

111TH CONGRESS  
2D SESSION

# S. 3792

To provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2010

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, 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 “Gulf Coast Restoration  
5 Act”.

6 **SEC. 2. GULF COAST ECOSYSTEM RESTORATION.**

7 (a) DEFINITIONS.—In this section:

8 (1) CHAIR.—The term “Chair” means the  
9 Chair of the Task Force appointed under subsection  
10 (d)(3).

1           (2) STATE COASTAL ECOSYSTEM RESTORATION  
2           PLAN.—The term “State Coastal Ecosystem Res-  
3           toration Plan” means a plan submitted under sub-  
4           section (c) by a qualifying State to the Task Force.

5           (3) FUND.—The term “Fund” means the Gulf  
6           Coast Ecosystem Restoration Fund established by  
7           subsection (b)(2)(A).

8           (4) GOVERNORS.—The term “Governors”  
9           means the Governors of each of the States of Ala-  
10          bama, Florida, Louisiana, and Mississippi.

11          (5) GULF COAST ECOSYSTEM.—The term “Gulf  
12          Coast ecosystem” means the coastal zones, as deter-  
13          mined pursuant to the Coastal Zone Management  
14          Act of 1972 (16 U.S.C. 1451 et seq.), of the States  
15          of Alabama, Florida, Louisiana, and Mississippi and  
16          adjacent State waters and areas of the outer Conti-  
17          nental Shelf, adversely impacted by the blowout and  
18          explosion of the mobile offshore drilling unit Deep-  
19          water Horizon that occurred on April 20, 2010, and  
20          resulting hydrocarbon releases into the environment.

21          (6) SECRETARY.—The term “Secretary” means  
22          the Secretary of the Interior.

23          (7) QUALIFYING STATE.—The term “qualifying  
24          State” means each of the States of Alabama, Flor-  
25          ida, Louisiana, and Mississippi.

1           (8) TASK FORCE.—The term “Task Force”  
2 means the Gulf Coast Ecosystem Restoration Task  
3 Force established by subsection (d).

4           (b) GULF COAST ECOSYSTEM RESTORATION.—

5           (1) IN GENERAL.—In accordance with this sec-  
6 tion, the Chair shall review and approve or dis-  
7 approve State Coastal Ecosystem Restoration Plans  
8 submitted by the Governors that provide for restora-  
9 tion activities with respect to the Gulf Coast eco-  
10 system.

11           (2) GULF COAST ECOSYSTEM RESTORATION  
12 FUND.—

13           (A) ESTABLISHMENT.—There is estab-  
14 lished in the Treasury of the United States a  
15 fund to be known as the “Gulf Coast Eco-  
16 system Restoration Fund”.

17           (B) TRANSFERS TO FUND.—Notwith-  
18 standing any other provision of law, the Sec-  
19 retary of the Treasury shall deposit into the  
20 Fund amounts equal to not less than 80 per-  
21 cent of any amounts collected by the United  
22 States as penalties, settlements, or fines under  
23 sections 309 and 311 of the Federal Water Pol-  
24 lution Control Act (33 U.S.C. 1319, 1321) in  
25 relation to the blowout and explosion of the mo-

1           bile offshore drilling unit Deepwater Horizon  
2           that occurred on April 20, 2010, and resulting  
3           hydrocarbon releases into the environment.

4           (C) AUTHORIZED USES.—The Fund shall  
5           be available to the Chair for the conservation,  
6           protection, and restoration of the Gulf Coast  
7           ecosystem in accordance with State Coastal  
8           Ecosystem Restoration Plans submitted by the  
9           Governors and approved by the Chair under  
10          this section.

11          (3) DISBURSEMENT.—The Chair shall disburse  
12          to each qualifying State for which the Chair has ap-  
13          proved a State Coastal Ecosystem Restoration Plan  
14          under this section such funds as are allocated to the  
15          qualifying State under this section.

16          (4) USE OF FUNDS BY QUALIFYING STATE.—A  
17          qualifying State shall use all amounts received under  
18          this section, including any amount deposited in a  
19          trust fund that is administered by the State and  
20          dedicated to uses consistent with this section, in ac-  
21          cordance with all applicable Federal and State law,  
22          only for 1 or more of the following purposes:

23                  (A) Projects and activities for the con-  
24                  servation, protection, or restoration of coastal  
25                  areas, including wetlands.

1 (B) Mitigation of damage to fish, wildlife,  
2 or natural resources.

3 (C) Planning assistance and the adminis-  
4 trative costs of complying with this section.

5 (D) Implementation of a federally ap-  
6 proved marine, coastal, or comprehensive con-  
7 servation management plan.

8 (e) STATE COASTAL ECOSYSTEM RESTORATION  
9 PLAN.—

10 (1) SUBMISSION OF STATE PLANS.—

11 (A) IN GENERAL.—Not later than July 1,  
12 2011, the Governor of a qualifying State shall  
13 submit to the Chair a State Coastal Ecosystem  
14 Restoration Plan.

15 (B) PUBLIC PARTICIPATION.—In carrying  
16 out subparagraph (A), the Governor shall solicit  
17 local input and provide for public participation  
18 in the development of the plan.

19 (2) APPROVAL.—

20 (A) IN GENERAL.—The Chair must ap-  
21 prove a plan of a qualifying State submitted  
22 under paragraph (1) before disbursing any  
23 amount to the qualifying State under this sec-  
24 tion.

1 (B) REQUIRED COMPONENTS.—The Chair  
2 shall approve a plan submitted by a qualifying  
3 State under paragraph (1) if—

4 (i) the Chair determines that the plan  
5 is consistent with the uses described in  
6 subsection (b); and

7 (ii) the plan contains—

8 (I) the name of the State agency  
9 that will have the authority to rep-  
10 resent and act on behalf of the State  
11 in dealing with the Secretary for pur-  
12 poses of this section;

13 (II) a program for the implemen-  
14 tation of the plan that describes how  
15 the amounts provided under this sec-  
16 tion to the qualifying State will be  
17 used; and

18 (III) a certification by the Gov-  
19 ernor that ample opportunity has been  
20 provided for public participation in  
21 the development and revision of the  
22 plan.

23 (3) AMENDMENTS.—Any amendment to a plan  
24 submitted under paragraph (1) shall be—

1 (A) developed in accordance with this sub-  
2 section; and

3 (B) submitted to the Chair for approval or  
4 disapproval under paragraph (4).

5 (4) PROCEDURE.—Not later than 60 days after  
6 the date on which a plan or amendment to a plan  
7 is submitted under paragraph (1) or (3), respec-  
8 tively, the Chair shall approve or disapprove the plan  
9 or amendment.

10 (d) GULF COAST ECOSYSTEM RESTORATION TASK  
11 FORCE.—

12 (1) ESTABLISHMENT.—There is established the  
13 Gulf Coast Ecosystem Restoration Task Force.

14 (2) MEMBERSHIP.—The Task Force shall con-  
15 sist of the following members, or in the case of a  
16 Federal agency, a designee at the level of Assistant  
17 Secretary or the equivalent:

18 (A) The Secretary.

19 (B) The Secretary of Commerce.

20 (C) The Secretary of the Army.

21 (D) The Attorney General.

22 (E) The Secretary of Homeland Security.

23 (F) The Administrator of the Environ-  
24 mental Protection Agency.

25 (G) The Commandant of the Coast Guard.

1 (H) The Secretary of Transportation.

2 (I) The Secretary of Agriculture.

3 (J) A representative of each affected In-  
4 dian tribe, appointed by the Secretary based on  
5 the recommendations of the tribal chairman.

6 (K) Two representatives of each of the  
7 States of Alabama, Florida, Louisiana, and  
8 Mississippi, appointed by the Governor of each  
9 State, respectively.

10 (L) Two representatives of local govern-  
11 ment within each of the States of Alabama,  
12 Florida, Louisiana, and Mississippi, appointed  
13 by the Governor of each State, respectively.

14 (3) CHAIR.—The Chair of the Task Force shall  
15 be appointed by the President from among the mem-  
16 bers under paragraph (2) who are Federal officials.

17 (4) DUTIES OF THE TASK FORCE.—The Task  
18 Force shall—

19 (A) consult with, and provide recommenda-  
20 tions to, the Chair regarding the approval of  
21 State Coastal Ecosystem Restoration Plans;

22 (B) coordinate scientific and other re-  
23 search associated with restoration of the Gulf  
24 Coast ecosystem; and

1           (C) submit an annual report to Congress  
2           that summarizes the State Coastal Ecosystem  
3           Restoration Plans submitted by the Governors  
4           and approved by the Chair.

5           (5) APPLICATION OF THE FEDERAL ADVISORY  
6           COMMITTEE ACT.—The Task Force shall not be con-  
7           sidered an advisory committee under the Federal  
8           Advisory Committee Act (5 U.S.C. App.).

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