

111TH CONGRESS
2^D SESSION

H. R. 6434

To establish programs to aid in the economic, environmental, and public health recovery of the Gulf States from the damage and harm caused by the blowout of the mobile offshore drilling unit Deepwater Horizon and the resulting degradation of the Gulf over time, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2010

Ms. CASTOR of Florida introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish programs to aid in the economic, environmental, and public health recovery of the Gulf States from the damage and harm caused by the blowout of the mobile offshore drilling unit Deepwater Horizon and the resulting degradation of the Gulf over time, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Gulf of Mexico Eco-
3 nomic and Environmental Restoration Act of 2010”.

4 **SEC. 2. GULF OF MEXICO RECOVERY COUNCIL.**

5 (a) **ESTABLISHMENT.**—There is established the Gulf
6 of Mexico Recovery Council.

7 (b) **MEMBERSHIP.**—The Council shall consist of each
8 member of the Gulf Coast Ecosystem Restoration Task
9 Force established by Executive Order 13554 (75 Fed.
10 Reg. 62313).

11 (c) **CHAIR.**—The Chair of the Council shall be the
12 member designated as the Chair of the Gulf Coast Eco-
13 system Restoration Task Force under Executive Order
14 13554 (75 Fed. Reg. 62313).

15 (d) **DUTIES OF THE COUNCIL.**—The Council shall—

16 (1) establish guidelines for State comprehensive
17 restoration plans under section 4(b);

18 (2) approve or disapprove State comprehensive
19 restoration plans under section 4(d);

20 (3) distribute funds under section 4(e) to States
21 that have State comprehensive restoration plans ap-
22 proved under section 4(d);

23 (4) annually review State comprehensive res-
24 toration plans under section 4(e)(2);

25 (5) establish a Gulf of Mexico Observation Sys-
26 tem under section 5;

1 (6) establish a Gulf of Mexico sea grant pro-
2 gram under section 6;

3 (7) establish a Gulf of Mexico seafood mar-
4 keting program under section 7;

5 (8) establish a Gulf of Mexico clean energy pro-
6 gram under section 8;

7 (9) establish a Gulf coast-based working group
8 that includes representatives of members of the
9 Council and other local agencies and representatives
10 as appropriate for the purposes of recommending,
11 coordinating, and implementing policies, programs,
12 activities, and projects to accomplish Gulf coast eco-
13 nomic development, ecosystem restoration, and pub-
14 lic health rehabilitation under this Act;

15 (10) coordinate the sharing of scientific infor-
16 mation and other research associated with Gulf
17 coast economic development, ecosystem restoration,
18 and public health rehabilitation; and

19 (11) submit an annual report to Congress
20 under subsection (e).

21 (e) REPORT.—Not later than September 30 of each
22 year, the Council shall submit to Congress a report that
23 summarizes the activities of the Council and the policies,
24 plans, activities, and projects carried out under this Act.

1 (f) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
2 MITTEE ACT.—The Federal Advisory Committee Act (5
3 U.S.C. App.) shall not apply to the Council or the working
4 group established under subsection (d)(9).

5 **SEC. 3. GULF OF MEXICO ECONOMIC AND ENVIRONMENTAL**
6 **RECOVERY FUND.**

7 (a) ESTABLISHMENT.—There is established in the
8 Treasury of the United States a fund to be known as the
9 Gulf of Mexico Economic and Environmental Recovery
10 Fund.

11 (b) TRANSFERS TO FUND.—Notwithstanding any
12 other provision of law, the Secretary of the Treasury shall
13 deposit into the Fund amounts equal to not less than 80
14 percent of any amounts collected by the United States be-
15 fore, on, or after the date of the enactment of this Act
16 as penalties, settlements, or fines under sections 309 and
17 311 of the Federal Water Pollution Control Act (33
18 U.S.C. 1319, 1321) in relation to the Gulf oil spill.

19 (c) AUTHORIZED USES.—

20 (1) IN GENERAL.—The Fund shall be available
21 to the Council, as provided in appropriations Acts,
22 only for activities related to Gulf coast economic de-
23 velopment, ecosystem restoration, and public health
24 rehabilitation in accordance with this Act.

25 (2) GRANTS TO STATES.—

1 (A) IN GENERAL.—The Council shall dis-
2 tribute 80 percent of the amounts made avail-
3 able for expenditure from the Fund in a fiscal
4 year to the Gulf States to be used to carry out
5 their respective State comprehensive restoration
6 plans approved by the Council under section
7 4(d)(2), in accordance with section 4(e).

8 (B) PROPORTIONAL DISTRIBUTION.—The
9 Council shall allocate the amounts to be distrib-
10 uted to each Gulf State under this paragraph
11 as follows:

12 (i) 60 percent shall be allocated based
13 on each Gulf State’s proportionate share of
14 the length of Gulf coast shoreline in the
15 Gulf States, as determined by the Council
16 based on the most recently available data
17 from, or accepted by, the Office of Coast
18 Survey of the National Oceanic and At-
19 mospheric Administration.

20 (ii) 40 percent shall be allocated based
21 on each Gulf State’s proportionate share of
22 the aggregate population of all counties
23 contained in whole or in part within the
24 designated Gulf coast boundaries of the
25 Gulf States, as determined by the Council

1 based on the most recent United States
2 census.

3 (3) REGIONAL GRANTS.—

4 (A) USE OF FUNDS.—The Council shall
5 distribute the remaining 20 percent of the
6 amounts made available for expenditure from
7 the Fund in such fiscal year in the form of
8 grants as follows:

9 (i) 40 percent for the Gulf of Mexico
10 Observation System established under sec-
11 tion 5.

12 (ii) 15 percent for the Gulf of Mexico
13 sea grant program established under sec-
14 tion 6.

15 (iii) 15 percent for the Gulf of Mexico
16 seafood marketing program established
17 under section 7.

18 (iv) 30 percent for the Gulf of Mexico
19 clean energy program established under
20 section 8.

21 (B) CONSISTENCY WITH REGIONAL ECO-
22 SYSTEM RESTORATION STRATEGY.—The Coun-
23 cil shall ensure that any funds made available
24 under this paragraph are used for projects and
25 activities that are not inconsistent with the re-

1 regional ecosystem restoration strategy developed
2 by the Gulf Coast Ecosystem Restoration Task
3 Force established by Executive Order 13554
4 (75 Fed. Reg. 62313).

5 **SEC. 4. STATE COMPREHENSIVE RESTORATION PLANS.**

6 (a) IN GENERAL.—In order to be eligible to receive
7 funds under section 3(c)(2), a Gulf State shall submit to
8 the Council a State comprehensive restoration plan re-
9 garding Gulf coast economic development, ecosystem res-
10 toration, and public health rehabilitation in the State, in
11 accordance with this section.

12 (b) GUIDELINES.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the date of the enactment of this Act, and after pro-
15 viding notice and an opportunity for public com-
16 ment, the Council shall make available to the public
17 guidelines for the development and submission of
18 State comprehensive restoration plans under this
19 section.

20 (2) CONTENTS OF PLAN.—

21 (A) IN GENERAL.—The Council shall re-
22 quire a State submitting a State comprehensive
23 restoration plan under this section to ensure
24 that the plan addresses the effects in the State
25 of the Gulf oil spill with regards to the econ-

1 omy, the environment, and public health, both
2 physical and mental.

3 (B) SPECIFIC ELEMENTS.—The Council
4 shall require a State submitting a State com-
5 prehensive restoration plan under this section
6 to ensure that the plan specifically addresses
7 the following elements:

8 (i) Environmental restoration and re-
9 mediation, including in coastal and marine
10 ecosystems.

11 (ii) Academic and applied research re-
12 garding the economy, environment, and
13 public health.

14 (iii) Seafood marketing.

15 (iv) Tourism marketing.

16 (v) Coastal land acquisition.

17 (vi) Ecosystem resource planning and
18 coastal and marine spatial planning (as
19 that term is defined in Executive Order
20 13547 (75 Fed. Reg. 43023)).

21 (vii) Renewable and clean energy pro-
22 duction and development, energy conserva-
23 tion, and related retrofitting projects.

24 (c) DEADLINE.—A State submitting to the Council
25 a State comprehensive restoration plan under this section

1 shall do so not later than 90 days after the date on which
2 the Council makes guidelines available to the public under
3 subsection (b).

4 (d) REVIEW, APPROVAL, AND DISAPPROVAL.—

5 (1) REVIEW.—Not later than 30 days after a
6 State submits to the Council a State comprehensive
7 restoration plan under subsection (a), the Council
8 shall review and either approve or disapprove the
9 State comprehensive restoration plan in accordance
10 with this subsection.

11 (2) APPROVAL.—The Council may approve a
12 State comprehensive restoration plan from a State
13 under this subsection if the plan meets all of the re-
14 quirements of subsection (b) and the guidelines
15 made available under such subsection.

16 (3) DISAPPROVAL.—If the Council disapproves
17 a State comprehensive restoration plan under this
18 subsection—

19 (A) the Council shall provide to the State
20 the reasons for the disapproval; and

21 (B) the State may submit a revised State
22 comprehensive restoration plan not later than
23 30 days after the date of such disapproval.

24 (e) DISTRIBUTION OF FUNDS.—

1 (1) **TIMELINE.**—If the Council approves a State
2 comprehensive restoration plan under subsection (d),
3 the Council shall establish a timeline for distributing
4 funds to the State under section 3(c)(2) and dis-
5 tribute the funds according to such timeline.

6 (2) **ANNUAL REVIEW.**—Not later than Sep-
7 tember 30 of each year during which funds are dis-
8 tributed to a State for a State comprehensive res-
9 toration plan under section 3(c)(2), the Council shall
10 conduct a review of the implementation of the plan.

11 (3) **WITHHOLDING OF FUNDS.**—If the Council
12 finds, based on an annual review conducted under
13 paragraph (2), that a State is not fully imple-
14 menting its State comprehensive restoration plan or
15 the implementation of such plan is not achieving its
16 stated objectives, the Council may withhold funds
17 that have not yet been distributed under the timeline
18 established under paragraph (1).

19 **SEC. 5. GULF OF MEXICO OBSERVATION SYSTEM.**

20 (a) **ESTABLISHMENT.**—The Council shall establish a
21 Gulf of Mexico Observation System to observe, monitor,
22 and map the Gulf in a comprehensive manner in accord-
23 ance with this section.

24 (b) **ADMINISTRATION.**—

1 (1) IN GENERAL.—The Gulf of Mexico Observa-
2 tion System established under subsection (a) shall be
3 implemented through a Gulf of Mexico Exploration
4 Research Center administered by an eligible entity
5 chosen by the Council based on an application dem-
6 onstrating the ability of the eligible entity to carry
7 out the requirements of this section.

8 (2) GRANTS.—The Council shall make grants
9 under section 3(c)(3)(A) to an eligible entity chosen
10 under paragraph (1) for the administration of the
11 Gulf of Mexico Exploration Research Center.

12 (c) FACILITATION OF EXISTING TECHNOLOGIES.—
13 An eligible entity administering the Gulf of Mexico Obser-
14 vation System under subsection (b) shall facilitate the use
15 of existing technologies in order to quickly increase obser-
16 vation and monitoring capabilities in the Gulf, including
17 facilitating—

18 (1) enhancement of existing ocean-based moni-
19 toring systems, including satellite imagery, moorings
20 and autonomous observation platforms, oceano-
21 graphic research vessels, subsurface sea floor map-
22 ping, coastal and wetland monitoring stations,
23 robotic technology, computational modeling and fore-
24 casting, and vessels to support coastal monitoring
25 and fishery assessment;

1 (2) enhancement of the existing land-based
2 monitoring facilities through the acquisition, con-
3 struction, and development of laboratories, port in-
4 frastructure, equipment, and personnel that support,
5 interface, communicate with, and provide integrated
6 observation functions that supplement the ocean-
7 based monitoring system;

8 (3) support of operational costs for staffing re-
9 lating to existing technologies; and

10 (4) the development of academic programs fo-
11 cused on training in supportive fields, such as data
12 assimilation, information synthesis and modeling,
13 data visualization capabilities, and data management
14 and analysis.

15 (d) DEVELOPMENT OF NEW TECHNOLOGIES.—An el-
16 igible entity administering the Gulf of Mexico Observation
17 System under subsection (b) shall facilitate the develop-
18 ment of new monitoring technologies.

19 (e) SPECIFIC TECHNOLOGIES.—

20 (1) DEPLOYMENT.—An eligible entity admin-
21 istering the Gulf of Mexico Observation System
22 under subsection (b) shall deploy monitoring tech-
23 nologies, including the following:

24 (A) Coastal sensor moorings.

25 (B) Deep sea sensor moorings.

1 (C) Sea floor sensor moorings in deep
2 water.

3 (D) Sensor moorings on oil and gas plat-
4 forms and other structures.

5 (E) Data transmission systems, including
6 local- and regional-scale data nodes.

7 (F) Research vessels for system deploy-
8 ment, system maintenance, and emergency re-
9 sponse.

10 (G) Port facilities to support research ves-
11 sels, sensor moorings, and data transmission
12 systems.

13 (H) Sensor development and testing pro-
14 grams.

15 (I) High-frequency radars to monitor phys-
16 ical properties of the surface water of the Gulf.

17 (2) SUPPORT.—An eligible entity administering
18 the Gulf of Mexico Observation System under sub-
19 section (b) shall support monitoring technologies, in-
20 cluding the following:

21 (A) Autonomous underwater vehicles.

22 (B) Satellite and acoustic tagging pro-
23 grams for migratory fishes, cetaceans, and sea
24 turtles.

25 (C) Computer modeling systems.

1 (f) DEFINITIONS.—In this section, the following defi-
2 nitions apply:

3 (1) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means an organization that—

5 (A) is a consortium of public and private
6 institutions of higher education in a Gulf State;

7 (B) is formally established by a board of
8 higher education in a Gulf State for the pur-
9 pose of collaborating on marine science re-
10 search;

11 (C) has its operations physically located in
12 the Gulf coast; and

13 (D) demonstrates experience in carrying
14 out the kinds of activities described in this sec-
15 tion and the ability to carry out the require-
16 ments of subsections (c), (d), and (e).

17 (2) GULF.—The term “Gulf” means the sub-
18 merged lands of the Outer Continental Shelf of the
19 United States, and the areas of the exclusive eco-
20 nomic zone of the United States, within the Gulf of
21 Mexico, including the associated coastal watersheds,
22 estuaries, beaches, and wetlands.

23 (g) COORDINATION WITH NATIONAL INTEGRATED
24 COASTAL AND OCEAN OBSERVATION SYSTEM.—The
25 Council shall ensure that the Gulf of Mexico Observation

1 System established under subsection (a) is developed in
2 coordination with the National Integrated Coastal and
3 Ocean Observation System established under section
4 12304 of the Integrated Coastal and Ocean Observation
5 System Act of 2009 (33 U.S.C. 3603).

6 **SEC. 6. GULF OF MEXICO SEA GRANT PROGRAM.**

7 (a) ESTABLISHMENT.—The Council shall establish a
8 grant program to fund Gulf coast restoration projects car-
9 ried out by sea grant colleges or institutions, as designated
10 under the National Sea Grant College Program Act (33
11 U.S.C. 1121 et seq.), that are located in Gulf States.

12 (b) APPLICATION.—In order to be eligible to receive
13 a grant under this section, a sea grant college or institu-
14 tion located in a Gulf State shall submit to the Council
15 an application describing the research on Gulf coast res-
16 toration activities to be carried out with funds made avail-
17 able through such grant, and how such research is con-
18 sistent with the purposes of both the National Sea Grant
19 College Program and this Act.

20 (c) REPORT.—A sea grant college or institution re-
21 ceiving a grant under this section shall submit an annual
22 report to the Council containing such information as the
23 Council may require.

1 **SEC. 7. GULF OF MEXICO SEAFOOD MARKETING PROGRAM.**

2 (a) ESTABLISHMENT.—The Council shall establish a
3 Gulf of Mexico seafood marketing program to be carried
4 out in accordance with this section.

5 (b) GULF OF MEXICO SEAFOOD MARKETING
6 BOARD.—

7 (1) ESTABLISHMENT.—The Council shall estab-
8 lish a Gulf of Mexico Seafood Marketing Board in
9 accordance with this subsection.

10 (2) MEMBERS.—

11 (A) IN GENERAL.—The Board shall consist
12 of 13 members appointed by the Council to re-
13 flect the expertise and interests of the seafood
14 industry located within the Gulf States.

15 (B) SELECTION.—

16 (i) SOLICITATION OF NOMINEES.—
17 Not later than 30 days after the date of
18 the enactment of this Act, the Council
19 shall solicit from the Governors of the Gulf
20 States nominations of individuals to be ap-
21 pointed as members.

22 (ii) APPOINTMENT.—Not later than
23 60 days after the date of the enactment of
24 this Act, the Council shall appoint mem-
25 bers from among the individuals nominated
26 under clause (i).

1 (C) REPRESENTATION.—The Council shall
2 ensure that the members fairly reflect the sea-
3 food industry located within the Gulf States.
4 The Board shall include the following:

5 (i) 3 individuals with experience in the
6 harvesting of seafood.

7 (ii) 1 individual with experience in
8 managing a large seafood processing oper-
9 ation.

10 (iii) 1 individual with experience in
11 managing a small seafood processing oper-
12 ation.

13 (iv) 1 individual with experience in
14 seafood-related transportation and logis-
15 tics.

16 (v) 1 individual with experience in
17 mass-market seafood distribution.

18 (vi) 1 individual with experience in
19 mass-market seafood retail or food service.

20 (vii) 1 individual with experience in
21 the marketing of seafood.

22 (viii) 1 individual recommended by a
23 Gulf coast region or State seafood mar-
24 keting organization.

1 (ix) 1 individual representing the
2 aquaculture production of seafood.

3 (x) 2 individuals representing the gen-
4 eral public who are familiar with the sea-
5 food industry as a whole.

6 (D) TERMS.—

7 (i) IN GENERAL.—Each member shall
8 be appointed for a term of 3 years.

9 (ii) TERM LIMIT.—No member may
10 serve more than 3 consecutive terms.

11 (iii) VACANCIES.—A vacancy on the
12 Board shall not affect the ability of the
13 Board to function. The Council shall ap-
14 point a new member in the manner in
15 which the original appointment was made
16 not later than 30 days after a vacancy oc-
17 curs to fill the unexpired term of the va-
18 cated member.

19 (E) REMOVAL.—The Board may remove a
20 member from office for failure to attend 3 con-
21 secutive Board meetings without reasonable ex-
22 cuse.

23 (F) COMPENSATION.—Members shall serve
24 without compensation, but shall be reimbursed
25 in accordance with section 5703 of title 5,

1 United States Code, for reasonable travel costs
2 and expenses incurred in performing their du-
3 ties as a member.

4 (3) ADMINISTRATION.—

5 (A) CHAIR.—The Board shall be chaired
6 by a member selected by a majority of members
7 voting.

8 (B) QUORUM.—A simple majority of mem-
9 bers shall constitute a quorum, but a lesser
10 number may hold hearings.

11 (C) EXECUTIVE DIRECTOR.—

12 (i) IN GENERAL.—The Board shall
13 employ an executive director.

14 (ii) SALARY LIMIT.—The salary of an
15 executive director employed under clause
16 (i) may not exceed the highest rate of basic
17 pay established for the Senior Executive
18 Service under section 5382 of title 5,
19 United States Code.

20 (iii) QUALIFICATIONS.—In order to be
21 qualified to be employed as an executive di-
22 rector under clause (i), an individual must
23 have demonstrated experience in the mar-
24 keting and promotion of food products.

1 (D) STAFF.—An executive director em-
2 ployed by the Board under subparagraph (C),
3 with the approval of the Board, may select and
4 employ such additional staff as the executive di-
5 rector determines necessary.

6 (E) LIMITATION ON ADMINISTRATIVE EX-
7 PENSES.—Not more than 5 percent of the
8 funds distributed by the Council to the Board
9 each year may be used by the Board to pay its
10 administrative expenses.

11 (4) SEAFOOD MARKETING PLANS.—

12 (A) IN GENERAL.—Not later than Sep-
13 tember 30 of each year, the Board shall submit
14 to the Council a seafood marketing plan that
15 describes the consumer education, research, and
16 other marketing activities planned by the Board
17 for the following year, including the selection
18 procedures and criteria the Board plans to use
19 for the awarding of grants.

20 (B) PURPOSES.—The Board shall design a
21 seafood marketing plan submitted under this
22 paragraph for the purposes of—

- 23 (i) increasing consumer demand for
24 seafood;

1 (ii) encouraging, expanding, or im-
2 proving the marketing and utilization of
3 seafood; and

4 (iii) improving consumer education,
5 research, and other marketing activities re-
6 garding seafood.

7 (C) SPECIFIC MARKETING ACTIVITIES PER-
8 MITTED.—The Board may include in a seafood
9 marketing plan submitted under this paragraph
10 marketing activities that reference a particular
11 brand or trade name.

12 (D) REVIEW; APPROVAL; DISAPPROVAL.—

13 (i) REVIEW.—Not later than 30 days
14 after the Board submits to the Council a
15 seafood marketing plan under this para-
16 graph, the Council shall review the mar-
17 keting plan and approve or disapprove the
18 plan in accordance with this subparagraph.

19 (ii) APPROVAL.—If the Council deter-
20 mines that the plan meets the require-
21 ments of this paragraph, the Council shall
22 approve the plan and make a grant to the
23 Board in accordance with section
24 3(c)(3)(A).

1 (iii) DISAPPROVAL.—If the Council
2 does not approve a plan under clause (ii)—

3 (I) the Council shall provide to
4 the Board the reasons for the dis-
5 approval; and

6 (II) the Board shall submit a re-
7 vised plan not later than 30 days
8 after the date of such disapproval.

9 (5) GRANTS TO ORGANIZATIONS AND INDIVID-
10 UALS.—

11 (A) IN GENERAL.—The Board shall make
12 grants to organizations and individuals, subject
13 to such terms and conditions as the Board may
14 require and consistent with the purposes of this
15 section and the marketing plan approved by the
16 Council.

17 (B) PROMOTION OF PARTNERSHIPS.—In
18 making grants under this subsection, the Board
19 shall promote cost-sharing partnerships with
20 non-Federal entities and may limit grant
21 amounts to a portion of the estimated cost of
22 a project.

23 (C) MATCHING FUNDS.—If the Board con-
24 ditions the making of a grant under this sub-
25 section on the availability of matching funds,

1 such matching funds may include funds from
2 private sources, funds from State or local gov-
3 ernments, or the value of in-kind contributions.

4 (D) DISTRIBUTION GOAL.—The Board
5 shall seek to distribute not less than 10 percent
6 of the funds it distributes under this subsection
7 in a fiscal year through grants to minority-
8 owned businesses, veteran-owned businesses,
9 and small businesses.

10 (6) RECORDS.—The Board shall maintain ac-
11 counting records of the receipt and disbursement of
12 all funds of the Board, which shall be subject to the
13 review of the Council.

14 (7) REPORT.—Not later than September 1 of
15 each year, the Board shall submit to the Council a
16 report detailing the expenditures of the Board dur-
17 ing the previous 12 months and the results of such
18 expenditures.

19 (c) REPORT.—Not later than September 30 of each
20 year, the Council shall submit to Congress a report re-
21 garding the results of the operations of the Gulf of Mexico
22 seafood marketing program.

23 (d) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

1 (1) BOARD.—The term “Board” means the
2 Gulf of Mexico Seafood Marketing Board established
3 by subsection (b)(1).

4 (2) MEMBER.—The term “member” means a
5 member of the Board.

6 (3) MINORITY-OWNED BUSINESS.—The term
7 “minority-owned business” means a business—

8 (A) not less than 51 percent of which is
9 owned by one or more socially and economically
10 disadvantaged individuals or, in the case of any
11 publicly owned business, not less than 51 per-
12 cent of the stock of which is owned by one or
13 more socially and economically disadvantaged
14 individuals; and

15 (B) the management and daily business
16 operations of which are controlled by one or
17 more socially and economically disadvantaged
18 individuals.

19 (4) SEAFOOD.—The term “seafood” means
20 farm-raised and wild-caught fish and shellfish har-
21 vested in the Gulf coast for human consumption.

22 (5) SMALL BUSINESS.—The term “small busi-
23 ness” has the meaning given the term “small busi-
24 ness concern” in section 3 of the Small Business Act
25 (15 U.S.C. 632).

1 (6) SOCIALLY AND ECONOMICALLY DISADVAN-
2 TAGED INDIVIDUAL.—The term “socially and eco-
3 nomically disadvantaged individual” means an indi-
4 vidual described as socially and economically dis-
5 advantaged in section 8(a) of the Small Business
6 Act (15 U.S.C. 637(a)).

7 (7) VETERAN.—The term “veteran” has the
8 meaning given that term in section 101(2) of title
9 38, United States Code.

10 (8) VETERAN-OWNED BUSINESS.—The term
11 “veteran-owned business” means a business—

12 (A) not less than 51 percent of which is
13 owned by one or more veterans or, in the case
14 of any publicly owned business, not less than 51
15 percent of the stock of which is owned by one
16 or more veterans; and

17 (B) the management and daily business
18 operations of which are controlled by one or
19 more veterans.

20 **SEC. 8. GULF OF MEXICO CLEAN ENERGY PROGRAM.**

21 (a) ESTABLISHMENT.—The Council shall establish a
22 Gulf of Mexico clean energy program to make grants to
23 eligible entities for qualified clean energy projects and
24 qualified energy efficiency projects, in accordance with this
25 section.

1 (b) APPLICATION.—In order to be eligible to receive
2 a grant under this section, an eligible entity shall submit
3 to the Council an application at such time, in such form,
4 and containing such information as the Council may re-
5 quire.

6 (c) REPORT.—An eligible entity receiving a grant
7 under this section shall submit an annual report to the
8 Council containing such information as the Council may
9 require.

10 (d) DEFINITIONS.—In this section, the following defi-
11 nitions apply:

12 (1) CLEAN ENERGY PROJECT.—The term
13 “clean energy project” means any electricity genera-
14 tion, transmission, storage, heating, cooling, indus-
15 trial process, or manufacturing project the primary
16 purpose of which is the deployment, development, or
17 production of an energy system or technology that
18 avoids, reduces, or sequesters air pollutants or an-
19 thropogenic greenhouse gases, including projects
20 based on the following energy technologies:

21 (A) Solar.

22 (B) Wind.

23 (C) Geothermal.

24 (D) Biomass.

25 (E) Hydropower.

1 (F) Ocean.

2 (G) Fuel cell.

3 (H) Advanced battery.

4 (I) Carbon capture and sequestration.

5 (J) Next generation biofuels.

6 (2) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means a State or local government, an indi-
8 vidual, a nonprofit organization, or a private busi-
9 ness.

10 (3) ENERGY EFFICIENCY PROJECT.—The term
11 “energy efficiency project” means any project, tech-
12 nology, function, or measure that results in the re-
13 duction of energy use required to achieve the same
14 level of service or output prior to the application of
15 such project, technology, function, or measure, or
16 substantially reduces greenhouse gas emissions rel-
17 ative to emissions that would have occurred prior to
18 the application of such project, technology, function,
19 or measure.

20 (4) QUALIFIED CLEAN ENERGY PROJECT.—The
21 term “qualified clean energy project” means a clean
22 energy project that—

23 (A) is carried out within a Gulf State;

24 (B) pays wages in accordance with sub-
25 chapter IV of chapter 31 of title 40, United

1 States Code (commonly known as the Davis-
2 Bacon Act); and

3 (C) satisfies any other conditions estab-
4 lished by the Council.

5 (5) QUALIFIED ENERGY EFFICIENCY
6 PROJECT.—The term “qualified energy efficiency
7 project” means an energy efficiency project, includ-
8 ing Smart Grid technologies and functions charac-
9 terized in section 1301 of the Energy Independence
10 and Security Act of 2007 (42 U.S.C. 17381) and
11 end-use technologies for efficiency gains in new con-
12 struction and across existing infrastructure, that—

13 (A) is carried out within a Gulf State;

14 (B) pays wages in accordance with sub-
15 chapter IV of chapter 31 of title 40, United
16 States Code (commonly known as the Davis-
17 Bacon Act); and

18 (C) satisfies any other conditions estab-
19 lished by the Council.

20 **SEC. 9. DEFINITIONS.**

21 In this Act, the following definitions apply:

22 (1) FUND.—The term “Fund” means the Gulf
23 of Mexico Economic and Environmental Recovery
24 Fund established by section 3(a).

1 (2) COUNCIL.—The term “Council” means the
2 Gulf of Mexico Recovery Council established by sec-
3 tion 2(a).

4 (3) GULF COAST.—The term “Gulf coast”
5 means the coastal zones, as determined pursuant to
6 the Coastal Zone Management Act of 1972 (16
7 U.S.C. 1451 et seq.), of the States of Alabama,
8 Florida, Louisiana, and Mississippi and adjacent
9 State waters and submerged lands of the Outer Con-
10 tinental Shelf in the Gulf of Mexico.

11 (4) GULF STATES.—The term “Gulf States”
12 means the States of Alabama, Florida, Louisiana,
13 and Mississippi.

14 (5) GULF OIL SPILL.—The term “Gulf oil spill”
15 means the oil spill in the Gulf of Mexico caused by
16 the mobile offshore drilling unit Deepwater Horizon
17 that began on April 20, 2010.

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