 “(V) coordinate scientific and
21 other research associated with restora-
22 tion of the Gulf Coast ecosystem;

23 “(VI) seek to ensure that all poli-
24 cies, strategies, plans, and activities
25 for addressing the restoration of the

1 Gulf Coast ecosystem are based on
2 the best available physical, ecological,
3 and economic data;

4 “(VII) make recommendations to
5 address the particular needs of espe-
6 cially economically and socially vulner-
7 able populations;

8 “(VIII) develop standard terms
9 to include in contracts for projects
10 and programs awarded pursuant to
11 the Comprehensive Plan that provide
12 a preference to individuals and com-
13 panies that reside in, are
14 headquartered in, or are principally
15 engaged in business in, a Gulf Coast
16 State;

17 “(IX) prepare an integrated fi-
18 nancial plan and recommendations for
19 coordinated budget requests for the
20 amounts proposed to be expended by
21 the Federal agencies represented on
22 the Council for projects and programs
23 in the Gulf Coast States; and

24 “(X) submit an annual report to
25 Congress that—

1 “(aa) summarizes the poli-
2 cies, strategies, plans, and activi-
3 ties for addressing the restora-
4 tion and protection of the Gulf
5 Coast ecosystem;

6 “(bb) describes the projects
7 and programs being implemented
8 to restore and protect the Gulf
9 Coast ecosystem; and

10 “(cc) makes such rec-
11 ommendations to Congress for
12 modifications of existing laws as
13 the Council determines necessary
14 to implement the Comprehensive
15 Plan.

16 “(viii) APPLICATION OF FEDERAL AD-
17 VISORY COMMITTEE ACT.—The Council, or
18 any other advisory committee established
19 under this subsection, shall not be consid-
20 ered an advisory committee under the Fed-
21 eral Advisory Committee Act (5 U.S.C.
22 App.).

23 “(D) COMPREHENSIVE PLAN.—

24 “(i) PROPOSED PLAN.—

1 “(I) IN GENERAL.—Not later
2 than 180 days after the date of enact-
3 ment of the Resources and Eco-
4 systems Sustainability, Tourist Op-
5 portunities, and Revived Economies of
6 the Gulf Coast States Act of 2011,
7 the Chairperson, on behalf of the
8 Council, shall publish a proposed plan
9 to restore and protect the natural re-
10 sources, ecosystems, fisheries, marine
11 and wildlife habitats, beaches, and
12 coastal wetlands of the Gulf Coast
13 ecosystem.

14 “(II) CONTENTS.—The proposed
15 plan described in subelause (I) shall
16 include and incorporate the findings
17 and information prepared by the
18 President’s Gulf Coast Restoration
19 Task Force.

20 “(ii) PUBLICATION.—

21 “(I) INITIAL PLAN.—Not later
22 than 1 year after date of enactment of
23 the Resources and Ecosystems Sus-
24 tainability, Tourist Opportunities, and
25 Revived Economies of the Gulf Coast

1 States Act of 2011 and after notice
2 and opportunity for public comment,
3 the Chairperson, on behalf of the
4 Council and after approval by the
5 Council, shall publish in the Federal
6 Register the initial Comprehensive
7 Plan to restore and protect the nat-
8 ural resources, ecosystems, fisheries,
9 marine and wildlife habitats, beaches,
10 and coastal wetlands of the Gulf
11 Coast ecosystem.

12 “(II) COOPERATION WITH GULF
13 COAST RESTORATION TASK FORCE.—
14 The Council shall develop the initial
15 Comprehensive Plan in close coordina-
16 tion with the President’s Gulf Coast
17 Restoration Task Force.

18 “(III) CONSIDERATIONS.—In de-
19 veloping the initial Comprehensive
20 Plan, the Council shall consider all
21 relevant findings or reports submitted
22 by a center of excellence participating
23 in the Gulf Coast Ecosystem Restora-
24 tion Science, Monitoring, and Tech-
25 nology Program established pursuant

1 to section 5(e) of the Resources and
2 Ecosystems Sustainability, Tourist
3 Opportunities, and Revived Economies
4 of the Gulf Coast States Act of 2011.

5 “(IV) CONTENTS.—The initial
6 Comprehensive Plan shall include—

7 “(aa) such provisions as are
8 necessary to fully incorporate in
9 the Comprehensive Plan the
10 strategy, projects, and programs
11 recommended by the President’s
12 Gulf Coast Restoration Task
13 Force;

14 “(bb) a list of any project or
15 program authorized prior to the
16 date of enactment of this sub-
17 section but not yet commenced,
18 the completion of which would
19 further the purposes and goals of
20 this subsection and of the Re-
21 sources and Ecosystems Sustain-
22 ability, Tourist Opportunities,
23 and Revived Economies of the
24 Gulf Coast States Act of 2011;

1 “(cc) a description of the
2 manner in which amounts from
3 the Trust Fund projected to be
4 made available to the Council for
5 the succeeding 10 years will be
6 allocated; and

7 “(dd) subject to available
8 funding in accordance with clause
9 (iii); a prioritized list of specific
10 projects and programs to be
11 funded and carried out during
12 the 3-year period immediately
13 following the date of publication
14 of the initial Comprehensive
15 Plan, including a table that illus-
16 trates the distribution of projects
17 and programs by Gulf Coast
18 State.

19 “(V) PLAN UPDATES.—The
20 Council shall update—

21 “(aa) the Comprehensive
22 Plan every 5 years in a manner
23 comparable to the manner estab-
24 lished in this subsection for each
25 5-year period for which amounts

1 are expected to be made available
2 to the Gulf Coast States from the
3 Trust Fund; and

4 “(bb) the 3-year list of
5 projects and programs described
6 in subclause (IV)(dd) annually.

7 “(iii) RESTORATION PRIORITIES.—Ex-
8 cept for projects and programs described
9 in subclause (IV)(bb), in selecting projects
10 and programs to include on the 3-year list
11 described in subclause (IV)(dd), based on
12 the best available science, the Council shall
13 give highest priority to projects that ad-
14 dress 1 or more of the following criteria:

15 “(I) Projects that are projected
16 to make the greatest contribution to
17 restoring and protecting the natural
18 resources, ecosystems, fisheries, ma-
19 rine and wildlife habitats, beaches,
20 and coastal wetlands of the Gulf
21 Coast ecosystem, without regard to
22 geographic location.

23 “(II) Large-scale projects and
24 programs that are projected to sub-
25 stantially contribute to restoring and

1 protecting the natural resources, eco-
2 systems, fisheries, marine and wildlife
3 habitats, beaches, and coastal wet-
4 lands of the Gulf Coast ecosystem.

5 “(III) Projects contained in exist-
6 ing Gulf Coast State comprehensive
7 plans for the restoration and protec-
8 tion of natural resources, ecosystems,
9 fisheries, marine and wildlife habitats,
10 beaches, and coastal wetlands of the
11 Gulf Coast ecosystem.

12 “(IV) Projects that restore long-
13 term resiliency of the natural re-
14 sources, ecosystems, fisheries, marine
15 and wildlife habitats, beaches, and
16 coastal wetlands most impacted by the
17 Deepwater Horizon oil spill.

18 “(E) IMPLEMENTATION.—

19 “(i) IN GENERAL.—The Council, act-
20 ing through the member agencies and Gulf
21 Coast States, may carry out projects and
22 programs adopted in the Comprehensive
23 Plan.

24 “(ii) ADMINISTRATIVE RESPONSIBI-
25 BILITY.—

1 “(I) IN GENERAL.—Primary au-
2 thority and responsibility for each
3 project and program included in the
4 Comprehensive Plan shall be assigned
5 by the Council to a Gulf Coast State
6 represented on the Council or a Fed-
7 eral agency.

8 “(II) TRANSFER OF AMOUNTS.—
9 Amounts necessary to carry out each
10 project or program included in the
11 Comprehensive Plan shall be trans-
12 ferred by the Secretary of the Treas-
13 ury from the Trust Fund to that Fed-
14 eral agency or Gulf Coast State as the
15 project or program is implemented,
16 subject to such conditions as the Sec-
17 retary of the Treasury, in consultation
18 with the Secretary of the Interior and
19 the Secretary of Commerce, estab-
20 lished pursuant to section 3 of the Re-
21 sources and Ecosystems Sustain-
22 ability, Tourist Opportunities, and Re-
23 vived Economies of the Gulf Coast
24 States Act of 2011.

25 “(iii) COST SHARING.—

1 “(I) IN GENERAL.—A Gulf Coast
2 State or coastal political subdivision
3 may use, in whole or in part, amounts
4 made available to that Gulf Coast
5 State or coastal political subdivision
6 from the Trust Fund to satisfy the
7 non-Federal share of the cost of ear-
8 rying a project or program that—

9 “(aa) is authorized by other
10 Federal law; and

11 “(bb) meets the criteria of
12 this paragraph.

13 “(II) INCLUSION IN COMPREHEN-
14 SIVE PLAN.—A project or program de-
15 scribed in subclause (I) shall be se-
16 lected and adopted by the Council as
17 part of the Comprehensive Plan in the
18 manner described in this paragraph.

19 “(F) COORDINATION.—The Council and
20 the Federal members of the Council may de-
21 velop Memorandums of Understanding estab-
22 lishing integrated funding and implementation
23 plans among the member agencies and authori-
24 ties.

1 “(3) OIL SPILL RESTORATION IMPACT ALLOCA-
2 TION.—

3 “(A) IN GENERAL.—Except as provided in
4 paragraph (4), of the total amount made avail-
5 able to the Council under paragraph (2) in any
6 fiscal year from the Trust Fund, 50 percent
7 shall be disbursed by the Council as follows:

8 “(i) FORMULA.—Subject to subpara-
9 graph (B), for each Gulf Coast State, the
10 amount disbursed under this paragraph
11 shall be based on a formula established by
12 the Council by regulation that is based on
13 a weighted average of the following cri-
14 teria:

15 “(I) Forty percent based on the
16 proportionate number of miles of
17 shoreline in each Gulf Coast State
18 that experienced oiling as of April 10,
19 2011, compared to the total number
20 of miles of shoreline that experienced
21 oiling as a result of the Deepwater
22 Horizon oil spill.

23 “(II) Forty percent based on the
24 inverse proportion of the average dis-
25 tance from the Deepwater Horizon oil

1 rig to the nearest and farthest point
2 of the shoreline that experienced oil-
3 ing of each Gulf Coast State.

4 “(III) Twenty percent based on
5 the average population in the 2010
6 decennial census of coastal counties
7 bordering the Gulf of Mexico within
8 each Gulf Coast State.

9 “(ii) MINIMUM ALLOCATION.—The
10 amount disbursed to a Gulf Coast State
11 for each fiscal year under clause (i) shall
12 be at least 5 percent of the total amounts
13 made available under this paragraph.

14 “(B) APPROVAL OF PROJECTS AND PRO-
15 GRAMS.—

16 “(i) IN GENERAL.—The Council shall
17 disburse amounts to the respective Gulf
18 Coast States in accordance with the for-
19 mula developed under subparagraph (A);
20 subject to the condition that each Gulf
21 Coast State submits a plan for the expend-
22 iture of amounts disbursed under this
23 paragraph which meet the following cri-
24 teria:

1 “(I) All projects, programs, and
2 activities included in that plan are eli-
3 gible activities pursuant to paragraph
4 (1)(B)(i).

5 “(II) The projects, programs,
6 and activities included in that plan
7 contribute to the overall economic and
8 ecological recovery of the Gulf Coast.

9 “(III) The plan takes into con-
10 sideration the Comprehensive Plan
11 and is consistent with its goals and
12 objectives, as described in paragraph
13 (2)(B)(i).

14 “(ii) FUNDING.—

15 “(I) IN GENERAL.—Except as
16 provided in subclause (II), the plan
17 described in clause (i) may use not
18 more than 25 percent of the funding
19 made available for infrastructure
20 projects eligible under subclauses (X)
21 and (XI) of paragraph (1)(B)(i).

22 “(II) EXCEPTION.—The plan de-
23 scribed in clause (i) may propose to
24 use more than 25 percent of the fund-
25 ing made available for infrastructure

1 projects eligible under subclauses ~~(X)~~
2 and ~~(XI)~~ of paragraph (1)(B)(i) if the
3 plan certifies that—

4 “(aa) ecosystem restoration
5 needs in the State will be ad-
6 dressed by the projects in the
7 proposed plan; and

8 “(bb) additional investment
9 in infrastructure is required to
10 mitigate the impacts of the Deep-
11 water Horizon Oil Spill to the
12 ecosystem or economy.

13 “(iii) DEVELOPMENT.—The plan de-
14 scribed in clause (i) shall be developed
15 by—

16 “(I) in the State of Alabama, the
17 Alabama Gulf Coast Recovery Council
18 established under paragraph (1)(E)(i);

19 “(II) in the State of Florida, the
20 State or a consortia of local political
21 subdivisions;

22 “(III) in the State of Louisiana,
23 the Coastal Protection and Restora-
24 tion Authority of Louisiana; and

1 “~~(IV)~~ in the state of Texas, the
2 Office of the Governor or an ap-
3 pointee of the Office of the Governor.

4 “~~(iv)~~ APPROVAL.—Not later than 60
5 days after the date on which a plan is sub-
6 mitted under clause ~~(i)~~, the Council shall
7 approve or disapprove the plan based on
8 the conditions of clause ~~(i)~~.

9 “~~(C)~~ DISAPPROVAL.—If the Council dis-
10 approves a plan pursuant to subparagraph
11 ~~(B)(iv)~~, the Council shall—

12 “~~(i)~~ provide the reasons for dis-
13 approval in writing; and

14 “~~(ii)~~ consult with the State to address
15 any identified deficiencies with the State
16 plan.

17 “~~(D)~~ FAILURE TO SUBMIT ADEQUATE
18 PLAN.—If a State fails to submit an adequate
19 plan under this subsection, any funds made
20 available under this subsection shall remain in
21 the Trust Fund until such date as a plan is
22 submitted and approved pursuant to this sub-
23 section.

24 “~~(E)~~ JUDICIAL REVIEW.—If the Council
25 fails to approve or take action within 60 days

1 on a plan described in subparagraph (B)(iv);
2 the State may obtain expedited judicial review
3 within 90 days of that decision in a district
4 court of the United States, of appropriate juris-
5 diction and venue, that is located within the
6 State seeking such review.

7 “(4) AUTHORIZATION OF INTEREST TRANS-
8 FERS.—

9 “(A) IN GENERAL.—Of the total amount
10 made available in any fiscal year from the
11 Trust Fund, an amount equal to 50 percent of
12 the interest earned by the Trust Fund and pro-
13 ceeds from investments made by the Trust
14 Fund for the preceding fiscal year shall be
15 transferred to the Gulf of Mexico Research En-
16 dowment established by subparagraph (B).

17 “(B) GULF OF MEXICO RESEARCH ENDOW-
18 MENT.—

19 “(i) IN GENERAL.—There is estab-
20 lished in the Treasury of the United States
21 a trust fund to be known as the ‘Gulf of
22 Mexico Research Endowment’, to be ad-
23 ministered by the Secretary of Commerce,
24 solely for use in providing long-term fund-
25 ing in accordance with section 5 of the Re-

1 sources and Ecosystems Sustainability,
 2 Tourist Opportunities, and Revived Econo-
 3 mies of the Gulf Coast States Act of 2011.

4 “(ii) INVESTMENT.—Amounts in the
 5 Gulf of Mexico Research Endowment shall
 6 be invested in accordance with section
 7 9602 of the Internal Revenue Code of
 8 1986, and any interest on, and proceeds
 9 from, any such investment shall be avail-
 10 able for expenditure and shall be allocated
 11 in equal portions to the Gulf Coast Eco-
 12 system Restoration Science, Monitoring,
 13 and Technology Program and Fisheries
 14 Endowment established in section 5 of the
 15 Resources and Ecosystems Sustainability,
 16 Tourist Opportunities, and Revived Econo-
 17 mies of the Gulf Coast States Act of
 18 2011.”

19 **SEC. 5. GULF COAST ECOSYSTEM RESTORATION SCIENCE,**
 20 **OBSERVATION, MONITORING, AND TECH-**
 21 **NOLOGY PROGRAM.**

22 (a) DEFINITIONS.—In this section:

23 (1) ADMINISTRATOR.—The term “Adminis-
 24 trator” means the Administrator of the National
 25 Oceanic and Atmospheric Administration.

1 (2) FISHERIES AND ECOSYSTEM ENDOW-
2 MENT.—The term “Fisheries and Ecosystem En-
3 dowment” means the endowment established by sub-
4 section (d).

5 (3) PROGRAM.—The term “Program” means
6 the Gulf Coast Ecosystem Restoration Science, Ob-
7 servation, Monitoring, and Technology Program es-
8 tablished by subsection (b).

9 (b) ESTABLISHMENT OF PROGRAM.—There is estab-
10 lished within the National Oceanic and Atmospheric Ad-
11 ministration a program to be known as the “Gulf Coast
12 Ecosystem Restoration Science, Observation, Monitoring,
13 and Technology Program”, to be carried out by the Ad-
14 ministrator.

15 (c) CENTERS OF EXCELLENCE.—

16 (1) IN GENERAL.—In carrying out the Pro-
17 gram, the Administrator shall make grants in ac-
18 cordance with paragraph (2) to establish and oper-
19 ate 5 centers of excellence, 1 of which shall be lo-
20 cated in each of the States of Alabama, Florida,
21 Louisiana, Mississippi, and Texas.

22 (2) GRANTS.—

23 (A) IN GENERAL.—The Administrator
24 shall use the amounts made available to carry
25 out this section to award competitive grants to

1 nongovernmental entities and consortia in the
2 Gulf Coast region (including public and private
3 institutions of higher education) for the estab-
4 lishment of centers of excellence as described in
5 paragraph (1).

6 (B) APPLICATION.—To be eligible to re-
7 ceive a grant under this paragraph, an entity or
8 consortium described in subparagraph (A) shall
9 submit to the Administrator an application at
10 such time, in such manner, and containing such
11 information as the Administrator determines to
12 be appropriate.

13 (C) PRIORITY.—In awarding grants under
14 this paragraph, the Administrator shall give
15 priority to entities and consortia that dem-
16 onstrate the ability to establish the broadest
17 cross-section of participants with interest and
18 expertise in any discipline described in para-
19 graph (3) on which the proposed curriculum of
20 the center of excellence will be focused.

21 (3) DISCIPLINES.—Each center of excellence
22 shall focus the curriculum of the center on science,
23 technology, and monitoring in at least 1 of the fol-
24 lowing disciplines:

1 (A) Coastal and deltaic sustainability, res-
 2 toration and protection; including solutions and
 3 technology that allow citizens to live safely and
 4 sustainably in a coastal delta.

5 (B) Coastal fisheries and wildlife eco-
 6 system research and monitoring.

7 (C) Offshore energy development, including
 8 research and technology to improve the sustain-
 9 able and safe development of energy resources.

10 (D) Sustainable and resilient growth, eco-
 11 nomic and commercial development in the Gulf
 12 Coast.

13 (E) Comprehensive observation, moni-
 14 toring, and mapping of the Gulf of Mexico.

15 (4) COORDINATION WITH OTHER PROGRAMS.—

16 The Administrator shall develop a plan for the co-
 17 ordination of projects and activities between the Pro-
 18 gram and other existing Federal and State science
 19 and technology programs in the States of Alabama,
 20 Florida, Louisiana, Mississippi, and Texas, as well
 21 as between the centers of excellence.

22 (d) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM
 23 ENDOWMENT.—

24 (1) IN GENERAL.—Not later than 180 days
 25 after the date of enactment of this Act, the Council

1 shall establish a fishery and ecosystem endowment
2 to ensure, to the maximum extent practicable, the
3 long-term sustainability of the ecosystem, fish
4 stocks, fish habitat and the recreational, commercial,
5 and charter fishing industry in the Gulf of Mexico.

6 ~~(2) EXPENDITURE OF FUNDS.—~~For each fiscal
7 year, amounts made available to carry out this sub-
8 section may be expended for, with respect to the
9 Gulf of Mexico—

10 (A) marine and estuarine research;

11 (B) marine and estuarine ecosystem moni-
12 toring;

13 (C) data collection and stock assessments;

14 (D) pilot programs for—

15 (i) fishery independent data; and

16 (ii) reduction of exploitation of spawn-
17 ing aggregations; and

18 (E) cooperative research.

19 ~~(3) ADMINISTRATION AND IMPLEMENTATION.—~~

20 The Fisheries and Ecosystem Endowment shall be
21 administered by the Administrator of the National
22 Oceanic and Atmospheric Administration with guid-
23 ance provided by the Regional Gulf of Mexico Fish-
24 ery Management Council.

1 (4) SPECIES INCLUDED.—The Fisheries and
2 Ecosystem Endowment will include all marine, estu-
3 arine, aquaculture, and fish and wildlife species in
4 State and Federal waters of the Gulf of Mexico.

5 (5) RESEARCH PRIORITIES.—In distributing
6 funding under this subsection, priority shall be given
7 to integrated, long-term projects that—

8 (A) build on, or are coordinated with, re-
9 lated research activities; and

10 (B) address current or anticipated marine
11 ecosystem, fishery, or wildlife management in-
12 formation needs.

13 (6) DUPLICATION.—In carrying out this sub-
14 section, the Administrator shall seek to avoid dupli-
15 cation of other research and monitoring activities.

16 (e) FUNDING.—Except as provided in subsection
17 (t)(4) of section 311 of the Federal Water Pollution Con-
18 trol Act (33 U.S.C. 1321), of the total amount made avail-
19 able for each fiscal year for the Gulf Coast Restoration
20 Trust Fund established under section 3, 5 percent shall
21 be allocated in equal portions to the Program and Fish-
22 eries and Ecosystem Endowment established by this sec-
23 tion.

1 **SEC. 6. EFFECT.**

2 (a) **IN GENERAL.**—Nothing in this Act or any
3 amendment made by this Act—

4 (1) supersedes or otherwise affects any provi-
5 sion of Federal law, including, in particular, laws
6 providing recovery for injury to natural resources
7 under the Oil Pollution Act of 1990 (33 U.S.C.
8 2701 et seq.) and laws for the protection of public
9 health and the environment; or

10 (2) applies to any fine collected under section
11 311 of the Federal Water Pollution Control Act (33
12 U.S.C. 1321) for any incident other than the Deep-
13 water Horizon oil spill.

14 (b) **USE OF FUNDS.**—Funds made available under
15 this Act may be used only for eligible activities specifically
16 authorized by this Act.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Resources and Eco-*
19 *systems Sustainability, Tourist Opportunities, and Revived*
20 *Economies of the Gulf Coast States Act of 2011”.*

21 **SEC. 2. FINDINGS.**

22 *Congress finds that—*

23 (1) *as a result of decades of oil and gas develop-*
24 *ment in the Gulf of Mexico, producing and nonpro-*
25 *ducing States in the Gulf Coast region have borne*
26 *substantial risks of environmental damage and eco-*

1 *conomic harm, all of which culminated with the explo-*
2 *sion on, and sinking of, the mobile offshore drilling*
3 *unit Deepwater Horizon;*

4 *(2) the discharge of oil in the Gulf of Mexico that*
5 *began following the explosion on, and sinking of, the*
6 *mobile offshore drilling unit Deepwater Horizon has*
7 *caused substantial environmental destruction and eco-*
8 *nomie harm to the people and communities of the*
9 *Gulf Coast region;*

10 *(3)(A) in the report entitled “America’s Gulf*
11 *Coast—A Long Term Recovery Plan after the Deep-*
12 *water Horizon Oil Spill”, the Secretary of the Navy*
13 *stated, “Together, the Gulf’s tourism and commercial*
14 *and recreational fishing industries contribute tens of*
15 *billions of dollars to the U.S. economy. More than 90*
16 *percent of the nation’s offshore crude oil and natural*
17 *gas is produced in the Gulf, and the federal treasury*
18 *receives roughly \$4.5 billion dollars every year from*
19 *offshore leases and royalties. And it is in the Gulf of*
20 *Mexico that nearly one third of seafood production in*
21 *the continental U.S. is harvested. America needs a*
22 *healthy and resilient Gulf Coast, one that can support*
23 *the diverse economies, communities, and cultures of*
24 *the region.”;*

1 (B) to address the needs of the Gulf Coast region,
2 the Secretary of the Navy stated, “It is recommended
3 that the President urge Congress to pass legislation
4 that would dedicate a significant amount of any civil
5 penalties recovered under the Clean Water Act from
6 parties responsible for the Deepwater Horizon oil spill
7 to those directly impacted by that spill.”; and

8 (C) to mitigate local challenges and help restore
9 the resiliency of communities adversely affected by the
10 spill, the Secretary of the Navy stated that the legisla-
11 tion described in subparagraph (B) should “[b]uild
12 economic development strategies around community
13 needs, and take particular efforts to address the needs
14 of disadvantaged, underserved, and resource con-
15 strained communities”;

16 (4) in a final report to the President, the Na-
17 tional Commission on the BP Deepwater Horizon Oil
18 Spill and Offshore Drilling—

19 (A) stated, “Estimates of the cost of Gulf
20 restoration, including but not limited to the Mis-
21 sissippi Delta, vary widely, but according to tes-
22 timony before the Commission, full restoration of
23 the Gulf will require \$15 billion to \$20 billion:
24 a minimum of \$500 million annually for 30
25 years.”; and

1 (B) like the Secretary of the Navy, rec-
2 ommended that, to meet the needs described in
3 subparagraph (A), a substantial portion of ap-
4 plicable penalties under the Federal Water Pollu-
5 tion Control Act (33 U.S.C. 1251 et seq.) be dedi-
6 cated to long-term restoration of the Gulf of Mex-
7 ico;

8 (5) taking into account the risks borne by Gulf
9 Coast States for decades of oil and gas development
10 and the environmental degradation suffered by the
11 Gulf Coast ecosystem, the amounts received by the
12 United States as payment of administrative, civil, or
13 criminal penalties in connection with the explosion
14 on, and sinking of, the mobile offshore drilling unit
15 Deepwater Horizon should be expended—

16 (A) to restore the natural resources, eco-
17 systems, fisheries, marine and wildlife habitats,
18 beaches, barrier islands, dunes, coastal wetlands,
19 and economy of the Gulf Coast; and

20 (B) to address the associated economic harm
21 suffered by the people and communities of the re-
22 gion;

23 (6) the projects and programs authorized by this
24 Act and the amendments made by this Act should be
25 carried out pursuant to contracts awarded in a man-

1 *ner that provides a preference to individuals and en-*
 2 *tities that reside in, are headquartered in, or are*
 3 *principally engaged in business in a Gulf Coast*
 4 *State; and*

5 *(7) Federal, State, and local officials should*
 6 *seek—*

7 *(A) to leverage the financial resources made*
 8 *available under this Act; and*

9 *(B) to the maximum extent practicable, to*
 10 *ensure that projects funded pursuant to this Act*
 11 *complement efforts planned or in operation to re-*
 12 *vitalize the natural resources and economic*
 13 *health of the Gulf Coast region.*

14 **SEC. 3. GULF COAST RESTORATION TRUST FUND.**

15 *(a) ESTABLISHMENT.—There is established in the*
 16 *Treasury of the United States a trust fund to be known*
 17 *as the “Gulf Coast Restoration Trust Fund” (referred to*
 18 *in this section as the “Trust Fund”), consisting of such*
 19 *amounts as are deposited in the Trust Fund under this Act*
 20 *or any other provision of law.*

21 *(b) TRANSFERS.—The Secretary of the Treasury shall*
 22 *deposit in the Trust Fund an amount equal to 80 percent*
 23 *of all administrative and civil penalties paid by responsible*
 24 *parties after the date of enactment of this Act in connection*
 25 *with the explosion on, and sinking of, the mobile offshore*

1 *drilling unit Deepwater Horizon pursuant to a court order,*
2 *negotiated settlement, or other instrument in accordance*
3 *with section 311 of the Federal Water Pollution Control Act*
4 *(33 U.S.C. 1321).*

5 (c) *EXPENDITURES.—Amounts in the Trust Fund, in-*
6 *cluding interest earned on advances to the Trust Fund and*
7 *proceeds from investment under subsection (d), shall—*

8 (1) *be available for expenditure, without further*
9 *appropriation, solely for the purpose and eligible ac-*
10 *tivities of this Act; and*

11 (2) *remain available until expended, without fis-*
12 *cal year limitation.*

13 (d) *INVESTMENT.—Amounts in the Trust Fund shall*
14 *be invested in accordance with section 9702 of title 31,*
15 *United States Code, and any interest on, and proceeds from,*
16 *any such investment shall be available for expenditure in*
17 *accordance with this Act and the amendments made by this*
18 *Act.*

19 (e) *ADMINISTRATION.—Not later than 180 days after*
20 *the date of enactment of this Act, after providing notice and*
21 *an opportunity for public comment, the Secretary of the*
22 *Treasury, in consultation with the Secretary of the Interior*
23 *and the Secretary of Commerce, shall establish such proce-*
24 *dures as the Secretary determines to be necessary to deposit*

1 *amounts in, and expend amounts from, the Trust Fund*
 2 *pursuant to this Act, including—*

3 (1) *procedures to assess whether the programs*
 4 *and activities carried out under this Act and the*
 5 *amendments made by this Act achieve compliance*
 6 *with applicable requirements, including procedures by*
 7 *which the Secretary of the Treasury may determine*
 8 *whether an expenditure by a Gulf Coast State or*
 9 *coastal political subdivision (as those terms are de-*
 10 *defined in section 311 of the Federal Water Pollution*
 11 *Control Act (33 U.S.C. 1321)) pursuant to such a*
 12 *program or activity achieves compliance;*

13 (2) *auditing requirements to ensure that*
 14 *amounts in the Trust Fund are expended as intended;*
 15 *and*

16 (3) *procedures for identification and allocation*
 17 *of funds available to the Secretary under other provi-*
 18 *sions of law that may be necessary to pay the admin-*
 19 *istrative expenses directly attributable to the manage-*
 20 *ment of the Trust Fund.*

21 **SEC. 4. GULF COAST NATURAL RESOURCES RESTORATION**
 22 **AND ECONOMIC RECOVERY.**

23 *Section 311 of the Federal Water Pollution Control Act*
 24 *(33 U.S.C. 1321) is amended—*

25 (1) *in subsection (a)—*

1 (A) in paragraph (25)(B), by striking
2 “and” at the end;

3 (B) in paragraph (26)(D), by striking the
4 period at the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(27) the term ‘Chairperson’ means the Chair-
7 person of the Council;

8 “(28) the term ‘coastal political subdivision’
9 means any local political jurisdiction that is imme-
10 diately below the State level of government, including
11 a county, parish, or borough, with a coastline that is
12 contiguous with any portion of the United States Gulf
13 of Mexico;

14 “(29) the term ‘Comprehensive Plan’ means the
15 comprehensive plan developed by the Council pursu-
16 ant to subsection (t);

17 “(30) the term ‘Council’ means the Gulf Coast
18 Ecosystem Restoration Council established pursuant
19 to subsection (t);

20 “(31) the term ‘Deepwater Horizon oil spill’
21 means the blowout and explosion of the mobile off-
22 shore drilling unit Deepwater Horizon that occurred
23 on April 20, 2010, and resulting hydrocarbon releases
24 into the environment;

25 “(32) the term ‘Gulf Coast ecosystem’ means—

1 “(A) *in the Gulf Coast States, the coastal*
2 *zones (as that term is defined in section 304 of*
3 *the Coastal Zone Management Act of 1972 (16*
4 *U.S.C. 1453), except that, in this section, the*
5 *term ‘coastal zones’ includes land within the*
6 *coastal zones that is held in trust by, or the use*
7 *of which is by law subject solely to the discretion*
8 *of, the Federal Government or officers or agents*
9 *of the Federal Government) that border the Gulf*
10 *of Mexico;*

11 “(B) *any adjacent land, water, and water-*
12 *sheds, that are within 25 miles of the coastal*
13 *zones described in subparagraph (A) of the Gulf*
14 *Coast States; and*

15 “(C) *all Federal waters in the Gulf of Mex-*
16 *ico;*

17 “(33) *the term ‘Gulf Coast State’ means any of*
18 *the States of Alabama, Florida, Louisiana, Mis-*
19 *issippi, and Texas; and*

20 “(34) *the term ‘Trust Fund’ means the Gulf*
21 *Coast Restoration Trust Fund established pursuant to*
22 *section 3 of the Resources and Ecosystems Sustain-*
23 *ability, Tourist Opportunities, and Revived Econo-*
24 *mies of the Gulf Coast States Act of 2011.”;*

1 (2) *in subsection (s), by inserting “except as pro-*
2 *vided in subsection (t)” before the period at the end;*
3 *and*

4 (3) *by adding at the end the following:*

5 “(t) *GULF COAST RESTORATION AND RECOVERY.—*

6 “(1) *STATE ALLOCATION AND EXPENDITURES.—*

7 “(A) *IN GENERAL.—Of the total amounts*
8 *made available in any fiscal year from the Trust*
9 *Fund, 35 percent shall be available, in accord-*
10 *ance with the requirements of this section, to the*
11 *Gulf Coast States in equal shares for expenditure*
12 *for ecological and economic restoration of the*
13 *Gulf Coast ecosystem in accordance with this*
14 *subsection.*

15 “(B) *USE OF FUNDS.—*

16 “(i) *ELIGIBLE ACTIVITIES.—Amounts*
17 *provided to the Gulf States under this sub-*
18 *section may only be used to carry out 1 or*
19 *more of the following activities:*

20 “(I) *Coastal restoration projects*
21 *and activities, including conservation*
22 *and coastal land acquisition.*

23 “(II) *Mitigation of damage to,*
24 *and restoration of, fish, wildlife, or*
25 *natural resources.*

1 “(III) Implementation of a feder-
2 ally approved marine, coastal, or com-
3 prehensive conservation management
4 plan, including fisheries monitoring.

5 “(IV) Programs to promote tour-
6 ism in a Gulf Coast State, including
7 recreational fishing.

8 “(V) Programs to promote the
9 consumption of seafood produced from
10 the Gulf Coast ecosystem.

11 “(VI) Programs to promote edu-
12 cation regarding the natural resources
13 of the Gulf Coast ecosystem.

14 “(VII) Planning assistance.

15 “(VIII) Workforce development
16 and job creation.

17 “(IX) Improvements to or upon
18 State parks located in coastal areas af-
19 fected by the Deepwater Horizon oil
20 spill.

21 “(X) Mitigation of the ecological
22 and economic impact of outer Conti-
23 nental Shelf activities and the impacts
24 of the Deepwater Horizon oil spill or
25 promotion of the long-term ecological

1 *or economic recovery of the Gulf Coast*
2 *ecosystem through the funding of infra-*
3 *structure projects.*

4 *“(XI) Coastal flood protection and*
5 *infrastructure directly affected by*
6 *coastal wetland losses, beach erosion, or*
7 *the impacts of the Deepwater Horizon*
8 *oil spill.*

9 *“(XII) Administrative costs of*
10 *complying with this subsection.*

11 *“(i) LIMITATION.—*

12 *“(I) IN GENERAL.—Of the*
13 *amounts received by a Gulf State*
14 *under this subsection not more than 3*
15 *percent may be used for administrative*
16 *costs eligible under clause (i)(XII).*

17 *“(II) PROHIBITION ON USE FOR*
18 *IMPORTED SEAFOOD.—None of the*
19 *funds made available under this sub-*
20 *section shall be used for any program*
21 *to support or promote imported seafood*
22 *or any seafood product that is not har-*
23 *vested from the Gulf Coast ecosystem.*

24 *“(C) COASTAL POLITICAL SUBDIVISIONS.—*

1 “(i) *IN GENERAL.*—*In the case of a*
2 *State where the coastal zone includes the en-*
3 *tire State—*

4 “(I) *75 percent of funding shall be*
5 *provided to the 8 disproportionately af-*
6 *ected counties impacted by the Deep-*
7 *water Horizon Oil Spill; and*

8 “(II) *25 percent shall be provided*
9 *to nondisproportionately impacted*
10 *counties within the State.*

11 “(ii) *LOUISIANA.*—*Of the total*
12 *amounts made available to the State of*
13 *Louisiana under this paragraph:*

14 “(I) *70 percent shall be provided*
15 *directly to the State in accordance*
16 *with this subsection.*

17 “(II) *30 percent shall be provided*
18 *directly to parishes in the coastal zone*
19 *(as defined in section 304 of the Coast-*
20 *al Zone Management Act of 1972 (16*
21 *U.S.C. 1453)) of the State of Louisiana*
22 *according to the following weighted for-*
23 *mula:*

1 “(aa) 40 percent based on the
2 weighted average of miles of the
3 parish shoreline oiled.

4 “(bb) 40 percent based on the
5 weighted average of the popu-
6 lation of the parish.

7 “(cc) 20 percent based on the
8 weighted average of the land mass
9 of the parish.

10 “(iii) CONDITIONS.—

11 “(I) LAND USE PLAN.—As a con-
12 dition of receiving amounts allocated
13 under clause (ii), the chief executive of
14 the eligible parish shall certify to the
15 Governor of the State that the parish
16 has completed a comprehensive land
17 use plan.

18 “(II) OTHER CONDITIONS.—A
19 coastal political subdivision receiving
20 funding under this subsection shall
21 meet all of the conditions in subpara-
22 graph (D).

23 “(D) CONDITIONS.—As a condition of re-
24 ceiving amounts from the Trust Fund, a Gulf
25 Coast State, including the entities described in

1 *subparagraph (E), or a coastal political subdivi-*
2 *sion shall—*

3 “(i) agree to meet such conditions, in-

4 cluding audit requirements, as the Sec-

5 retary of the Treasury determines necessary

6 to ensure that amounts disbursed from the

7 Trust Fund will be used in accordance with

8 this subsection;

9 “(ii) certify in such form and in such

10 manner as the Secretary of the Treasury de-

11 termines necessary that the project or pro-

12 gram for which the Gulf Coast State or

13 coastal political subdivision is requesting

14 amounts—

15 “(I) is designed to restore and

16 protect the natural resources, eco-

17 systems, fisheries, marine and wildlife

18 habitats, beaches, coastal wetlands, or

19 economy of the Gulf Coast;

20 “(II) carries out 1 or more of the

21 activities described in subparagraph

22 (B)(i);

23 “(III) was selected based on

24 meaningful input from the public, in-

25 cluding broad-based participation from

1 *individuals, businesses, and nonprofit*
2 *organizations; and*

3 *“(IV) in the case of a natural re-*
4 *source protection or restoration project,*
5 *is based on the best available science;*

6 *“(iii) certify that the project or pro-*
7 *gram and the awarding of a contract for the*
8 *expenditure of amounts received under this*
9 *subsection are consistent with the standard*
10 *procurement rules and regulations gov-*
11 *erning a comparable project or program in*
12 *that State, including all applicable competi-*
13 *tive bidding and audit requirements; and*

14 *“(iv) develop and submit a multiyear*
15 *implementation plan for use of those funds.*

16 *“(E) APPROVAL BY STATE ENTITY, TASK*
17 *FORCE, OR AGENCY.—The following Gulf Coast*
18 *State entities, task forces, or agencies shall carry*
19 *out the duties of a Gulf Coast State pursuant to*
20 *this paragraph:*

21 *“(i) ALABAMA.—*

22 *“(I) IN GENERAL.—In the State of*
23 *Alabama, the Alabama Gulf Coast Re-*
24 *covery Council, which shall be com-*
25 *prised of only the following:*

1 “(aa) *The Governor of Ala-*
2 *bama, who shall also serve as*
3 *Chairperson and preside over the*
4 *meetings of the Alabama Gulf*
5 *Coast Recovery Council.*

6 “(bb) *The Director of the*
7 *Alabama State Port Authority,*
8 *who shall also serve as Vice*
9 *Chairperson and preside over the*
10 *meetings of the Alabama Gulf*
11 *Coast Recovery Council in the ab-*
12 *sence of the Chairperson.*

13 “(cc) *The Chairman of the*
14 *Baldwin County Commission.*

15 “(dd) *The President of the*
16 *Mobile County Commission.*

17 “(ee) *The Mayor of the city*
18 *of Bayou La Batre.*

19 “(ff) *The Mayor of the town*
20 *of Dauphin Island.*

21 “(gg) *The Mayor of the city*
22 *of Fairhope.*

23 “(hh) *The Mayor of the city*
24 *of Gulf Shores.*

1 “(i) *The Mayor of the city of*
2 *Mobile.*

3 “(j) *The Mayor of the city of*
4 *Orange Beach.*

5 “(II) *VOTE.—Each member of the*
6 *Alabama Gulf Coast Recovery Council*
7 *shall be entitled to 1 vote.*

8 “(III) *MAJORITY VOTE.—All deci-*
9 *sions of the Alabama Gulf Coast Recov-*
10 *ery Council shall be made by majority*
11 *vote.*

12 “(ii) *LOUISIANA.—In the State of Lou-*
13 *isiana, the Coastal Protection and Restora-*
14 *tion Authority of Louisiana.*

15 “(iii) *MISSISSIPPI.—In the State of*
16 *Mississippi, the Mississippi Department of*
17 *Environmental Quality.*

18 “(F) *COMPLIANCE WITH ELIGIBLE ACTIVI-*
19 *TIES.—If the Secretary of the Treasury deter-*
20 *mines that an expenditure by a Gulf Coast State*
21 *or coastal political subdivision of amounts made*
22 *available under this subsection does not meet 1*
23 *of the activities described in subparagraph*
24 *(B)(i), the Secretary shall make no additional*
25 *amounts from the Trust Fund available to that*

1 *Gulf Coast State or coastal political subdivision*
2 *until such time as an amount equal to the*
3 *amount expended for the unauthorized use—*

4 “(i) *has been deposited by the Gulf*
5 *Coast State or coastal political subdivision*
6 *in the Trust Fund; or*

7 “(ii) *has been authorized by the Sec-*
8 *retary of the Treasury for expenditure by*
9 *the Gulf Coast State or coastal political*
10 *subdivision for a project or program that*
11 *meets the requirements of this subsection.*

12 “(G) *COMPLIANCE WITH CONDITIONS.—If*
13 *the Secretary of the Treasury determines that a*
14 *Gulf Coast State or coastal political subdivision*
15 *does not meet the requirements of this subsection,*
16 *including the conditions of subparagraph (D),*
17 *where applicable, the Secretary of the Treasury*
18 *shall make no amounts from the Trust Fund*
19 *available to that Gulf Coast State or coastal po-*
20 *litical subdivision until all conditions of this*
21 *subsection are met.*

22 “(H) *PUBLIC INPUT.—In meeting any con-*
23 *dition of this subsection, a Gulf Coast State may*
24 *use an appropriate procedure for public con-*
25 *sultation in that Gulf Coast State, including*

1 consulting with 1 or more established task forces
2 or other entities, to develop recommendations for
3 proposed projects and programs that would re-
4 store and protect the natural resources, eco-
5 systems, fisheries, marine and wildlife habitats,
6 beaches, coastal wetlands, and economy of the
7 Gulf Coast.

8 “(I) PREVIOUSLY APPROVED PROJECTS AND
9 PROGRAMS.—A Gulf Coast State or coastal polit-
10 ical subdivision shall be considered to have met
11 the conditions of subparagraph (D) for a specific
12 project or program if, before the date of enact-
13 ment of the Resources and Ecosystems Sustain-
14 ability, Tourist Opportunities, and Revived
15 Economies of the Gulf Coast States Act of
16 2011—

17 “(i) the Gulf Coast State or coastal po-
18 litical subdivision has established conditions
19 for carrying out projects and programs that
20 are substantively the same as the conditions
21 described in subparagraph (D); and

22 “(ii) the applicable project or program
23 carries out 1 or more of the activities de-
24 scribed in subparagraph (B)(ii).

1 “(J) *CONSULTATION WITH COUNCIL.*—*In*
2 *carrying out this subsection, each Gulf Coast*
3 *State shall seek the input of the Chairperson of*
4 *the Council to identify large-scale projects that*
5 *may be jointly supported by that Gulf Coast*
6 *State and by the Council pursuant to the Com-*
7 *prehensive Plan with amounts provided under*
8 *this subsection.*

9 “(K) *NON-FEDERAL MATCHING FUNDS.*—

10 “(i) *IN GENERAL.*—*A Gulf Coast State*
11 *or coastal political subdivision may use, in*
12 *whole or in part, amounts made available*
13 *to that Gulf Coast State from the Trust*
14 *Fund to satisfy the non-Federal share of the*
15 *cost of any project or program authorized*
16 *by Federal law that meets the eligible use*
17 *requirements under subparagraph (B)(i).*

18 “(ii) *EFFECT ON OTHER FUNDS.*—*The*
19 *use of funds made available from the Trust*
20 *Fund to satisfy the non-Federal share of the*
21 *cost of a project or program that meets the*
22 *requirements of clause (i) shall not affect*
23 *the priority in which other Federal funds*
24 *are allocated or awarded.*

1 “(L) *LOCAL PREFERENCE.*—*In awarding*
2 *contracts to carry out a project or program*
3 *under this subsection, a Gulf Coast State or*
4 *coastal political subdivision may give a pref-*
5 *erence to individuals and companies that reside*
6 *in, are headquartered in, or are principally en-*
7 *gaged in business in, a Gulf Coast State.*

8 “(M) *UNUSED FUNDS.*—*Any Funds not*
9 *identified in an implementation plan by a State*
10 *or coastal political subdivision in accordance*
11 *with subparagraph (D)(iv) shall remain in the*
12 *Trust Fund until such time as the State or*
13 *coastal political subdivision to which the funds*
14 *have been allocated develops and submits a plan*
15 *identifying uses for those funds in accordance*
16 *with subparagraph (D)(iv).*

17 “(N) *JUDICIAL REVIEW.*—*If the Secretary of*
18 *the Treasury determines that a Gulf Coast State*
19 *or coastal political subdivision does not meet the*
20 *requirements of this subsection, including the*
21 *conditions of subparagraph (D), the Gulf Coast*
22 *State or coastal political subdivision may obtain*
23 *expedited judicial review within 90 days of that*
24 *decision in a district court of the United States,*

1 *of appropriate jurisdiction and venue, that is lo-*
2 *cated within the State seeking such review.*

3 “(2) *COUNCIL ESTABLISHMENT AND ALLOCA-*
4 *TION.—*

5 “(A) *IN GENERAL.—Of the total amount*
6 *made available in any fiscal year from the Trust*
7 *Fund, 60 percent shall be disbursed to the Coun-*
8 *cil to carry out the Comprehensive Plan.*

9 “(B) *COUNCIL EXPENDITURES.—*

10 “(i) *IN GENERAL.—In accordance with*
11 *this paragraph, the Council shall expend*
12 *funds made available from the Trust Fund*
13 *to undertake projects and programs that*
14 *would restore and protect the natural re-*
15 *sources, ecosystems, fisheries, marine and*
16 *wildlife habitats, beaches, coastal wetlands,*
17 *and economy of the Gulf Coast.*

18 “(ii) *ALLOCATION AND EXPENDITURE*
19 *PROCEDURES.—The Secretary of the Treas-*
20 *ury shall develop such conditions, including*
21 *audit requirements, as the Secretary of the*
22 *Treasury determines necessary to ensure*
23 *that amounts disbursed from the Trust*
24 *Fund to the Council to implement the Com-*

1 *prehensive Plan will be used in accordance*
2 *with this paragraph.*

3 “(iii) *ADMINISTRATIVE EXPENSES.*—*Of*
4 *the amounts received by the Council under*
5 *this subsection, not more than 3 percent*
6 *may be used for administrative expenses,*
7 *including staff.*

8 “(C) *GULF COAST ECOSYSTEM RESTORA-*
9 *TION COUNCIL.*—

10 “(i) *ESTABLISHMENT.*—*There is estab-*
11 *lished as an independent entity in the Fed-*
12 *eral Government a council to be known as*
13 *the ‘Gulf Coast Ecosystem Restoration*
14 *Council’.*

15 “(ii) *MEMBERSHIP.*—*The Council shall*
16 *consist of the following members, or in the*
17 *case of a Federal agency, a designee at the*
18 *level of the Assistant Secretary or the equiv-*
19 *alent:*

20 “(I) *The Chair of the Council on*
21 *Environmental Quality.*

22 “(II) *The Secretary of the Inte-*
23 *rior.*

24 “(III) *The Secretary of the Army.*

25 “(IV) *The Secretary of Commerce.*

1 “(V) *The Administrator of the*
2 *Environmental Protection Agency.*

3 “(VI) *The Secretary of Agri-*
4 *culture.*

5 “(VII) *The head of the department*
6 *in which the Coast Guard is operating.*

7 “(VIII) *The Governor of the State*
8 *of Alabama.*

9 “(IX) *The Governor of the State of*
10 *Florida.*

11 “(X) *The Governor of the State of*
12 *Louisiana.*

13 “(XI) *The Governor of the State of*
14 *Mississippi.*

15 “(XII) *The Governor of the State*
16 *of Texas.*

17 “(iii) *ALTERNATE.—A Governor ap-*
18 *pointed to the Council by the President may*
19 *designate an alternate to represent the Gov-*
20 *ernor on the Council and vote on behalf of*
21 *the Governor.*

22 “(iv) *CHAIRPERSON.—From among the*
23 *Federal agency members of the Council, the*
24 *representatives of States on the Council*
25 *shall select, and the President shall appoint,*

1 1 Federal member to serve as Chairperson
2 of the Council.

3 “(v) *PRESIDENTIAL APPOINTMENT.*—
4 All Council members shall be appointed by
5 the President.

6 “(vi) *COUNCIL ACTIONS.*—

7 “(I) *IN GENERAL.*—Subject to
8 subclause (IV), significant actions by
9 the Council shall require the affirma-
10 tive vote of the Federal Chairperson
11 and a majority of the State members to
12 be effective.

13 “(II) *INCLUSIONS.*—Significant
14 actions include but are not limited
15 to—

16 “(aa) approval of a Com-
17 prehensive Plan and future revi-
18 sions to a Comprehensive Plan;

19 “(bb) approval of State plans
20 pursuant to paragraph (3)(B)(iv);
21 and

22 “(cc) approval of reports to
23 Congress pursuant to clause
24 (vii)(X).

1 “(III) *QUORUM.*—A quorum of
2 *State members shall be required to be*
3 *present for the Council to take any sig-*
4 *nificant action.*

5 “(IV) *AFFIRMATIVE VOTE RE-*
6 *QUIREMENT DEEMED MET.*—For ap-
7 *proval of State plans pursuant to*
8 *paragraph (3)(B)(iv), the certification*
9 *by a State member of the Council that*
10 *the plan satisfies all requirements of*
11 *clauses (i) and (ii) of paragraphs*
12 *(3)(B), when joined by an affirmative*
13 *vote of the Federal Chairperson of the*
14 *Council, is deemed to satisfy the re-*
15 *quirements for affirmative votes under*
16 *subclause (I).*

17 “(V) *PUBLIC TRANSPARENCY.*—
18 *Appropriate actions of the Council, in-*
19 *cluding votes on significant actions*
20 *and associated deliberations, shall be*
21 *made available to the public.*

22 “(vii) *DUTIES OF COUNCIL.*—The
23 *Council shall—*

1 “(I) develop the Comprehensive
2 Plan, and future revisions to the Com-
3 prehensive Plan;

4 “(II) identify as soon as prac-
5 ticable the projects that—

6 “(aa) have been authorized
7 prior to the date of enactment of
8 this subsection but not yet com-
9 menced; and

10 “(bb) if implemented quickly,
11 would restore and protect the nat-
12 ural resources, ecosystems, fish-
13 eries, marine and wildlife habi-
14 tats, beaches, barrier islands,
15 dunes, and coastal wetlands of the
16 Gulf Coast ecosystem;

17 “(III) coordinate the development
18 of consistent policies, strategies, plans,
19 and activities by Federal agencies,
20 State and local governments, and pri-
21 vate sector entities for addressing the
22 restoration and protection of the Gulf
23 Coast ecosystem;

24 “(IV) establish such other advi-
25 sory committee or committees as may

1 *be necessary to assist the Council, in-*
2 *cluding a scientific advisory committee*
3 *and a committee to advise the Council*
4 *on public policy issues;*

5 *“(V) coordinate scientific and*
6 *other research associated with restora-*
7 *tion of the Gulf Coast ecosystem, in-*
8 *cluding research, observation, and*
9 *monitoring carried out pursuant to*
10 *section 5 of the Resources and Eco-*
11 *systems Sustainability, Tourist Oppor-*
12 *tunities, and Revived Economies of the*
13 *Gulf Coast States Act of 2011;*

14 *“(VI) seek to ensure that all poli-*
15 *cies, strategies, plans, and activities for*
16 *addressing the restoration of the Gulf*
17 *Coast ecosystem are based on the best*
18 *available physical, ecological, and eco-*
19 *nomical data;*

20 *“(VII) make recommendations to*
21 *address the particular needs of espe-*
22 *cially economically and socially vul-*
23 *nerable populations;*

24 *“(VIII) develop standard terms to*
25 *include in contracts for projects and*

1 *programs awarded pursuant to the*
2 *Comprehensive Plan that provide a*
3 *preference to individuals and compa-*
4 *nies that reside in, are headquartered*
5 *in, or are principally engaged in busi-*
6 *ness in, a Gulf Coast State;*

7 *“(IX) prepare an integrated fi-*
8 *nancial plan and recommendations for*
9 *coordinated budget requests for the*
10 *amounts proposed to be expended by*
11 *the Federal agencies represented on the*
12 *Council for projects and programs in*
13 *the Gulf Coast States;*

14 *“(X) submit to Congress an an-*
15 *nual report that—*

16 *“(aa) summarizes the poli-*
17 *cies, strategies, plans, and activi-*
18 *ties for addressing the restoration*
19 *and protection of the Gulf Coast*
20 *ecosystem;*

21 *“(bb) describes the projects*
22 *and programs being implemented*
23 *to restore and protect the Gulf*
24 *Coast ecosystem; and*

1 “(cc) makes such rec-
2 ommendations to Congress for
3 modifications of existing laws as
4 the Council determines necessary
5 to implement the Comprehensive
6 Plan; and

7 “(XI) submit to Congress a final
8 report on the date on which all funds
9 made available to the Council are ex-
10 pended.

11 “(viii) *APPLICATION OF FEDERAL AD-*
12 *VISORY COMMITTEE ACT.—The Council, or*
13 *any other advisory committee established*
14 *under this subsection, shall not be consid-*
15 *ered an advisory committee under the Fed-*
16 *eral Advisory Committee Act (5 U.S.C.*
17 *App.).*

18 “(D) *COMPREHENSIVE PLAN.—*

19 “(i) *PROPOSED PLAN.—*

20 “(I) *IN GENERAL.—Not later than*
21 *180 days after the date of enactment of*
22 *the Resources and Ecosystems Sustain-*
23 *ability, Tourist Opportunities, and Re-*
24 *vived Economies of the Gulf Coast*
25 *States Act of 2011, the Chairperson, on*

1 *behalf of the Council, shall publish a*
2 *proposed plan to restore and protect*
3 *the natural resources, ecosystems, fish-*
4 *eries, marine and wildlife habitats,*
5 *beaches, and coastal wetlands of the*
6 *Gulf Coast ecosystem.*

7 “(II) *CONTENTS.*—*The proposed*
8 *plan described in subclause (I) shall*
9 *include and incorporate the findings*
10 *and information prepared by the*
11 *President’s Gulf Coast Restoration*
12 *Task Force.*

13 “(ii) *PUBLICATION.*—

14 “(I) *INITIAL PLAN.*—*Not later*
15 *than 1 year after date of enactment of*
16 *the Resources and Ecosystems Sustain-*
17 *ability, Tourist Opportunities, and Re-*
18 *vived Economies of the Gulf Coast*
19 *States Act of 2011 and after notice and*
20 *opportunity for public comment, the*
21 *Chairperson, on behalf of the Council*
22 *and after approval by the Council,*
23 *shall publish in the Federal Register*
24 *the initial Comprehensive Plan to re-*
25 *store and protect the natural resources,*

1 *ecosystems, fisheries, marine and wild-*
2 *life habitats, beaches, and coastal wet-*
3 *lands of the Gulf Coast ecosystem.*

4 “(II) *COOPERATION WITH GULF*
5 *COAST RESTORATION TASK FORCE.—*
6 *The Council shall develop the initial*
7 *Comprehensive Plan in close coordina-*
8 *tion with the President’s Gulf Coast*
9 *Restoration Task Force.*

10 “(III) *CONSIDERATIONS.—In de-*
11 *veloping the initial Comprehensive*
12 *Plan and subsequent updates, the*
13 *Council shall consider all relevant*
14 *findings, reports, or research prepared*
15 *or funded by a center of excellence or*
16 *the Gulf Fisheries and Ecosystem En-*
17 *dowment established pursuant to the*
18 *Gulf Coast Ecosystem Restoration*
19 *Science, Monitoring, and Technology*
20 *Program under section 5 of the Re-*
21 *sources and Ecosystems Sustainability,*
22 *Tourist Opportunities, and Revived*
23 *Economies of the Gulf Coast States Act*
24 *of 2011.*

1 “(IV) CONTENTS.—*The initial*
2 *Comprehensive Plan shall include—*

3 “*(aa) such provisions as are*
4 *necessary to fully incorporate in*
5 *the Comprehensive Plan the strat-*
6 *egy, projects, and programs rec-*
7 *ommended by the President’s Gulf*
8 *Coast Restoration Task Force;*

9 “*(bb) a list of any project or*
10 *program authorized prior to the*
11 *date of enactment of this sub-*
12 *section but not yet commenced,*
13 *the completion of which would*
14 *further the purposes and goals of*
15 *this subsection and of the Re-*
16 *sources and Ecosystems Sustain-*
17 *ability, Tourist Opportunities,*
18 *and Revived Economies of the*
19 *Gulf Coast States Act of 2011;*

20 “*(cc) a description of the*
21 *manner in which amounts from*
22 *the Trust Fund projected to be*
23 *made available to the Council for*
24 *the succeeding 10 years will be al-*
25 *located; and*

1 “(dd) subject to available
2 funding in accordance with clause
3 (iii), a prioritized list of specific
4 projects and programs to be fund-
5 ed and carried out during the 3-
6 year period immediately following
7 the date of publication of the ini-
8 tial Comprehensive Plan, includ-
9 ing a table that illustrates the dis-
10 tribution of projects and programs
11 by Gulf Coast State.

12 “(V) PLAN UPDATES.—The Coun-
13 cil shall update—

14 “(aa) the Comprehensive
15 Plan every 5 years in a manner
16 comparable to the manner estab-
17 lished in this subsection for each
18 5-year period for which amounts
19 are expected to be made available
20 to the Gulf Coast States from the
21 Trust Fund; and

22 “(bb) the 3-year list of
23 projects and programs described
24 in subclause (IV)(dd) annually.

1 “(iii) *RESTORATION PRIORITIES.*—*Ex-*
2 *cept for projects and programs described in*
3 *subclause (IV)(bb), in selecting projects and*
4 *programs to include on the 3-year list de-*
5 *scribed in subclause (IV)(dd), based on the*
6 *best available science, the Council shall give*
7 *highest priority to projects that address 1 or*
8 *more of the following criteria:*

9 “(I) *Projects that are projected to*
10 *make the greatest contribution to re-*
11 *storing and protecting the natural re-*
12 *sources, ecosystems, fisheries, marine*
13 *and wildlife habitats, beaches, and*
14 *coastal wetlands of the Gulf Coast eco-*
15 *system, without regard to geographic*
16 *location.*

17 “(II) *Large-scale projects and pro-*
18 *grams that are projected to substan-*
19 *tially contribute to restoring and pro-*
20 *tecting the natural resources, eco-*
21 *systems, fisheries, marine and wildlife*
22 *habitats, beaches, and coastal wetlands*
23 *of the Gulf Coast ecosystem.*

24 “(III) *Projects contained in exist-*
25 *ing Gulf Coast State comprehensive*

1 *plans for the restoration and protection*
2 *of natural resources, ecosystems, fish-*
3 *eries, marine and wildlife habitats,*
4 *beaches, and coastal wetlands of the*
5 *Gulf Coast ecosystem.*

6 *“(IV) Projects that restore long-*
7 *term resiliency of the natural re-*
8 *sources, ecosystems, fisheries, marine*
9 *and wildlife habitats, beaches, and*
10 *coastal wetlands most impacted by the*
11 *Deepwater Horizon oil spill.*

12 *“(E) IMPLEMENTATION.—*

13 *“(i) IN GENERAL.—The Council, acting*
14 *through the member agencies and Gulf*
15 *Coast States, shall expend funds made*
16 *available from the Trust Fund to carry out*
17 *projects and programs adopted in the Com-*
18 *prehensive Plan.*

19 *“(ii) ADMINISTRATIVE RESPONS-*
20 *BILITY.—*

21 *“(I) IN GENERAL.—Primary au-*
22 *thority and responsibility for each*
23 *project and program included in the*
24 *Comprehensive Plan shall be assigned*
25 *by the Council to a Gulf Coast State*

1 *represented on the Council or a Federal*
2 *agency.*

3 “(II) *TRANSFER OF AMOUNTS.*—

4 *Amounts necessary to carry out each*
5 *project or program included in the*
6 *Comprehensive Plan shall be trans-*
7 *ferred by the Secretary of the Treasury*
8 *from the Trust Fund to that Federal*
9 *agency or Gulf Coast State as the*
10 *project or program is implemented,*
11 *subject to such conditions as the Sec-*
12 *retary of the Treasury, in consultation*
13 *with the Secretary of the Interior and*
14 *the Secretary of Commerce, established*
15 *pursuant to section 3 of the Resources*
16 *and Ecosystems Sustainability, Tour-*
17 *ist Opportunities, and Revived Econo-*
18 *mies of the Gulf Coast States Act of*
19 *2011.*

20 “(iii) *COST SHARING.*—

21 “(I) *IN GENERAL.*—*A Gulf Coast*
22 *State or coastal political subdivision*
23 *may use, in whole or in part, amounts*
24 *made available to that Gulf Coast*
25 *State or coastal political subdivision*

1 *from the Trust Fund to satisfy the*
2 *non-Federal share of the cost of car-*
3 *rying a project or program that—*

4 *“(aa) is authorized by other*
5 *Federal law; and*

6 *“(bb) meets the criteria of*
7 *subparagraph (D).*

8 *“(II) INCLUSION IN COMPREHEN-*
9 *SIVE PLAN.—A project or program de-*
10 *scribed in subclause (I) that meets the*
11 *criteria for inclusion in the Com-*
12 *prehensive Plan described in subpara-*
13 *graph (D) shall be selected and adopted*
14 *by the Council as part of the Com-*
15 *prehensive Plan in the manner de-*
16 *scribed in subparagraph (D).*

17 *“(F) COORDINATION.—The Council and the*
18 *Federal members of the Council may develop*
19 *Memorandums of Understanding establishing in-*
20 *tegrated funding and implementation plans*
21 *among the member agencies and authorities.*

22 *“(G) TERMINATION.—The Council shall ter-*
23 *minate on the date on which the report described*
24 *in subparagraph (C)(vii)(XI) is submitted to*
25 *Congress.*

1 “(3) *OIL SPILL RESTORATION IMPACT ALLOCA-*
2 *TION.—*

3 “(A) *IN GENERAL.—Except as provided in*
4 *paragraph (4), of the total amount made avail-*
5 *able to the Council under paragraph (2) in any*
6 *fiscal year from the Trust Fund, 50 percent shall*
7 *be disbursed by the Council as follows:*

8 “(i) *FORMULA.—Subject to subpara-*
9 *graph (B), for each Gulf Coast State, the*
10 *amount disbursed under this paragraph*
11 *shall be based on a formula established by*
12 *the Council by regulation that is based on*
13 *a weighted average of the following criteria:*

14 “(I) *40 percent based on the pro-*
15 *portionate number of miles of shoreline*
16 *in each Gulf Coast State that experi-*
17 *enced oiling as of April 10, 2011, com-*
18 *pared to the total number of miles of*
19 *shoreline that experienced oiling as a*
20 *result of the Deepwater Horizon oil*
21 *spill.*

22 “(II) *40 percent based on the in-*
23 *verse proportion of the average dis-*
24 *tance from the Deepwater Horizon oil*
25 *rig to the nearest and farthest point of*

1 *the shoreline that experienced oiling of*
2 *each Gulf Coast State.*

3 “(III) 20 percent based on the av-
4 *erage population in the 2010 decennial*
5 *census of coastal counties bordering the*
6 *Gulf of Mexico within each Gulf Coast*
7 *State.*

8 “(ii) *MINIMUM ALLOCATION.—The*
9 *amount disbursed to a Gulf Coast State for*
10 *each fiscal year under clause (i) shall be at*
11 *least 5 percent of the total amounts made*
12 *available under this paragraph.*

13 “(B) *APPROVAL OF PROJECTS AND PRO-*
14 *GRAMS.—*

15 “(i) *IN GENERAL.—The Council shall*
16 *disburse amounts to the respective Gulf*
17 *Coast States in accordance with the formula*
18 *developed under subparagraph (A) for*
19 *projects, programs, and activities that will*
20 *improve the ecosystems or economy of the*
21 *Gulf Coast, subject to the condition that*
22 *each Gulf Coast State submits a plan for*
23 *the expenditure of amounts disbursed under*
24 *this paragraph which meet the following*
25 *criteria:*

1 “(I) All projects, programs, and
2 activities included in that plan are eli-
3 gible activities pursuant to paragraph
4 (1)(B)(i).

5 “(II) The projects, programs, and
6 activities included in that plan con-
7 tribute to the overall economic and eco-
8 logical recovery of the Gulf Coast.

9 “(III) The plan takes into consid-
10 eration the Comprehensive Plan and is
11 consistent with its goals and objectives,
12 as described in paragraph (2)(B)(i).

13 “(i) FUNDING.—

14 “(I) IN GENERAL.—Except as pro-
15 vided in subclause (II), the plan de-
16 scribed in clause (i) may use not more
17 than 25 percent of the funding made
18 available for infrastructure projects eli-
19 gible under subclauses (X) and (XI) of
20 paragraph (1)(B)(i).

21 “(II) EXCEPTION.—The plan de-
22 scribed in clause (i) may propose to
23 use more than 25 percent of the fund-
24 ing made available for infrastructure
25 projects eligible under subclauses (X)

1 and (XI) of paragraph (1)(B)(i) if the
2 plan certifies that—

3 “(aa) ecosystem restoration
4 needs in the State will be ad-
5 dressed by the projects in the pro-
6 posed plan; and

7 “(bb) additional investment
8 in infrastructure is required to
9 mitigate the impacts of the Deep-
10 water Horizon Oil Spill to the
11 ecosystem or economy.

12 “(iii) DEVELOPMENT.—The plan de-
13 scribed in clause (i) shall be developed by—

14 “(I) in the State of Alabama, the
15 Alabama Gulf Coast Recovery Council
16 established under paragraph (1)(E)(i);

17 “(II) in the State of Florida, a
18 consortia of local political subdivisions
19 that includes at least 1 representative
20 of each disproportionately affected coun-
21 ty;

22 “(III) in the State of Louisiana,
23 the Coastal Protection and Restoration
24 Authority of Louisiana;

1 “(IV) *in the State of Mississippi,*
2 *the Office of the Governor or an ap-*
3 *pointee of the Office of the Governor;*
4 *and*

5 “(V) *in the State of Texas, the Of-*
6 *fice of the Governor or an appointee of*
7 *the Office of the Governor.*

8 “(iv) *APPROVAL.—Not later than 60*
9 *days after the date on which a plan is sub-*
10 *mitted under clause (i), the Council shall*
11 *approve or disapprove the plan based on the*
12 *conditions of clause (i).*

13 “(C) *DISAPPROVAL.—If the Council dis-*
14 *approves a plan pursuant to subparagraph*
15 *(B)(iv), the Council shall—*

16 “(i) *provide the reasons for dis-*
17 *approval in writing; and*

18 “(ii) *consult with the State to address*
19 *any identified deficiencies with the State*
20 *plan.*

21 “(D) *FAILURE TO SUBMIT ADEQUATE*
22 *PLAN.—If a State fails to submit an adequate*
23 *plan under this subsection, any funds made*
24 *available under this subsection shall remain in*

1 *the Trust Fund until such date as a plan is sub-*
2 *mitted and approved pursuant to this subsection.*

3 “(E) *JUDICIAL REVIEW.*—*If the Council*
4 *fails to approve or take action within 60 days on*
5 *a plan described in subparagraph (B)(iv), the*
6 *State may obtain expedited judicial review with-*
7 *in 90 days of that decision in a district court of*
8 *the United States, of appropriate jurisdiction*
9 *and venue, that is located within the State seek-*
10 *ing such review.*

11 “(4) *AUTHORIZATION OF INTEREST TRANS-*
12 *FERS.*—

13 “(A) *IN GENERAL.*—*Of the total amount*
14 *made available in any fiscal year from the Trust*
15 *Fund, an amount equal to the interest earned by*
16 *the Trust Fund and proceeds from investments*
17 *made by the Trust Fund in the preceding fiscal*
18 *year—*

19 “(i) *50 percent shall be transferred to*
20 *the National Endowment for Oceans in sub-*
21 *paragraph (B); and*

22 “(ii) *50 percent shall be transferred to*
23 *the Gulf of Mexico Research Endowment in*
24 *subparagraph (C).*

1 “(B) NATIONAL ENDOWMENT FOR THE
2 OCEANS.—

3 “(i) ESTABLISHMENT.—

4 “(I) IN GENERAL.—There is estab-
5 lished in the Treasury of the United
6 States a trust fund to be known as the
7 ‘National Endowment for the Oceans’,
8 consisting of such amounts as may be
9 appropriated or credited to the Na-
10 tional Endowment for the Oceans.

11 “(II) INVESTMENT.—Amounts in
12 the National Endowment for the
13 Oceans shall be invested in accordance
14 with section 9602 of the Internal Rev-
15 enue Code of 1986, and any interest
16 on, and proceeds from, any such in-
17 vestment shall be available for expendi-
18 ture in accordance with this subpara-
19 graph.

20 “(ii) TRUSTEE.—The trustee for the
21 National Endowment for the Oceans shall
22 be the Secretary of Commerce.

23 “(iii) ALLOCATION OF FUNDS.—

24 “(I) IN GENERAL.—Each fiscal
25 year, the Secretary shall allocate, at a

1 *minimum, an amount equal to the in-*
2 *terest earned by the National Endow-*
3 *ment for the Oceans in the preceding*
4 *fiscal year, and may distribute an*
5 *amount equal to up to 10 percent of*
6 *the total amounts in the National En-*
7 *dowment for the Oceans—*

8 *“(aa) to allocate funding to*
9 *coastal states (as defined in sec-*
10 *tion 304 of the Marine Resources*
11 *and Engineering Development Act*
12 *of 1966 (16 U.S.C. 1453)) and af-*
13 *ected Indian tribes;*

14 *“(bb) to make grants to re-*
15 *gional ocean and coastal planning*
16 *bodies; and*

17 *“(cc) to develop and imple-*
18 *ment a National Grant Program*
19 *for Oceans and Coastal Waters.*

20 *“(II) PROGRAM ADJUSTMENTS.—*
21 *Each fiscal year where the amount de-*
22 *scribed in subparagraph (A)(i) does*
23 *not exceed \$100,000,000, the Secretary*
24 *may elect to fund only the grant pro-*
25 *gram established in subclause (I)(cc).*

1 “(iv) *ELIGIBLE ACTIVITIES.*—*Funds*
2 *deposited in the National Endowment for*
3 *the Oceans may be allocated by the Sec-*
4 *retary only to fund grants for programs*
5 *and activities intended to restore, protect,*
6 *maintain, or understand living marine re-*
7 *sources and their habitats and resources in*
8 *ocean and coastal waters (as defined in sec-*
9 *tion 304 of the Marine Resources and Engi-*
10 *neering Development Act of 1966 (16 U.S.C.*
11 *1453)), including baseline scientific re-*
12 *search, ocean observing, and other programs*
13 *and activities carried out in coordination*
14 *with Federal and State departments or*
15 *agencies, that are consistent with Federal*
16 *environmental laws and that avoid environ-*
17 *mental degradation.*

18 “(v) *APPLICATION.*—*To be eligible to*
19 *receive a grant under clause (iii)(I), an en-*
20 *tity shall submit to the Secretary an appli-*
21 *cation at such time, in such manner, and*
22 *containing such information as the Sec-*
23 *retary determines to be appropriate.*

1 “(vi) *FUNDING FOR COASTAL*
2 *STATES.—The Secretary shall allocate fund-*
3 *ing among States as follows:*

4 “*(I) 50 percent of the funds shall*
5 *be allocated equally among coastal*
6 *States.*

7 “*(II) 25 percent of the funds shall*
8 *be allocated based on tidal shoreline*
9 *miles.*

10 “*(III) 25 percent of the funds*
11 *shall be allocated based on the coastal*
12 *population density of a coastal State.*

13 “*(IV) No State shall be allocated*
14 *more than 10 percent of the total*
15 *amount of funds available for alloca-*
16 *tion among coastal States for any fis-*
17 *cal year.*

18 “*(V) No territory shall be allo-*
19 *cated more than 1 percent of the total*
20 *amount of funds available for alloca-*
21 *tion among coastal States for any fis-*
22 *cal year.*

23 “*(C) GULF OF MEXICO RESEARCH ENDOW-*
24 *MENT.—*

1 “(i) *IN GENERAL.*—*There is established*
2 *in the Treasury of the United States a trust*
3 *fund to be known as the ‘Gulf of Mexico Re-*
4 *search Endowment’, to be administered by*
5 *the Secretary of Commerce, solely for use in*
6 *providing long-term funding in accordance*
7 *with section 5 of the Resources and Eco-*
8 *systems Sustainability, Tourist Opportuni-*
9 *ties, and Revived Economies of the Gulf*
10 *Coast States Act of 2011.*

11 “(ii) *INVESTMENT.*—*Amounts in the*
12 *Gulf of Mexico Research Endowment shall*
13 *be invested in accordance with section 9602*
14 *of the Internal Revenue Code of 1986, and,*
15 *after adjustment for inflation so as to*
16 *maintain the value of the principal, any in-*
17 *terest on, and proceeds from, any such in-*
18 *vestment shall be available for expenditure*
19 *and shall be allocated in equal portions to*
20 *the Gulf Coast Ecosystem Restoration*
21 *Science, Monitoring, and Technology Pro-*
22 *gram and Fisheries Endowment established*
23 *in section 5 of the Resources and Eco-*
24 *systems Sustainability, Tourist Opportuni-*

1 *ties, and Revived Economies of the Gulf*
2 *Coast States Act of 2011.”.*

3 **SEC. 5. GULF COAST ECOSYSTEM RESTORATION SCIENCE,**
4 **OBSERVATION, MONITORING, AND TECH-**
5 **NOLOGY PROGRAM.**

6 (a) *DEFINITIONS.—In this section:*

7 (1) *ADMINISTRATOR.—The term “Adminis-*
8 *trator” means the Administrator of the National Oce-*
9 *anic and Atmospheric Administration.*

10 (2) *FISHERIES AND ECOSYSTEM ENDOWMENT.—*
11 *The term “Fisheries and Ecosystem Endowment”*
12 *means the endowment established by subsection (d).*

13 (3) *PROGRAM.—The term “Program” means the*
14 *Gulf Coast Ecosystem Restoration Science, Observa-*
15 *tion, Monitoring, and Technology Program estab-*
16 *lished by subsection (b).*

17 (b) *ESTABLISHMENT OF PROGRAM.—There is estab-*
18 *lished within the National Oceanic and Atmospheric Ad-*
19 *ministration a program to be known as the “Gulf Coast*
20 *Ecosystem Restoration Science, Observation, Monitoring,*
21 *and Technology Program”, to be carried out by the Admin-*
22 *istrator.*

23 (c) *CENTERS OF EXCELLENCE.—*

24 (1) *IN GENERAL.—In carrying out the Program,*
25 *the Administrator, in consultation with other Federal*

1 *agencies with expertise in the discipline of a center of*
2 *excellence, shall make grants in accordance with*
3 *paragraph (2) to establish and operate 5 centers of ex-*
4 *cellence, 1 of which shall be located in each of the*
5 *States of Alabama, Florida, Louisiana, Mississippi,*
6 *and Texas.*

7 (2) *GRANTS.—*

8 (A) *IN GENERAL.—The Administrator shall*
9 *use the amounts made available to carry out this*
10 *section to award competitive grants to non-*
11 *governmental entities and consortia in the Gulf*
12 *Coast region (including public and private insti-*
13 *tutions of higher education) for the establishment*
14 *of centers of excellence as described in paragraph*
15 *(1).*

16 (B) *APPLICATION.—To be eligible to receive*
17 *a grant under this paragraph, an entity or con-*
18 *sortium described in subparagraph (A) shall sub-*
19 *mit to the Administrator an application at such*
20 *time, in such manner, and containing such in-*
21 *formation as the Administrator determines to be*
22 *appropriate.*

23 (C) *PRIORITY.—In awarding grants under*
24 *this paragraph, the Administrator shall give pri-*
25 *ority to entities and consortia that demonstrate*

1 *the ability to establish the broadest cross-section*
2 *of participants with interest and expertise in*
3 *any discipline described in paragraph (3) on*
4 *which the proposal of the center of excellence will*
5 *be focused.*

6 (3) *DISCIPLINES.*—*Each center of excellence shall*
7 *focus on science, technology, and monitoring in at*
8 *least 1 of the following disciplines:*

9 (A) *Coastal and deltaic sustainability, res-*
10 *toration and protection; including solutions and*
11 *technology that allow citizens to live safely and*
12 *sustainably in a coastal delta.*

13 (B) *Coastal fisheries and wildlife ecosystem*
14 *research and monitoring.*

15 (C) *Offshore energy development, including*
16 *research and technology to improve the sustain-*
17 *able and safe development of energy resources.*

18 (D) *Sustainable and resilient growth, eco-*
19 *nomics and commercial development in the Gulf*
20 *Coast.*

21 (E) *Comprehensive observation, monitoring,*
22 *and mapping of the Gulf of Mexico.*

23 (4) *COORDINATION WITH OTHER PROGRAMS.*—
24 *The Administrator shall develop a plan for the coordi-*
25 *nation of projects and activities between the Program*

1 *and other existing Federal and State science and tech-*
 2 *nology programs in the States of Alabama, Florida,*
 3 *Louisiana, Mississippi, and Texas, as well as between*
 4 *the centers of excellence.*

5 *(d) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM*
 6 *ENDOWMENT.—*

7 *(1) IN GENERAL.—Not later than 180 days after*
 8 *the date of enactment of this Act, the Council shall es-*
 9 *tablish a fishery and ecosystem endowment to ensure,*
 10 *to the maximum extent practicable, the long-term sus-*
 11 *tainability of the ecosystem, fish stocks, fish habitat*
 12 *and the recreational, commercial, and charter fishing*
 13 *industry in the Gulf of Mexico.*

14 *(2) EXPENDITURE OF FUNDS.—For each fiscal*
 15 *year, amounts made available to carry out this sub-*
 16 *section may be expended for, with respect to the Gulf*
 17 *of Mexico—*

18 *(A) marine and estuarine research;*

19 *(B) marine and estuarine ecosystem moni-*
 20 *toring and ocean observation;*

21 *(C) data collection and stock assessments;*

22 *(D) pilot programs for—*

23 *(i) fishery independent data; and*

24 *(ii) reduction of exploitation of spawn-*
 25 *ing aggregations; and*

1 (E) cooperative research.

2 (3) ADMINISTRATION AND IMPLEMENTATION.—

3 *The Fisheries and Ecosystem Endowment shall be ad-*
4 *ministered by the Administrator of the National Oce-*
5 *anic and Atmospheric Administration, in consulta-*
6 *tion with the Director of the United States Fish and*
7 *Wildlife Service, with guidance provided by the Re-*
8 *gional Gulf of Mexico Fishery Management Council.*

9 (4) SPECIES INCLUDED.—*The Fisheries and Eco-*
10 *system Endowment will include all marine, estuarine,*
11 *aquaculture, and fish and wildlife species in State*
12 *and Federal waters of the Gulf of Mexico.*

13 (5) RESEARCH PRIORITIES.—*In distributing*
14 *funding under this subsection, priority shall be given*
15 *to integrated, long-term projects that—*

16 (A) *build on, or are coordinated with, re-*
17 *lated research activities; and*

18 (B) *address current or anticipated marine*
19 *ecosystem, fishery, or wildlife management infor-*
20 *mation needs.*

21 (6) DUPLICATION AND COORDINATION.—*In car-*
22 *rying out this subsection, the Administrator shall seek*
23 *to avoid duplication of other research and monitoring*
24 *activities and coordinate with existing research and*
25 *monitoring programs, including the Integrated Coast-*

1 *al and Ocean Observation System Act of 2009 (33*
2 *U.S.C. 3601 et seq.).*

3 *(e) FUNDING.—*

4 *(1) IN GENERAL.—Except as provided in sub-*
5 *section (t)(4) of section 311 of the Federal Water Pol-*
6 *lution Control Act (33 U.S.C. 1321), of the total*
7 *amount made available for each fiscal year for the*
8 *Gulf Coast Restoration Trust Fund established under*
9 *section 3, 5 percent shall be allocated in equal por-*
10 *tions to the Program and Fisheries and Ecosystem*
11 *Endowment established by this section.*

12 *(2) ADMINISTRATIVE EXPENSES.—Of the*
13 *amounts received by the National Oceanic and Atmos-*
14 *pheric Administration to carry out this section, not*
15 *more than 3 percent may be used for administrative*
16 *expenses.*

17 **SEC. 6. EFFECT.**

18 *(a) IN GENERAL.—Nothing in this Act or any amend-*
19 *ment made by this Act—*

20 *(1) supersedes or otherwise affects any provision*
21 *of Federal law, including, in particular, laws pro-*
22 *viding recovery for injury to natural resources under*
23 *the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.)*
24 *and laws for the protection of public health and the*
25 *environment; or*

1 (2) *applies to any fine collected under section*
2 *311 of the Federal Water Pollution Control Act (33*
3 *U.S.C. 1321) for any incident other than the Deep-*
4 *water Horizon oil spill.*

5 **(b) USE OF FUNDS.**—*Funds made available under this*
6 *Act may be used only for eligible activities specifically au-*
7 *thorized by this Act.*

Calendar No. 254

112TH CONGRESS
1ST Session

S. 1400

[Report No. 112-100]

A BILL

To restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes.

DECEMBER 8, 2011

Reported with an amendment