

RESTORE the Gulf Coast Act of 2011, S. ____

Section-by-Section Summary

Introduced by Senators Landrieu, Shelby, Vitter, Nelson, Rubio, Sessions, Cochran,
Wicker and Hutchison on July 21, 2011

Section 1. Short Title

Section 1 sets forth the short title of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economy of the Gulf Coast Act of 2011 (or the “RESTORE the Gulf Coast Act”).

Section 2. Congressional Findings

Section 2 sets forth findings that provide the rationale for the legislation.

Section 3. Establishment of Gulf Coast Restoration Trust Fund

- Section 3 would establish the Gulf Coast Restoration Trust Fund
- The legislation would credit to the Trust Fund amounts equal to 80 percent of all administrative and civil penalties paid by responsible parties in connection with the Deepwater Horizon oil spill. The amounts in the fund and the interest earned shall be available without further appropriation solely for the purposes and eligible activities of this Act.

Section 4. Dedication and allocation of Clean Water Act penalties to the Gulf Coast

- Section 4 would create a new subsection in Section 311 of the Federal Water Pollution Control Act to govern the allocation of the penalties and to establish the conditions under which funds would be expended in the five Gulf Coast States to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, coastal wetlands, and economy of the Gulf Coast.
- Section 4 sets forth definitions for terms used in the legislation. Notably, the term “Gulf Coast Ecosystem” is defined as the (a) coastal zones, as defined by the Coastal Zone Management Act of 1972, of the Gulf Coast states that border the Gulf of Mexico (b) any adjacent land, water, and watersheds, that are within 25 miles of the coastal zones of the Gulf Coast States; and (c) all Federal waters of the Gulf of Mexico.
- This section would establish three mechanisms for allocating the funds available in each fiscal year and until the funds are expended:
 - 35% of the total would be allocated in equal shares to the five Gulf Coast States;
 - 60% of the total would be allocated to the Gulf Coast Ecosystem Restoration Council. Of that amount –
 - 1/2 (or 30% of the total funds) would be used for the development and implementation of a comprehensive ecosystem restoration plan
 - 1/2 (or 30% of the total funds) would be allocated according to an impact driven formula and disbursed to the Gulf Coast States by the Council in response to plans submitted by the Gulf Coast States.
 - 5% would be allocated in equal parts to a Gulf science and fisheries program established in Section 5.

35% State Allocation.

- Each of the Gulf Coast States would identify and award contracts for projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, coastal wetlands, and economy of the Gulf Coast State.

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- In the State of Florida, in order to comply with State law, the funding shall be allocated to coastal political subdivisions (i.e., counties): 75% to the 8 most disproportionately impacted counties and 25% to other counties within the state.
- The Gulf Coast state or coastal political subdivision would be required to solicit input from the public and get the advice of relevant State agencies, and would be authorized in awarding contracts to give a bidding preference to individuals and firms from the Gulf Coast region.
- All authorized projects and programs must fit with one or more eligible uses listed in the bill.
- To encourage large-scale projects, the bill would authorize the Gulf Coast state or coastal political subdivision to use money from this account to cover the non-Federal share of another federal program that provides funding for projects that would restore and protect, the natural resources, ecosystems, fisheries, marine and wildlife habitats, coastal wetlands or economy of the Gulf Coast state or coastal political subdivision.

30% Federal/State “Council” Allocation for Comprehensive Plan:

- The legislation would establish the Gulf Coast Ecosystem Restoration Council, which would be comprised of eight Federal officials and five State officials and would be chaired by one of the members selected by the council.
- The Council would principally be tasked with developing a “Comprehensive Plan” to support projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, and coastal wetlands of the Gulf Coast ecosystem.
- The Comprehensive Plan must prioritize the projects that: have the greatest contribution to restoring and protecting the Gulf Coast Ecosystem; are contained in approved State comprehensive plans; large scale projects; and projects that restore the resiliency of those resources most impacted by the Deepwater Horizon oil spill.
- As part of its mission, the Council would be tasked with coordinating the development of consistent policies, strategies, plans, and activities by Federal agencies, State and local governments, and private-sector entities for restoring and protecting the Gulf Coast ecosystem.
- The Council would be required to, among other things, prepare an integrated financial plan and recommendations for coordinated budget requests for the funds otherwise proposed to be expended by the Federal agencies represented on the Council for projects and programs in Gulf Coast States.

30% Impact Formula Allocation with oversight by the Council

- The Council shall allocate funding to each Gulf Coast according to an impact formula based on a weighted average of shoreline miles oiled, proximity to the well, and average coastal population.
- Each Gulf Coast state must submit a plan to the council for use of funds allocated by the impact formula.
- To be approved, State plans must:
 - Be consistent with the goals and objectives of the Council’s comprehensive plan.
 - Include projects and programs conforming to the eligible uses outlined in the legislation.

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- Use no more than 25% of the funding available for infrastructure projects unless the state can certify that all ecosystem restoration needs in the State have been addressed by the plan and additional infrastructure investment is necessary to mitigate impacts of the Deepwater Horizon oil spill.
- The Council must approve or disapprove the plan within 60 days.
- The bill provides for judicial review in Federal Court if the Council disapproves or fails to act within 60 days.

Section 5. Gulf Coast Centers of Excellence for Ecosystem Restoration Science, Monitoring and Technology, and a Fisheries Endowment

- 5% of total funding available would be allocated to a combined science, monitoring and fisheries management endowment.
- In addition to the 5%, one-half of the interest generated from the overall 80% Gulf Fund would be invested in the Gulf of Mexico Endowment.
- These funds would be made available in a competitive grant program administered by the National Oceanic and Atmospheric Administration (NOAA) to establish Gulf Coast Centers and the Fisheries Endowment.
- Specifically, one half of this fund would be made available for grants to Centers of Excellence. At least one grant per fiscal year would be awarded by NOAA in each Gulf State centered around proposals focused on the following disciplines:
 - Coastal and deltaic sustainability, restoration and protection; including solutions and technology that allow citizens to live safely and sustainably in a coastal delta.
 - Coastal fisheries and wildlife ecosystem research and monitoring.
 - Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources
 - Sustainable and resilient growth, economic and commercial development in the Gulf Coast.
 - Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.
- One half of this fund will be allocated for a long term fisheries and ecosystem endowment established in the bill, administered by NOAA in consultation with the Regional Gulf of Mexico Fishery Management Council for the following purposes:
 - marine and estuarine research
 - marine and estuarine ecosystem monitoring
 - data collection and stock assessments
 - pilot programs for fishery independent data and reduction of exploitation of spawning aggregations; and
 - cooperative research.