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To restore the natural resources, ecosystems, fisheries, marine habitats, and coastal wetland 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

APRIL 14, 2011

Ms. LANDRIEU (for herself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To restore the natural resources, ecosystems, fisheries, marine habitats, and coastal wetland 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Resources and Eco-
3 systems Sustainability, Tourist Opportunities, and Re-
4 vived Economies of the Gulf Coast States Act of 2011”.

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

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

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

20 (3)(A) in the report entitled “America’s Gulf
21 Coast—A Long Term Recovery Plan after the Deep-
22 water Horizon Oil Spill”, the Secretary of the Navy
23 stated, “Together, the Gulf’s tourism and commer-
24 cial and recreational fishing industries contribute
25 tens of billions of dollars to the U.S. economy. More
26 than 90 percent of the nation’s offshore crude oil

1 and natural gas is produced in the Gulf, and the
2 Federal treasury receives roughly \$4.5 billion dollars
3 every year from offshore leases and royalties. And it
4 is in the Gulf of Mexico that nearly one third of sea-
5 food production in the continental U.S. is harvested.
6 America needs a healthy and resilient Gulf Coast,
7 one that can support the diverse economies, commu-
8 nities, and cultures of the region.”;

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

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

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

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

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

18 (5) taking into account the risks borne by Gulf
19 Coast States for decades of oil and gas development
20 and the environmental degradation suffered by the
21 Gulf Coast ecosystem, the amounts received by the
22 United States as payment of administrative, civil, or
23 criminal penalties in connection with the explosion
24 on, and sinking of, the mobile offshore drilling unit
25 Deepwater Horizon should be expended—

1 (A) to restore the natural resources, eco-
2 systems, fisheries, marine habitats, coastal wet-
3 land, and economy of the Gulf Coast; and

4 (B) to address the associated economic
5 harm suffered by the people and communities
6 of the region, including especially socially vul-
7 nerable populations;

8 (6) the expenditures of funds pursuant to this
9 Act and the amendments made by this Act should
10 be based on the best available physical, ecological,
11 and social science;

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

19 (8) Federal, State, and local officials should
20 seek—

21 (A) to leverage the financial resources
22 made available under this Act; and

23 (B) to the maximum extent practicable, to
24 ensure that projects funded pursuant to this
25 Act complement efforts planned or in operation

1 to revitalize the natural resources and economic
2 health of the Gulf Coast region, including by
3 augmenting funding for projects underwritten
4 by the private sector and philanthropic organi-
5 zations.

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

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

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

22 (c) **EXPENDITURES.**—Amounts in the Trust Fund,
23 including interest earned on advances to the Trust Fund
24 and proceeds from investment under subsection (d),
25 shall—

1 (1) be available for expenditure, without further
2 appropriation, solely for programs and projects to
3 restore, protect, and make sustainable use of the
4 natural resources, ecosystems, fisheries, marine
5 habitats, coastal wetland, and economy of the Gulf
6 Coast States (as defined in section 311 of the Fed-
7 eral Water Pollution Control Act (33 U.S.C. 1321)),
8 in accordance with this Act and the amendments
9 made by this Act; and

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

12 (d) INVESTMENT.—Amounts in the Trust Fund shall
13 be invested in accordance with section 9702 of title 31,
14 United States Code, and any interest on, and proceeds
15 from, any such investment shall be credited to, and be-
16 come a part of, the Trust Fund.

17 (e) ADMINISTRATION.—Not later than 180 days after
18 the date of enactment of this Act, after providing notice
19 and an opportunity for public comment, the Secretary of
20 the Treasury shall establish such procedures as the Sec-
21 retary determines to be necessary to deposit amounts in,
22 and expend amounts from, the Trust Fund pursuant to
23 this Act, including—

24 (1) procedures to assess whether the programs
25 and activities carried out under this Act and the

1 amendments made by this Act achieve compliance
2 with applicable requirements, including procedures
3 by which the Secretary of the Interior may deter-
4 mine whether an expenditure by a Gulf Coast State
5 (as that term is defined in section 311 of the Fed-
6 eral Water Pollution Control Act (33 U.S.C. 1321))
7 pursuant to such a program or activity achieves
8 compliance;

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

12 (3) procedures for identification and allocation
13 of funds available to the Secretary under other pro-
14 visions of law that may be necessary to pay the ad-
15 ministrative expenses directly attributable to the
16 management of the Trust Fund.

17 **SEC. 4. GULF COAST NATURAL RESOURCES RESTORATION**
18 **AND ECONOMIC RECOVERY.**

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

21 (1) in subsection (a)—

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

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

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

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

7 “(28) the term ‘Comprehensive Plan’ means the
8 comprehensive plan developed by the Council pursu-
9 ant to subsection (t);

10 “(29) the term ‘Council’ means the Gulf Coast
11 Ecosystem Restoration Council established pursuant
12 to subsection (t);

13 “(30) the term ‘Deepwater Horizon oil spill’
14 means the blowout and explosion of the mobile off-
15 shore drilling unit Deepwater Horizon that occurred
16 on April 20, 2010, and resulting hydrocarbon re-
17 leases into the environment;

18 “(31) the term ‘Gulf Coast ecosystem’ means—

19 “(A) the coastal zones, as that term is de-
20 fined in section 304 of the Coastal Zone Man-
21 agement Act of 1972 (16 U.S.C. 1453) of the
22 Gulf Coast States; and

23 “(B) includes any adjacent land, water,
24 watersheds, and areas of the outer Continental
25 Shelf of the Gulf Coast States that—

1 “(i) are within 50 miles of the coastal
2 zones of the Gulf Coast States and have
3 been adversely affected by the Deepwater
4 Horizon oil spill; and

5 “(ii) have been potentially affected by
6 continued impacts relating to the Deep-
7 water Horizon oil spill;

8 “(32) the term ‘Gulf Coast State’ means any of
9 the States of Alabama, Florida, Louisiana, Mis-
10 sissippi, and Texas; and

11 “(33) the term ‘Trust Fund’ means the Gulf
12 Coast Restoration Trust Fund established pursuant
13 to section 3 of the Resources and Ecosystems Sus-
14 tainability, Tourist Opportunities, and Revived
15 Economies of the Gulf Coast States Act of 2011.”;

16 (2) in subsection (s), by inserting “except as
17 provided in subsection (t)” before the period at the
18 end; and

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

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

21 “(1) STATE ALLOCATION AND EXPENDI-
22 TURES.—

23 “(A) IN GENERAL.—Of the total amounts
24 made available in any fiscal year from the
25 Trust Fund, 35 percent shall be disbursed to

1 the Gulf Coast States in equal shares for ex-
2 penditure in accordance with this subsection.

3 “(B) USE OF FUNDS.—

4 “(i) IN GENERAL.—Amounts provided
5 to the Gulf Coast States under this sub-
6 section shall be used to carry out projects
7 and programs to restore, protect, and
8 make sustainable use of the natural re-
9 sources, ecosystems, fisheries, marine habi-
10 tats, coastal wetland, and economy of the
11 Gulf Coast.

12 “(ii) ACTIVITIES.—Amounts provided
13 to the Gulf States under this subsection
14 may be used to carry out 1 or more of the
15 following activities:

16 “(I) Coastal protection projects
17 and activities, including conservation,
18 coastal restoration, hurricane protec-
19 tion, and infrastructure directly af-
20 fected by coastal wetland losses, beach
21 erosion, and the impacts of the Deep-
22 water Horizon oil spill.

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.

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

11 “(VI) Planning assistance and
12 the administrative costs of complying
13 with this subsection.

14 “(C) CONDITIONS.—As a condition of re-
15 ceiving amounts from the Trust Fund, the Gov-
16 ernor of a Gulf Coast State, in consultation
17 with the appropriate State entity, including the
18 entities described in subparagraph (D), shall—

19 “(i) agree to meet such conditions, in-
20 cluding audit requirements, as the Sec-
21 retary of the Treasury determines nec-
22 essary to ensure that amounts disbursed
23 from the Trust Fund will be used in ac-
24 cordance with this subsection;

1 “(ii) certify in such form and in such
2 manner as the Secretary of the Treasury
3 determines necessary that the project or
4 program for which the Governor is request-
5 ing amounts—

6 “(I) is designed to restore, pro-
7 tect, and make sustainable use of the
8 natural resources, ecosystems, fish-
9 eries, marine habitats, coastal wet-
10 land, and economy of the Gulf Coast;

11 “(II) carries out 1 or more of the
12 activities described in subparagraph
13 (B);

14 “(III) was selected based on
15 meaningful input from the public, in-
16 cluding broad-based participation
17 from individuals, businesses, and non-
18 profit organizations; and

19 “(IV) in the case of a natural re-
20 source, is based on the best available
21 science; and

22 “(iii) certify that the project or pro-
23 gram and the awarding of a contract for
24 the expenditure of amounts received under
25 this subsection are consistent with the

1 standard procurement rules and regula-
2 tions governing a comparable project or
3 program in that State, including all appli-
4 cable competitive bidding and audit re-
5 quirements.

6 “(D) APPROVAL BY STATE ENTITY, TASK
7 FORCE, OR AGENCY.—The following Gulf Coast
8 State entities, task forces, or agencies shall be
9 consulted by the applicable Gulf Coast State
10 Governor in carrying out subparagraph (C):

11 “(i) In the State of Alabama, the Port
12 Authority of Alabama.

13 “(ii) In the State of Louisiana, the
14 Coastal Protection and Restoration Au-
15 thority of Louisiana.

16 “(E) COMPLIANCE WITH CONDITIONS.—If
17 the Secretary of the Treasury determines that
18 an expenditure by a Gulf Coast State of
19 amounts made available under this subsection
20 does not meet the conditions of this subsection,
21 the Secretary shall make no additional amounts
22 from the Trust Fund available to that Gulf
23 Coast State until such time as an amount equal
24 to the amount expended for the unauthorized
25 use—

1 “(i) has been deposited by the Gulf
2 Coast State in the Trust Fund; or

3 “(ii) has been authorized by the Sec-
4 retary of the Treasury for expenditure by
5 the Gulf Coast State for a project or pro-
6 gram that meets the requirements of this
7 subsection.

8 “(F) PUBLIC INPUT.—In meeting any con-
9 dition of this subsection, the Governor of a Gulf
10 Coast State may use any procedure appropriate
11 in that Gulf Coast State, including consulting
12 with 1 or more established task forces or other
13 entities, to develop recommendations for pro-
14 posed projects and programs that would re-
15 store, protect, and make sustainable use of the
16 natural resources, ecosystems, fisheries, marine
17 habitats, coastal wetland, and economy of the
18 Gulf Coast.

19 “(G) PREVIOUSLY APPROVED PROJECTS
20 AND PROGRAMS.—The Governor of a Gulf
21 Coast State shall be considered to have met the
22 conditions of subparagraph (C) for a specific
23 project or program if, before the date of enact-
24 ment of the Resources and Ecosystems Sustain-
25 ability, Tourist Opportunities, and Revived

1 Economies of the Gulf Coast States Act of
2 2011—

3 “(i) the Gulf Coast State has estab-
4 lished conditions for carrying out projects
5 and programs that are similar to the con-
6 ditions described in subparagraph (C); and

7 “(ii) the applicable project or program
8 carries out 1 or more of the activities de-
9 scribed in subparagraph (B)(ii).

10 “(H) CONSULTATION WITH COUNCIL.—In
11 carrying out this subsection, each Governor of
12 a Gulf Coast State shall seek the input of the
13 Chairperson of the Council to identify large-
14 scale projects that may be jointly supported by
15 that Gulf Coast State and by the Council pur-
16 suant to the Comprehensive Plan with amounts
17 provided under this subsection.

18 “(I) NON-FEDERAL MATCHING FUNDS.—A
19 Governor of a Gulf Coast State may use, in
20 whole or in part, amounts made available to
21 that Gulf Coast State from the Trust Fund to
22 satisfy the non-Federal share of the cost of any
23 project or program authorized by Federal law
24 that meets the use requirements under subpara-
25 graph (B)(i).

1 “(J) LOCAL PREFERENCE.—In awarding
2 contracts to carry out a project or program
3 under this subsection, a Governor of a Gulf
4 Coast State may give a preference to individ-
5 uals and companies that reside in, are
6 headquartered in, or are principally engaged in
7 business in, a Gulf Coast State.

8 “(2) COUNCIL ESTABLISHMENT AND ALLOCA-
9 TION.—

10 “(A) IN GENERAL.—Of the total amount
11 made available in any fiscal year from the
12 Trust Fund, 60 percent shall be disbursed to
13 the Council to carry out the Comprehensive
14 Plan.

15 “(B) COUNCIL EXPENDITURES.—

16 “(i) IN GENERAL.—In accordance
17 with this paragraph, the Chairperson shall
18 select, and the Council shall undertake,
19 projects and programs that would restore
20 and protect the natural resources, eco-
21 systems, fisheries, marine habitats, and
22 coastal wetland of the Gulf Coast.

23 “(ii) ALLOCATION AND EXPENDITURE
24 PROCEDURES.—The Secretary of the
25 Treasury shall develop such conditions, in-

1 including audit requirements, as the Sec-
2 retary of the Treasury determines nec-
3 essary to ensure that amounts disbursed
4 from the Trust Fund to the Council to im-
5 plement the Comprehensive Plan will be
6 used in accordance with this paragraph.

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

9 “(i) ESTABLISHMENT.—There is es-
10 tablished as an independent entity in the
11 Federal Government a council to be known
12 as the ‘Gulf Coast Ecosystem Restoration
13 Council’.

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

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

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

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

1 “(IV) The Secretary of Com-
2 merce.

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

5 “(VI) The Administrator of the
6 Environmental Protection Agency.

7 “(VII) The Secretary of Home-
8 land Security.

9 “(VIII) The Secretary of Energy.

10 “(IX) The Governor of the State
11 of Alabama.

12 “(X) The Governor of the State
13 of Florida.

14 “(XI) The Governor of the State
15 of Louisiana.

16 “(XII) The Governor of the State
17 of Mississippi.

18 “(XIII) The Governor of the
19 State of Texas.

20 “(iii) CHAIRPERSON.—From among
21 the Federal agency members of the Coun-
22 cil, the Council shall select, and the Presi-
23 dent shall appoint, 1 member to serve as
24 Chairperson of the Council.

1 “(iv) DUTIES OF COUNCIL.—The
2 Council shall—

3 “(I) consult with, and provide
4 recommendations to, the Chairperson
5 during development of a preliminary
6 plan, the Comprehensive Plan, and fu-
7 ture revisions to the Comprehensive
8 Plan;

9 “(II) identify as soon as prac-
10 ticable the projects that—

11 “(aa) have been authorized
12 prior to the date of enactment of
13 this subsection but not yet com-
14 menced; and

15 “(bb) if implemented quick-
16 ly, would restore and protect the
17 natural resources, ecosystems,
18 fisheries, marine habitats, and
19 coastal wetland of the Gulf Coast
20 ecosystem;

21 “(III) coordinate the development
22 of consistent policies, strategies,
23 plans, and activities by Federal agen-
24 cies, State and local governments, and
25 private sector entities for addressing

1 the restoration and protection of the
2 Gulf Coast ecosystem;

3 “(IV) establish such other advi-
4 sory committee or committees as may
5 be necessary to assist the Council, in-
6 cluding to address public policy and
7 scientific issues;

8 “(V) coordinate scientific and
9 other research associated with restora-
10 tion of the Gulf Coast ecosystem;

11 “(VI) seek to ensure that all poli-
12 cies, strategies, plans, and activities
13 for addressing the restoration of the
14 Gulf Coast ecosystem are based on
15 the best available physical, ecological,
16 and social science;

17 “(VII) make recommendations to
18 address the particular needs of espe-
19 cially socially vulnerable populations;

20 “(VIII) develop standard terms
21 to include in contracts for projects
22 and programs awarded pursuant to
23 the Comprehensive Plan that provide
24 a preference to individuals and com-
25 panies that reside in, are

1 headquartered in, or are principally
2 engaged in business in, a Gulf Coast
3 State;

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

11 “(X) submit an annual report to
12 Congress that—

13 “(aa) summarizes the poli-
14 cies, strategies, plans, and activi-
15 ties for addressing the restora-
16 tion and protection of the Gulf
17 Coast ecosystem;

18 “(bb) describes the projects
19 and programs being implemented
20 to restore and protect the Gulf
21 Coast ecosystem; and

22 “(cc) makes such rec-
23 ommendations to Congress for
24 modifications of existing laws as
25 the Council determines necessary

1 to achieve the purposes of the
2 Resources and Ecosystems Sus-
3 tainability, Tourist Opportuni-
4 ties, and Revived Economies of
5 the Gulf Coast States Act of
6 2011.

7 “(v) APPLICATION OF FEDERAL ADVI-
8 SORY COMMITTEE ACT.—The Council, or
9 any other advisory committee established
10 under this subsection, shall not be consid-
11 ered an advisory committee under the Fed-
12 eral Advisory Committee Act (5 U.S.C.
13 App.).

14 “(D) COMPREHENSIVE PLAN.—

15 “(i) PROPOSED PLAN.—

16 “(I) IN GENERAL.—Not later
17 than 180 days after the date of enact-
18 ment of the Resources and Eco-
19 systems Sustainability, Tourist Op-
20 portunities, and Revived Economies of
21 the Gulf Coast States Act of 2011,
22 the Chairperson, on behalf of the
23 Council, shall publish a proposed plan
24 to restore and protect the natural re-
25 sources, ecosystems, fisheries, marine

1 habitats, and coastal wetland of the
2 Gulf Coast ecosystem.

3 “(II) CONTENTS.—The proposed
4 plan described in subclause (I) shall
5 include and incorporate the findings
6 and information prepared by the
7 President’s Gulf Coast Restoration
8 Task Force.

9 “(ii) PUBLICATION.—

10 “(I) INITIAL PLAN.—Not later
11 than 1 year after date of enactment of
12 the Resources and Ecosystems Sus-
13 tainability, Tourist Opportunities, and
14 Revived Economies of the Gulf Coast
15 States Act of 2011 and after notice
16 and opportunity for public comment,
17 the Chairperson, on behalf of the
18 Council, shall publish in the Federal
19 Register the initial Comprehensive
20 Plan to restore and protect the nat-
21 ural resources, ecosystems, fisheries,
22 marine habitats, and coastal wetland
23 of the Gulf Coast ecosystem.

24 “(II) COOPERATION WITH GULF
25 COAST RESTORATION TASK FORCE.—

1 The Council shall develop the initial
2 Comprehensive Plan in close coordina-
3 tion with the President’s Gulf Coast
4 Restoration Task Force.

5 “(III) CONSIDERATIONS.—In de-
6 veloping the initial Comprehensive
7 Plan, the Council shall consider any
8 finding or report submitted by a cen-
9 ter of excellence participating in the
10 Gulf Coast Ecosystem Restoration
11 Science, Monitoring, and Technology
12 Program established pursuant to sec-
13 tion 5(c) of the Resources and Eco-
14 systems Sustainability, Tourist Op-
15 portunities, and Revived Economies of
16 the Gulf Coast States Act of 2011.

17 “(IV) CONTENTS.—The initial
18 Comprehensive Plan shall include—

19 “(aa) such provisions as are
20 necessary to fully incorporate in
21 the Comprehensive Plan the
22 strategy, projects, and programs
23 recommended by the President’s
24 Gulf Coast Restoration Task
25 Force;

1 “(bb) a list of any project or
2 program authorized prior to the
3 date of enactment of this sub-
4 section but not yet commenced,
5 the completion of which would
6 further the purposes and goals of
7 this subsection and of the Re-
8 sources and Ecosystems Sustain-
9 ability, Tourist Opportunities,
10 and Revived Economies of the
11 Gulf Coast States Act of 2011;

12 “(cc) a description of the
13 manner in which amounts from
14 the Trust Fund projected to be
15 made available to the Council for
16 the succeeding 10 years will be
17 allocated; and

18 “(dd) a list of specific
19 projects and programs to be
20 funded and carried out during
21 the 3-year period immediately
22 following the date of publication
23 of the initial Comprehensive
24 Plan, including a table that illus-
25 trates the distribution of projects

1 and programs by Gulf Coast
2 State.

3 “(V) PLAN UPDATES.—The
4 Council shall update—

5 “(aa) the Comprehensive
6 Plan every 5 years in a manner
7 comparable to the manner estab-
8 lished in this subsection for each
9 5-year period for which amounts
10 are expected to be made available
11 to the Gulf Coast States from the
12 Trust Fund; and

13 “(bb) the 3-year list of
14 projects and programs described
15 in subclause (IV)(dd) annually.

16 “(iii) RESTORATION PRIORITIES.—EX-
17 cept for projects and programs described
18 in subclause (IV)(bb), in selecting projects
19 and programs to include on the 3-year list
20 described in subclause (IV)(dd), based on
21 the best available science, the Council shall
22 give highest priority to—

23 “(I) projects that are projected
24 to make the greatest contribution to
25 restoring and protecting the natural

1 resources, ecosystems, fisheries, ma-
2 rine habitats, and coastal wetland of
3 the Gulf Coast ecosystem, without re-
4 gard to geographic location;

5 “(II) large-scale projects and
6 programs that—

7 “(aa) are not likely to be
8 funded under other environ-
9 mental restoration and protection
10 programs authorized in the Gulf
11 Coast States; and

12 “(bb) are projected to sub-
13 stantially contribute to restoring
14 and protecting the natural re-
15 sources, ecosystems, fisheries,
16 marine habitats, and coastal wet-
17 land of the Gulf Coast ecosystem;
18 and

19 “(III) existing Gulf Coast State
20 comprehensive plans for the restora-
21 tion and protection of natural re-
22 sources, ecosystems, fisheries, marine
23 habitats, and coastal wetland of the
24 Gulf Coast ecosystem.

25 “(E) IMPLEMENTATION.—

1 “(i) IN GENERAL.—The Council, act-
2 ing through the member agencies and Gulf
3 Coast States, may carry out projects and
4 programs adopted in the Comprehensive
5 Plan.

6 “(ii) ADMINISTRATIVE RESPONSIBI-
7 LITY.—

8 “(I) IN GENERAL.—Primary au-
9 thority and responsibility for each
10 project and program included in the
11 Comprehensive Plan shall be assigned
12 by the Chairperson to an agency or a
13 Gulf Coast State represented on the
14 Council.

15 “(II) TRANSFER OF AMOUNTS.—
16 Amounts necessary to carry out each
17 project or program included in the
18 Comprehensive Plan shall be trans-
19 ferred by the Secretary of the Treas-
20 ury from the Trust Fund to that Fed-
21 eral agency or Gulf Coast State as the
22 project or program is implemented,
23 subject to such conditions as the Sec-
24 retary of the Treasury established
25 pursuant to section 3 of the Resources

1 and Ecosystems Sustainability, Tour-
2 ist Opportunities, and Revived Econo-
3 mies of the Gulf Coast States Act of
4 2011.

5 “(iii) COST SHARING.—

6 “(I) IN GENERAL.—A Gulf Coast
7 State may use, in whole or in part,
8 amounts made available to that Gulf
9 Coast State from the Trust Fund to
10 satisfy the non-Federal share of the
11 cost of carrying a project or program
12 that—

13 “(aa) is authorized by other
14 Federal law; and

15 “(bb) meets the criteria of
16 this paragraph.

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

23 “(F) COORDINATION.—The Council and
24 the Federal members of the Council may de-
25 velop Memorandums of Understanding estab-

1 lishing integrated funding and implementation
2 plans among the member agencies and authori-
3 ties.”.

4 **SEC. 5. GULF COAST ECOSYSTEM RESTORATION SCIENCE,**
5 **MONITORING, AND TECHNOLOGY PROGRAM.**

6 (a) DEFINITIONS.—In this section:

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

10 (2) PROGRAM.—The term “Program” means
11 the Gulf Coast Ecosystem Restoration Science, Mon-
12 itoring, and Technology Program established by sub-
13 section (b).

14 (b) ESTABLISHMENT.—There is established within
15 the National Oceanic and Atmospheric Administration a
16 program to be known as the “Gulf Coast Ecosystem Res-
17 toration Science, Monitoring, and Technology Program”,
18 to be carried out by the Administrator.

19 (c) CENTERS OF EXCELLENCE.—

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

1 (2) GRANTS.—

2 (A) IN GENERAL.—The Administrator
3 shall use the amounts made available to carry
4 out this section to award competitive grants to
5 nongovernmental entities and consortia in the
6 Gulf Coast region (including public and private
7 institutions of higher education) for the estab-
8 lishment of centers of excellence as described in
9 paragraph (1).

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

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

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

5 (A) Coastal wetland restoration and pro-
6 tection.

7 (B) Coastal and marine fisheries and wild-
8 life ecosystem research, monitoring, mapping,
9 and recovery.

10 (C) Offshore energy development, including
11 research and technology to improve the safety
12 in exploration and development of oil and gas
13 resources.

14 (D) Sustainable growth, economic, and
15 commercial development.

16 (E) Port, harbor, and waterway construc-
17 tion and maintenance.

18 (4) COORDINATION WITH OTHER PROGRAMS.—
19 The Administrator shall develop a plan for the co-
20 ordination of projects and activities between the Pro-
21 gram and other existing Federal and State science
22 and technology programs in the States of Alabama,
23 Florida, Louisiana, Mississippi, and Texas.

24 (d) FUNDING.—Except as provided in subsection
25 (t)(4) of section 311 of the Federal Water Pollution Con-

1 trol Act (33 U.S.C. 1321), of the total amount made avail-
2 able for each fiscal year for the Gulf Coast Restoration
3 Trust Fund established under section 3, 5 percent shall
4 be allocated to the Program.

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