

112TH CONGRESS  
1ST SESSION

# H. R. 3096

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2011

Mr. SCALISE (for himself, Mr. BONNER, Mr. MILLER of Florida, Mr. OLSON, Mr. PALAZZO, Mr. SOUTHERLAND, Mr. RICHMOND, Mr. ROSS of Florida, Mr. RIVERA, Mr. CRENSHAW, Mr. DIAZ-BALART, Mr. BOUSTANY, Mr. THOMPSON of Mississippi, Mr. LANDRY, Mr. ALEXANDER, Mr. ADERHOLT, Mr. BACHUS, Mrs. ROBY, Mr. ROGERS of Alabama, Ms. SEWELL, Mr. CASSIDY, Mr. WEST, Mr. BROOKS, Mr. HARPER, and Mr. NUNNELEE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources and Science, Space, 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

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## 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 cial and recreational fishing industries contribute  
2 tens of billions of dollars to the [United States]  
3 economy. More than 90 percent of the [N]ation’s  
4 offshore crude oil and natural gas is produced in the  
5 Gulf, and the [F]ederal treasury receives roughly  
6 \$4.5 billion dollars every year from offshore leases  
7 and royalties. And it is in the Gulf of Mexico that  
8 nearly one third of seafood production in the conti-  
9 nental [United States] is harvested. America needs  
10 a healthy and resilient Gulf Coast, one that can sup-  
11 port the diverse economies, communities, and cul-  
12 tures of the region.”;

13 (B) to address the needs of the Gulf Coast re-  
14 gion, the Secretary of the Navy stated, “It is rec-  
15 ommended that the President urge Congress to pass  
16 legislation that would dedicate a significant amount  
17 of any civil penalties recovered under the [Federal  
18 Water Pollution Control Act] from parties respon-  
19 sible for the Deepwater Horizon oil spill to those di-  
20 rectly impacted by that spill.”; and

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

1 community needs, and take particular efforts to ad-  
2 dress the needs of disadvantaged, underserved, and  
3 resource constrained communities”;

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

7 (A) stated, “Estimates of the cost of Gulf  
8 restoration, including but not limited to the  
9 Mississippi Delta, vary widely, but according to  
10 testimony before the Commission, full restora-  
11 tion of the Gulf will require \$15 billion to \$20  
12 billion: a minimum of \$500 million annually for  
13 30 years.”; and

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

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

1 criminal penalties in connection with the explosion  
2 on, and sinking of, the mobile offshore drilling unit  
3 Deepwater Horizon should be expended—

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

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

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

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

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

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

1           to revitalize the natural resources and economic  
2           health of the Gulf Coast region.

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

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

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

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

23                 (1) be available for expenditure, without further  
24                 appropriation, solely for the purpose and eligible ac-

1        activities of this Act and the amendments made by  
2        this Act; and

3            (2) remain available until expended, without fis-  
4        cal year limitation.

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

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

19            (1) procedures to assess whether the programs  
20        and activities carried out under this Act and the  
21        amendments made by this Act achieve compliance  
22        with applicable requirements, including procedures  
23        by which the Secretary of the Treasury may deter-  
24        mine whether an expenditure by a Gulf Coast State  
25        or coastal political subdivision (as those terms are

1 defined in section 311 of the Federal Water Pollu-  
2 tion Control Act (33 U.S.C. 1321)) pursuant to such  
3 a program or activity achieves compliance;

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

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

12 **SEC. 4. GULF COAST NATURAL RESOURCES RESTORATION**  
13 **AND ECONOMIC RECOVERY.**

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

16 (1) in subsection (a)—

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

19 (B) in paragraph (26)(D), by striking the  
20 period at the end and inserting a semicolon;  
21 and

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

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

1           “(28) the term ‘coastal political subdivision’  
2 means any local political jurisdiction that is imme-  
3 diately below the State level of government, includ-  
4 ing a county, parish, or borough, with a coastline  
5 that is contiguous with any portion of the United  
6 States Gulf of Mexico;

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

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

13           “(31) 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           “(32) the term ‘Gulf Coast region’ means—

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

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

1           “(C) all Federal waters in the Gulf of Mex-  
2           ico;

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

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

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

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

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

16                 “(1) STATE ALLOCATION AND EXPENDI-  
17                 TURES.—

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

1 “(B) USE OF FUNDS.—

2 “(i) ELIGIBLE ACTIVITIES.—Amounts  
3 provided to the Gulf Coast States under  
4 this subsection may only be used to carry  
5 out one or more of the following activities:

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

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

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

16 “(IV) Programs to promote tour-  
17 ism in a Gulf Coast State, including  
18 recreational charter fishing and rec-  
19 reational fishing.

20 “(V) Programs to promote the  
21 consumption of seafood produced from  
22 the Gulf Coast region.

23 “(VI) Programs to promote edu-  
24 cation regarding the natural resources  
25 of the Gulf Coast region.

1 “(VII) Planning assistance.

2 “(VIII) Workforce development,  
3 job creation, and other economic de-  
4 velopment projects.

5 “(IX) Improvements to or upon  
6 State parks located in coastal areas  
7 affected by the Deepwater Horizon oil  
8 spill.

9 “(X) Mitigation of the ecological  
10 and economic impact of outer Conti-  
11 nental Shelf activities and the impacts  
12 of the Deepwater Horizon oil spill or  
13 promotion of the long-term ecological  
14 or economic recovery of the Gulf  
15 Coast region through the funding of  
16 infrastructure projects.

17 “(XI) Coastal flood protection  
18 and infrastructure directly affected by  
19 coastal wetland losses, beach erosion,  
20 or the impacts of the Deepwater Hori-  
21 zon oil spill.

22 “(XII) Administrative costs of  
23 complying with this subsection.

24 “(ii) LIMITATION.—

1           “(I) IN GENERAL.—Of the  
2 amounts received by a Gulf Coast  
3 State under this subsection, not more  
4 than 3 percent may be used for ad-  
5 ministrative costs eligible under clause  
6 (i)(XII).

7           “(II) PROHIBITION ON USE FOR  
8 IMPORTED SEAFOOD.—None of the  
9 funds made available under this sub-  
10 section shall be used for any program  
11 to support or promote imported sea-  
12 food or any seafood product that is  
13 not harvested from the Gulf Coast re-  
14 gion.

15           “(C) COASTAL POLITICAL SUBDIVISIONS.—

16           “(i) IN GENERAL.—In the case of a  
17 State where the coastal zone includes the  
18 entire State—

19           “(I) 75 percent of funding shall  
20 be provided to the 8 disproportion-  
21 ately affected counties impacted by  
22 the Deepwater Horizon oil spill; and

23           “(II) 25 percent shall be provided  
24 to nondisproportionately impacted  
25 counties within the State.

1           “(ii) LOUISIANA.—Of the total  
2 amounts made available to the State of  
3 Louisiana under this paragraph:

4           “(I) 70 percent shall be provided  
5 directly to the State in accordance  
6 with this subsection.

7           “(II) 30 percent shall be provided  
8 directly to parishes in the coastal zone  
9 (as defined in section 304 of the  
10 Coastal Zone Management Act of  
11 1972 (16 U.S.C. 1453)) of the State  
12 of Louisiana according to the fol-  
13 lowing weighted formula:

14           “(aa) 40 percent based on  
15 the weighted average of miles of  
16 the parish shoreline oiled.

17           “(bb) 40 percent based on  
18 the weighted average of the pop-  
19 ulation of the parish.

20           “(cc) 20 percent based on  
21 the weighted average of the land  
22 mass of the parish.

23           “(iii) CONDITIONS.—

24           “(I) LAND USE PLAN.—As a con-  
25 dition of receiving amounts allocated

1 under clause (ii), the chief executive  
2 of the eligible parish shall certify to  
3 the Governor of the State that the  
4 parish has completed a comprehensive  
5 land use plan.

6 “(II) OTHER CONDITIONS.—A  
7 coastal political subdivision receiving  
8 funding under this paragraph shall  
9 meet all of the conditions in subpara-  
10 graph (D).

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

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

22 “(ii) certify in such form and in such  
23 manner as the Secretary of the Treasury  
24 determines necessary that the project or  
25 program for which the Gulf Coast State or

1 coastal political subdivision is requesting  
2 amounts—

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

8 “(II) carries out one or more of  
9 the activities described in subpara-  
10 graph (B)(i);

11 “(III) was selected based on  
12 meaningful input from the public, in-  
13 cluding public scoping, planning, com-  
14 ment, and broad-based participation  
15 from individuals, businesses, and non-  
16 profit organizations; and

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

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

1 tions governing a comparable project or  
2 program in that State, including all appli-  
3 cable competitive bidding and audit re-  
4 quirements; and

5 “(iv) develop and submit a multiyear  
6 implementation plan for the use of such  
7 amounts.

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

13 “(i) ALABAMA.—

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

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

23 “(bb) The Director of the  
24 Alabama State Port Authority,  
25 who shall also serve as Vice

1 Chairperson and preside over the  
2 meetings of the Alabama Gulf  
3 Coast Recovery Council in the  
4 absence of the Chairperson.

5 “(cc) The Chairman of the  
6 Baldwin County Commission.

7 “(dd) The President of the  
8 Mobile County Commission.

9 “(ee) The Mayor of the city  
10 of Bayou La Batre.

11 “(ff) The Mayor of the town  
12 of Dauphin Island.

13 “(gg) The Mayor of the city  
14 of Fairhope.

15 “(hh) The Mayor of the city  
16 of Gulf Shores.

17 “(ii) The Mayor of the city  
18 of Mobile.

19 “(jj) The Mayor of the city  
20 of Orange Beach.

21 “(II) VOTE.—Each member of  
22 the Alabama Gulf Coast Recovery  
23 Council shall be entitled to 1 vote.

24 “(III) MAJORITY VOTE.—All de-  
25 cisions of the Alabama Gulf Coast Re-

1                   covery Council shall be made by ma-  
2                   jority vote.

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

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

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

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

24                         “(ii) has been authorized by the Sec-  
25                         retary of the Treasury for expenditure by

1           the Gulf Coast State or coastal political  
2           subdivision for a project or program that  
3           meets the requirements of this subsection.

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

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

1           “(I) PREVIOUSLY APPROVED PROJECTS  
2 AND PROGRAMS.—A Gulf Coast State or coastal  
3 political subdivision shall be considered to have  
4 met the conditions of subparagraph (D) for a  
5 specific project or program if, before the date of  
6 enactment of the Resources and Ecosystems  
7 Sustainability, Tourist Opportunities, and Re-  
8 vived Economies of the Gulf Coast States Act  
9 of 2011—

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

16           “(ii) the applicable project or program  
17 carries out one or more of the activities de-  
18 scribed in subparagraph (B)(i).

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

1 “(K) NON-FEDERAL MATCHING FUNDS.—

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

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

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

1           “(M) UNUSED FUNDS.—Any funds not  
2 identified in an implementation plan by a State  
3 or coastal political subdivision in accordance  
4 with subparagraph (D)(iv) shall remain in the  
5 Trust Fund until such time as the State or  
6 coastal political subdivision to which the funds  
7 have been allocated develops and submits a plan  
8 identifying uses for those funds in accordance  
9 with subparagraph (D)(iv).

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

21           “(2) COUNCIL ESTABLISHMENT AND ALLOCA-  
22 TION.—

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

1 the Council to carry out the Comprehensive  
2 Plan and projects, programs, and activities ap-  
3 proved pursuant to paragraph (3)(B)(iv).

4 “(B) COUNCIL EXPENDITURES.—

5 “(i) IN GENERAL.—In accordance  
6 with this paragraph, the Council shall ex-  
7 pend funds made available from the Trust  
8 Fund to undertake projects and programs  
9 that would restore and protect the natural  
10 resources, ecosystems, fisheries, marine  
11 and wildlife habitats, beaches, coastal wet-  
12 lands, and economy of the Gulf Coast.

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

22 “(iii) ADMINISTRATIVE EXPENSES.—  
23 Of the amounts received by the Council  
24 under this paragraph, not more than 3

1                   percent may be used for administrative ex-  
2                   penses.

3                   “(C) GULF COAST ECOSYSTEM RESTORA-  
4                   TION COUNCIL.—

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

10                  “(ii) MEMBERSHIP.—The Council  
11                  shall consist of the following members, or  
12                  in the case of a Federal agency, a designee  
13                  at the level of the Assistant Secretary or  
14                  the equivalent:

15                  “(I) The Chair of the Council on  
16                  Environmental Quality.

17                  “(II) The Secretary of the Inte-  
18                  rior.

19                  “(III) The Secretary of the  
20                  Army.

21                  “(IV) The Secretary of Com-  
22                  merce.

23                  “(V) The Administrator of the  
24                  Environmental Protection Agency.

1                   “(VI) The Secretary of Agri-  
2                   culture.

3                   “(VII) The head of the depart-  
4                   ment in which the Coast Guard is op-  
5                   erating.

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

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

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

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

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

16                  “(iii) ALTERNATE.—A Governor ap-  
17                  pointed to the Council by the President  
18                  may designate an alternate to represent  
19                  the Governor on the Council and vote on  
20                  the Governor’s behalf.

21                  “(iv) CHAIRPERSON.—From among  
22                  the Federal agency members of the Coun-  
23                  cil, the representatives of States on the  
24                  Council shall select, and the President

1 shall appoint, 1 Federal member to serve  
2 as Chairperson 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 Chairperson and a  
11 majority of the State members to be  
12 effective.

13 “(II) INCLUSIONS.—Significant  
14 actions include—

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

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

21 “(cc) approval of reports to  
22 be submitted to Congress pursu-  
23 ant to clause (vii)(X).

24 “(III) QUORUM.—A quorum of  
25 State members shall be required to be

1 present for the Council to take any  
2 significant action.

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

15 “(V) PUBLIC TRANSPARENCY.—  
16 Appropriate actions of the Council, in-  
17 cluding significant actions and associ-  
18 ated deliberations, shall be made  
19 available to the public via electronic  
20 means prior to any vote.

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

23 “(I) develop the Comprehensive  
24 Plan and future revisions to the Com-  
25 prehensive Plan;

1           “(II) identify as soon as prac-  
2 ticable the projects that—

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

7                   “(bb) if implemented quick-  
8 ly, would restore and protect the  
9 natural resources, ecosystems,  
10 fisheries, marine and wildlife  
11 habitats, beaches, barrier islands,  
12 dunes, and coastal wetlands of  
13 the Gulf Coast region;

14           “(III) coordinate the development  
15 of consistent policies, strategies,  
16 plans, and activities by Federal agen-  
17 cies, State and local governments, and  
18 private sector entities for addressing  
19 the restoration and protection of the  
20 Gulf Coast region;

21           “(IV) establish such other advi-  
22 sory committee or committees as may  
23 be necessary to assist the Council, in-  
24 cluding to address public policy and  
25 scientific issues;

1           “(V) coordinate scientific and  
2 other research associated with restora-  
3 tion of the Gulf Coast region;

4           “(VI) seek to ensure that all poli-  
5 cies, strategies, plans, and activities  
6 for addressing the restoration of the  
7 Gulf Coast region are based on the  
8 best available physical, ecological, and  
9 economic data;

10          “(VII) make recommendations to  
11 address the particular needs of espe-  
12 cially economically and socially vulner-  
13 able populations;

14          “(VIII) develop standard terms  
15 to include in contracts for projects  
16 and programs awarded pursuant to  
17 the Comprehensive Plan that provide  
18 a preference to individuals and com-  
19 panies that reside in, are headquar-  
20 tered in, or are principally engaged in  
21 business in a Gulf Coast State;

22          “(IX) prepare an integrated fi-  
23 nancial plan and recommendations for  
24 coordinated budget requests for the  
25 amounts proposed to be expended by

1 the Federal agencies represented on  
2 the Council for projects and programs  
3 in the Gulf Coast States; and

4 “(X) submit an annual report to  
5 Congress that—

6 “(aa) summarizes the poli-  
7 cies, strategies, plans, and activi-  
8 ties for addressing the restora-  
9 tion and protection of the Gulf  
10 Coast region;

11 “(bb) describes the projects  
12 and programs being implemented  
13 to restore and protect the Gulf  
14 Coast region; and

15 “(cc) makes such rec-  
16 ommendations to Congress for  
17 modifications of existing laws as  
18 the Council determines necessary  
19 to implement the Comprehensive  
20 Plan.

21 “(viii) APPLICATION OF FEDERAL AD-  
22 VISORY COMMITTEE ACT.—The Council, or  
23 any other advisory committee established  
24 under this subparagraph, shall not be con-  
25 sidered an advisory committee under the

1 Federal Advisory Committee Act (5 U.S.C.  
2 App.).

3 “(ix) SUNSET.—The Council, or any  
4 other advisory committee established under  
5 this subparagraph, shall cease operations  
6 when all funds in the Trust Fund have  
7 been expended.

8 “(D) COMPREHENSIVE PLAN.—

9 “(i) PROPOSED PLAN.—

10 “(I) IN GENERAL.—Not later  
11 than 180 days after the date of enact-  
12 ment of the Resources and Eco-  
13 systems Sustainability, Tourist Op-  
14 portunities, and Revived Economies of  
15 the Gulf Coast States Act of 2011,  
16 the Chairperson, on behalf of the  
17 Council and after appropriate public  
18 input, review, and comment, shall  
19 publish a proposed plan to restore and  
20 protect the natural resources, eco-  
21 systems, fisheries, marine and wildlife  
22 habitats, beaches, and coastal wet-  
23 lands of the Gulf Coast region.

24 “(II) CONTENTS.—The proposed  
25 plan described in subclause (I) shall

1 include and incorporate the findings  
2 and information prepared by the  
3 President’s Gulf Coast Restoration  
4 Task Force.

5 “(ii) PUBLICATION.—

6 “(I) INITIAL PLAN.—Not later  
7 than 1 year after the date of enact-  
8 ment of the Resources and Eco-  
9 systems Sustainability, Tourist Op-  
10 portunities, and Revived Economies of  
11 the Gulf Coast States Act of 2011  
12 and after notice and opportunity for  
13 public comment, the Chairperson, on  
14 behalf of the Council and after ap-  
15 proval by the Council, shall publish in  
16 the Federal Register the initial Com-  
17 prehensive Plan to restore and protect  
18 the natural resources, ecosystems,  
19 fisheries, marine and wildlife habitats,  
20 beaches, and coastal wetlands of the  
21 Gulf Coast region.

22 “(II) COOPERATION WITH GULF  
23 COAST RESTORATION TASK FORCE.—  
24 The Council shall develop the initial  
25 Comprehensive Plan in close coordina-

1 tion with the President’s Gulf Coast  
2 Restoration Task Force.

3 “(III) CONSIDERATIONS.—In de-  
4 veloping the initial Comprehensive  
5 Plan, the Council shall consider all  
6 relevant findings or reports submitted  
7 by a center of excellence participating  
8 in the Gulf Coast Ecosystem Restora-  
9 tion Science, Monitoring, and Tech-  
10 nology Program established pursuant  
11 to section 5(c) of the Resources and  
12 Ecosystems Sustainability, Tourist  
13 Opportunities, and Revived Economies  
14 of the Gulf Coast States Act of 2011.

15 “(IV) CONTENTS.—The initial  
16 Comprehensive Plan shall include—

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

24 “(bb) a list of any project or  
25 program authorized prior to the

1 date of enactment of this sub-  
2 section but not yet commenced,  
3 the completion of which would  
4 further the purposes and goals of  
5 this subsection and of the Re-  
6 sources and Ecosystems Sustain-  
7 ability, Tourist Opportunities,  
8 and Revived Economies of the  
9 Gulf Coast States Act of 2011;

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

16 “(dd) subject to available  
17 funding in accordance with clause  
18 (iii), a prioritized 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 subparagraph for  
9 each 5-year period for which  
10 amounts are expected to be made  
11 available to the Gulf Coast States  
12 from the 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 projects that ad-  
23 dress one or more of the following criteria:

24 “(I) Projects that are projected  
25 to make the greatest contribution to

1 restoring and protecting the natural  
2 resources, ecosystems, fisheries, ma-  
3 rine and wildlife habitats, beaches,  
4 and coastal wetlands of the Gulf  
5 Coast region, without regard to geo-  
6 graphic location.

7 “(II) Large-scale projects and  
8 programs that are projected to sub-  
9 stantially contribute to restoring and  
10 protecting the natural resources, eco-  
11 systems, fisheries, marine and wildlife  
12 habitats, beaches, and coastal wet-  
13 lands of the Gulf Coast region.

14 “(III) Projects contained in exist-  
15 ing Gulf Coast State comprehensive  
16 plans for the restoration and protec-  
17 tion of natural resources, ecosystems,  
18 fisheries, marine and wildlife habitats,  
19 beaches, and coastal wetlands of the  
20 Gulf Coast region.

21 “(IV) Projects that restore long-  
22 term resiliency of the natural re-  
23 sources, ecosystems, fisheries, marine  
24 and wildlife habitats, beaches, and

1 coastal wetlands most impacted by the  
2 Deepwater Horizon oil spill.

3 “(E) IMPLEMENTATION.—

4 “(i) IN GENERAL.—The Council, act-  
5 ing through the Federal agencies rep-  
6 resented on the Council and Gulf Coast  
7 States, may carry out projects and pro-  
8 grams adopted in the Comprehensive Plan.

9 “(ii) ADMINISTRATIVE RESPONSIBI-  
10 LITY.—

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

18 “(II) TRANSFER OF AMOUNTS.—  
19 Amounts necessary to carry out each  
20 project or program included in the  
21 Comprehensive Plan shall be trans-  
22 ferred by the Secretary of the Treas-  
23 ury from the Trust Fund to that Fed-  
24 eral agency or Gulf Coast State as the  
25 project or program is implemented,

1 subject to such conditions as the Sec-  
2 retary of the Treasury, in consultation  
3 with the Secretary of the Interior and  
4 the Secretary of Commerce, estab-  
5 lished pursuant to section 3 of the Re-  
6 sources and Ecosystems Sustain-  
7 ability, Tourist Opportunities, and Re-  
8 vived Economies of the Gulf Coast  
9 States Act of 2011.

10 “(iii) COST SHARING.—

11 “(I) IN GENERAL.—A Gulf Coast  
12 State or coastal political subdivision  
13 may use, in whole or in part, amounts  
14 made available to that Gulf Coast  
15 State or coastal political subdivision  
16 from the Trust Fund to satisfy the  
17 non-Federal share of the cost of car-  
18 rying out a project or program that—

19 “(aa) is authorized by other  
20 Federal law; and

21 “(bb) meets the criteria of  
22 this paragraph.

23 “(II) INCLUSION IN COMPREHEN-  
24 SIVE PLAN.—A project or program de-  
25 scribed in subclause (I) shall be se-

1                   lected and adopted by the Council as  
2                   part of the Comprehensive Plan in the  
3                   manner described in this paragraph.

4                   “(F) COORDINATION.—The Council and  
5                   the Federal members of the Council may de-  
6                   velop memorandums of understanding estab-  
7                   lishing integrated funding and implementation  
8                   plans among the member agencies and authori-  
9                   ties.

10                   “(3) OIL SPILL RESTORATION IMPACT ALLOCA-  
11                   TION.—

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

17                   “(i) FORMULA.—Subject to subpara-  
18                   graph (B), for each Gulf Coast State, the  
19                   amount disbursed under this paragraph  
20                   shall be based on a formula established by  
21                   the Council by regulation that is based on  
22                   a weighted average of the following cri-  
23                   teria:

24                   “(I) 40 percent based on the pro-  
25                   portionate number of miles of shore-

1 line in each Gulf Coast State that ex-  
2 perience d oiling on or before April 10,  
3 2011, compared to the total number  
4 of miles of shoreline that experience d  
5 oiling as a result of the Deepwater  
6 Horizon oil spill.

7 “(II) 40 percent based on the in-  
8 verse proportion of the average dis-  
9 tance from the Deepwater Horizon  
10 mobile offshore drilling unit at the  
11 time of the explosion to the nearest  
12 and farthest point of the shoreline  
13 that experience d oiling of each Gulf  
14 Coast State.

15 “(III) 20 percent based on the  
16 average population in the 2010 decen-  
17 nial census of coastal counties bor-  
18 dering the Gulf of Mexico within each  
19 Gulf Coast State.

20 “(ii) MINIMUM ALLOCATION.—The  
21 amount disbursed to a Gulf Coast State  
22 for each fiscal year under clause (i) shall  
23 be at least 5 percent of the total amounts  
24 made available under this paragraph.

1                   “(B) APPROVAL OF PROJECTS AND PRO-  
2                   GRAMS.—

3                   “(i) IN GENERAL.—The Council shall  
4                   disburse amounts to the respective Gulf  
5                   Coast States in accordance with the for-  
6                   mula developed under subparagraph (A)  
7                   for projects, programs, and activities that  
8                   will improve the ecosystems or economy of  
9                   the Gulf Coast region, subject to the condi-  
10                  tion that each Gulf Coast State submits a  
11                  plan for the expenditure of amounts dis-  
12                  bursed under this paragraph which meet  
13                  the following criteria:

14                   “(I) All projects, programs, and  
15                   activities included in that plan are eli-  
16                   gible activities pursuant to paragraph  
17                   (1)(B)(i).

18                   “(II) The projects, programs,  
19                   and activities included in that plan  
20                   contribute to the overall economic and  
21                   ecological recovery of the Gulf Coast  
22                   region.

23                   “(III) The plan is consistent with  
24                   the goals and objectives described in  
25                   paragraph (2)(B)(i).

1 “(ii) FUNDING.—

2 “(I) IN GENERAL.—Except as  
3 provided in subclause (II), the plan  
4 described in clause (i) may use not  
5 more than 25 percent of the funding  
6 made available for infrastructure  
7 projects eligible under subclauses (X)  
8 and (XI) of paragraph (1)(B)(i).

9 “(II) EXCEPTION.—The plan de-  
10 scribed in clause (i) may propose to  
11 use more than 25 percent of the fund-  
12 ing made available for infrastructure  
13 projects eligible under subclauses (X)  
14 and (XI) of paragraph (1)(B)(i) if the  
15 plan certifies that—

16 “(aa) ecosystem restoration  
17 needs in the State will be ad-  
18 dressed by the projects in the  
19 proposed plan; and

20 “(bb) additional investment  
21 in infrastructure is required to  
22 mitigate the impacts of the Deep-  
23 water Horizon oil spill to the eco-  
24 system or economy.

1           “(iii) DEVELOPMENT.—The plan de-  
2           scribed in clause (i) shall be developed  
3           by—

4                   “(I) in the State of Alabama, the  
5                   Alabama Gulf Coast Recovery Council  
6                   established under paragraph (1)(E)(i);

7                   “(II) in the State of Florida, a  
8                   consortia of local political subdivisions  
9                   to include at a minimum 1 representa-  
10                  tive of each affected county;

11                  “(III) in the State of Louisiana,  
12                  the Coastal Protection and Restora-  
13                  tion Authority of Louisiana;

14                  “(IV) in the State of Texas, the  
15                  Office of the Governor or an ap-  
16                  pointee of the Office of the Governor;  
17                  and

18                  “(V) in the State of Mississippi,  
19                  the Office of the Governor or an ap-  
20                  pointee of the Office of the Governor.

21           “(iv) APPROVAL.—Not later than 60  
22           days after the date on which a plan is sub-  
23           mitted under clause (i), the Council shall  
24           approve or disapprove the plan based on  
25           the conditions of clause (i).

1           “(C) DISAPPROVAL.—If the Council dis-  
2 approves a plan pursuant to subparagraph  
3 (B)(iv), the Council shall—

4                   “(i) provide the reasons for dis-  
5 approval in writing; and

6                   “(ii) consult with the State to address  
7 any identified deficiencies with the State  
8 plan.

9           “(D) FAILURE TO SUBMIT ADEQUATE  
10 PLAN.—If a State fails to submit an adequate  
11 plan under this paragraph, any funds made  
12 available under this paragraph shall remain in  
13 the Trust Fund until such date as a plan is  
14 submitted and approved pursuant to this para-  
15 graph.

16           “(E) JUDICIAL REVIEW.—If the Council  
17 fails to approve or take action within 60 days  
18 on a plan described in subparagraph (B)(iv),  
19 the State may obtain expedited judicial review  
20 within 90 days of that decision in a district  
21 court of the United States, of appropriate juris-  
22 diction and venue, that is located within the  
23 State seeking such review.

24           “(4) AUTHORIZATION OF INTEREST TRANS-  
25 FERS.—

1           “(A) IN GENERAL.—Of the total amount  
2 made available in any fiscal year from the  
3 Trust Fund, an amount equal to 50 percent of  
4 the interest earned by the Trust Fund and pro-  
5 ceeds from investments made by the Trust  
6 Fund for the preceding fiscal year shall be  
7 transferred to the Gulf of Mexico Research En-  
8 dowment established by subparagraph (B).

9           “(B) GULF OF MEXICO RESEARCH ENDOW-  
10 MENT.—

11           “(i) IN GENERAL.—There is estab-  
12 lished in the Treasury of the United States  
13 a trust fund to be known as the ‘Gulf of  
14 Mexico Research Endowment’, to be ad-  
15 ministered by the Secretary of Commerce,  
16 solely for use in providing long-term fund-  
17 ing in accordance with section 5 of the Re-  
18 sources and Ecosystems Sustainability,  
19 Tourist Opportunities, and Revived Econo-  
20 mies of the Gulf Coast States Act of 2011.

21           “(ii) INVESTMENT.—Amounts in the  
22 Gulf of Mexico Research Endowment shall  
23 be invested in accordance with section  
24 9602 of the Internal Revenue Code of  
25 1986, and any interest on, and proceeds

1 from, any such investment shall be avail-  
2 able for expenditure and shall be allocated  
3 in equal portions to the Gulf Coast Eco-  
4 system Restoration Science, Monitoring,  
5 and Technology Program and Fisheries  
6 Endowment established in section 5 of the  
7 Resources and Ecosystems Sustainability,  
8 Tourist Opportunities, and Revived Econo-  
9 mies of the Gulf Coast States Act of  
10 2011.”.

11 **SEC. 5. GULF COAST ECOSYSTEM RESTORATION SCIENCE,**  
12 **OBSERVATION, MONITORING, AND TECH-**  
13 **NOLOGY PROGRAM.**

14 (a) DEFINITIONS.—In this section:

15 (1) ADMINISTRATOR.—The term “Adminis-  
16 trator” means the Administrator of the National  
17 Oceanic and Atmospheric Administration.

18 (2) COUNCIL.—The term “Council” has the  
19 meaning given such term in section 311 of the Fed-  
20 eral Water Pollution Control Act (33 U.S.C. 1321),  
21 as added by section 4 of this Act.

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

1           (4) GULF COAST REGION.—The term “Gulf  
2           Coast region” has the meaning given such term in  
3           section 311 of the Federal Water Pollution Control  
4           Act (33 U.S.C. 1321), as added by section 4 of this  
5           Act.

6           (5) GULF COAST STATE.—The term “Gulf  
7           Coast State” has the meaning given such term in  
8           section 311 of the Federal Water Pollution Control  
9           Act (33 U.S.C. 1321), as added by section 4 of this  
10          Act.

11          (6) PROGRAM.—The term “Program” means  
12          the Gulf Coast Ecosystem Restoration Science, Ob-  
13          servation, Monitoring, and Technology Program es-  
14          tablished by subsection (b).

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

21          (c) CENTERS OF EXCELLENCE.—

22                (1) IN GENERAL.—In carrying out the Pro-  
23                gram, the Administrator shall make grants in ac-  
24                cordance with paragraph (2) to establish and oper-  
25                ate 5 centers of excellence, one of which shall be lo-

1 cated in each of the States of Alabama, Florida,  
2 Louisiana, Mississippi, and Texas.

3 (2) GRANTS.—

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

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

19 (C) PRIORITY.—In awarding grants under  
20 this paragraph, the Administrator shall give  
21 priority to entities and consortia that dem-  
22 onstrate the ability to establish the broadest  
23 cross-section of participants with interest and  
24 expertise in any discipline described in para-

1 graph (3) on which the proposed curriculum of  
2 the center of excellence will be focused.

3 (D) PREFERENCE.—The Administrator  
4 shall award grants in a manner that provides a  
5 preference to entities and consortia that are  
6 principally led by, are headquartered in, or are  
7 principally engaged in research in a Gulf Coast  
8 State and shall include representatives from re-  
9 search universities that are engaged in marine  
10 and ocean science, deltaic sustainability, or gulf  
11 coast restoration in the applicable Gulf Coast  
12 State.

13 (3) DISCIPLINES.—Each center of excellence  
14 shall focus the curriculum of the center on science,  
15 technology, and monitoring in at least one of the fol-  
16 lowing disciplines:

17 (A) Coastal and deltaic sustainability, res-  
18 toration, and protection, including solutions and  
19 technology that allow citizens to live safely and  
20 sustainably in a coastal delta.

21 (B) Coastal fisheries and wildlife eco-  
22 system research and monitoring.

23 (C) Offshore energy development, including  
24 research and technology to improve the sustain-  
25 able and safe development of energy resources.

1           (D) Sustainable and resilient growth, eco-  
2           nomic and commercial development in the Gulf  
3           Coast.

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

6           (4) COORDINATION WITH OTHER PROGRAMS.—

7           The Administrator shall develop a plan for the co-  
8           ordination of projects and activities between the Pro-  
9           gram and other existing Federal and State science  
10          and technology programs in the States of Alabama,  
11          Florida, Louisiana, Mississippi, and Texas, as well  
12          as between the centers of excellence.

13          (d) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM  
14          ENDOWMENT.—

15           (1) IN GENERAL.—Not later than 180 days  
16           after the date of enactment of this Act, the Council  
17           shall establish a fishery and ecosystem endowment  
18           to ensure, to the maximum extent practicable, the  
19           long-term sustainability of the ecosystem, fish  
20           stocks, fish habitat, and the recreational, commer-  
21           cial, and charter fishing industries in the Gulf of  
22           Mexico.

23           (2) EXPENDITURE OF FUNDS.—For each fiscal  
24           year, amounts made available to carry out this sub-

1 section may be expended for, with respect to the  
2 Gulf of Mexico—

3 (A) marine and estuarine research;

4 (B) marine and estuarine ecosystem moni-  
5 toring and ocean observation;

6 (C) data collection and stock assessments;

7 (D) pilot programs for—

8 (i) fishery independent data; and

9 (ii) reduction of exploitation of spawn-  
10 ing aggregations; and

11 (E) cooperative research.

12 (3) ADMINISTRATION AND IMPLEMENTATION.—

13 The Fisheries and Ecosystem Endowment shall be  
14 administered by the Administrator with guidance  
15 provided by the Regional Gulf of Mexico Fishery  
16 Management Council.

17 (4) SPECIES INCLUDED.—The research, moni-

18 toring, assessment, and programs eligible for  
19 amounts made available under the Fisheries and  
20 Ecosystem Endowment shall include all marine, es-  
21 tuarine, aquaculture, and fish species in State and  
22 Federal waters of the Gulf of Mexico.

23 (5) RESEARCH PRIORITIES.—In distributing

24 funding under this subsection, priority shall be given  
25 to integrated, long-term projects that—

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

3 (B) address current or anticipated marine  
4 ecosystem, fishery, or wildlife management in-  
5 formation needs.

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

9 (7) LIMITATION ON EXPENDITURES.—

10 (A) IN GENERAL.—Not more than 3 per-  
11 cent of funds provided in subsection (e) shall be  
12 used by the Administrator for administrative  
13 expenses.

14 (B) NOAA.—The funds provided in sub-  
15 section (e) may not be used—

16 (i) for any existing or planned re-  
17 search headed by the National Oceanic and  
18 Atmospheric Administration, unless as  
19 agreed to in writing by the grant recipient  
20 entity;

21 (ii) to implement existing regulations  
22 or to initiate new regulations promulgated  
23 or proposed by the National Oceanic and  
24 Atmospheric Administration; or

1 (iii) to develop or approve a new lim-  
2 ited access privilege program (as that term  
3 is used in section 303A of the Magnuson-  
4 Stevens Fishery Conservation and Manage-  
5 ment Act) for any fishery under the juris-  
6 diction of the South Atlantic, Mid-Atlantic,  
7 New England, or Gulf of Mexico Fishery  
8 Management Councils.

9 (e) FUNDING.—Except as provided in section  
10 311(t)(4) of the Federal Water Pollution Control Act (33  
11 U.S.C. 1321(t)(4)), of the total amount made available for  
12 each fiscal year for the Gulf Coast Restoration Trust  
13 Fund established under section 3 of this Act, 5 percent  
14 shall be allocated in equal portions to the Program and  
15 the Fisheries and Ecosystem Endowment established by  
16 this section.

17 (f) SUNSET.—Any entities established under this sec-  
18 tion shall cease operations when all funds in the Gulf  
19 Coast Restoration Trust Fund established under section  
20 3 of this Act have been expended.

21 **SEC. 6. EFFECT.**

22 (a) IN GENERAL.—Nothing in this Act or any  
23 amendment made by this Act—

24 (1) supersedes or otherwise affects any provi-  
25 sion of Federal law, including, in particular, laws

1 providing recovery for injury to natural resources  
2 under the Oil Pollution Act of 1990 (33 U.S.C.  
3 2701 et seq.) and laws for the protection of public  
4 health and the environment; or

5 (2) applies to any fine collected under section  
6 311 of the Federal Water Pollution Control Act (33  
7 U.S.C. 1321) for any incident other than the Deep-  
8 water Horizon oil spill.

9 (b) USE OF FUNDS.—Funds made available under  
10 this Act may be used only for eligible activities specifically  
11 authorized by this Act.

12 (c) DEFINITION.—The term “Deepwater Horizon oil  
13 spill” has the meaning given such term in section 311 of  
14 the Federal Water Pollution Control Act (33 U.S.C.  
15 1321).

16 **SEC. 7. LAND ACQUISITION.**

17 None of the funds made available under this Act may  
18 be used for Federal land acquisition.

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