

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 1400

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mrs. BOXER (for herself, Mr. WHITE-
HOUSE, Mr. VITTER, and Mr. SESSIONS)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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—

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

8 (2) the discharge of oil in the Gulf of Mexico
9 that began following the explosion on, and sinking
10 of, the mobile offshore drilling unit *Deepwater Hori-*
11 *zon* has caused substantial environmental destruc-
12 tion and economic harm to the people and commu-
13 nities of the Gulf Coast region;

14 (3)(A) in the report entitled “America’s Gulf
15 Coast—A Long Term Recovery Plan after the Deep-
16 water Horizon Oil Spill”, the Secretary of the Navy
17 stated, “Together, the Gulf’s tourism and commer-
18 cial and recreational fishing industries contribute
19 tens of billions of dollars to the U.S. economy. More
20 than 90 percent of the nation’s offshore crude oil
21 and natural gas is produced in the Gulf, and the
22 federal treasury receives roughly \$4.5 billion dollars
23 every year from offshore leases and royalties. And it
24 is in the Gulf of Mexico that nearly one third of sea-
25 food production in the continental U.S. is harvested.

1 America needs a healthy and resilient Gulf Coast,
2 one that can support the diverse economies, commu-
3 nities, and cultures of the region.”;

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

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

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

23 (A) stated, “Estimates of the cost of Gulf
24 restoration, including but not limited to the
25 Mississippi Delta, vary widely, but according to

1 testimony before the Commission, full restora-
2 tion of the Gulf will require \$15 billion to \$20
3 billion: a minimum of \$500 million annually for
4 30 years.”; and

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

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

20 (A) to restore the natural resources, eco-
21 systems, fisheries, marine and wildlife habitats,
22 beaches, barrier islands, dunes, coastal wet-
23 lands, and economy of the Gulf Coast; and

1 (B) to address the associated economic
2 harm suffered by the people and communities
3 of the region;

4 (6) the projects and programs authorized by
5 this Act and the amendments made by this Act
6 should be carried out pursuant to contracts awarded
7 in a manner that provides a preference to individuals
8 and entities that reside in, are headquartered in, or
9 are principally engaged in business in a Gulf Coast
10 State; and

11 (7) Federal, State, and local officials should
12 seek—

13 (A) to leverage the financial resources
14 made available under this Act; and

15 (B) to the maximum extent practicable, to
16 ensure that projects funded pursuant to this
17 Act complement efforts planned or in operation
18 to revitalize the natural resources and economic
19 health of the Gulf Coast region.

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

21 (a) ESTABLISHMENT.—There is established in the
22 Treasury of the United States a trust fund to be known
23 as the “Gulf Coast Restoration Trust Fund” (referred to
24 in this section as the “Trust Fund”), consisting of such

1 amounts as are deposited in the Trust Fund under this
2 Act or any other provision of law.

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

12 (c) EXPENDITURES.—Amounts in the Trust Fund,
13 including interest earned on advances to the Trust Fund
14 and proceeds from investment under subsection (d),
15 shall—

16 (1) be available for expenditure, without further
17 appropriation, solely for the purpose and eligible ac-
18 tivities of this Act; and

19 (2) remain available until expended, without fis-
20 cal year limitation.

21 (d) INVESTMENT.—Amounts in the Trust Fund shall
22 be invested in accordance with section 9702 of title 31,
23 United States Code, and any interest on, and proceeds
24 from, any such investment shall be available for expendi-

1 ture in accordance with this Act and the amendments
2 made by this Act.

3 (e) ADMINISTRATION.—Not later than 180 days after
4 the date of enactment of this Act, after providing notice
5 and an opportunity for public comment, the Secretary of
6 the Treasury, in consultation with the Secretary of the In-
7 terior and the Secretary of Commerce, shall establish such
8 procedures as the Secretary determines to be necessary
9 to deposit amounts in, and expend amounts from, the
10 Trust Fund pursuant to this Act, including—

11 (1) procedures to assess whether the programs
12 and activities carried out under this Act and the
13 amendments made by this Act achieve compliance
14 with applicable requirements, including procedures
15 by which the Secretary of the Treasury may deter-
16 mine whether an expenditure by a Gulf Coast State
17 or coastal political subdivision (as those terms are
18 defined in section 311 of the Federal Water Pollu-
19 tion Control Act (33 U.S.C. 1321)) pursuant to such
20 a program or activity achieves compliance;

21 (2) auditing requirements to ensure that
22 amounts in the Trust Fund are expended as in-
23 tended; and

24 (3) procedures for identification and allocation
25 of funds available to the Secretary under other pro-

visions of law that may be necessary to pay the administrative expenses directly attributable to the management of the Trust Fund.

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

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

(1) in subsection (a)—

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

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

(C) by adding at the end the following:

“(27) the term ‘Chairperson’ means the Chairperson of the Council;

“(28) the term ‘coastal political subdivision’ means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico;

“(29) the term ‘Comprehensive Plan’ means the comprehensive plan developed by the Council pursuant to subsection (t);

1 “(30) the term ‘Council’ means the Gulf Coast
2 Ecosystem Restoration Council established pursuant
3 to subsection (t);

4 “(31) the term ‘Deepwater Horizon oil spill’
5 means the blowout and explosion of the mobile off-
6 shore drilling unit Deepwater Horizon that occurred
7 on April 20, 2010, and resulting hydrocarbon re-
8 leases into the environment;

9 “(32) the term ‘Gulf Coast ecosystem’ means—

10 “(A) in the Gulf Coast States, the coastal
11 zones (as that term is defined in section 304 of
12 the Coastal Zone Management Act of 1972 (16
13 U.S.C. 1453), except that, in this section, the
14 term ‘coastal zones’ includes land within the
15 coastal zones that is held in trust by, or the use
16 of which is by law subject solely to the discre-
17 tion of, the Federal Government or officers or
18 agents of the Federal Government) that border
19 the Gulf of Mexico;

20 “(B) any adjacent land, water, and water-
21 sheds, that are within 25 miles of the coastal
22 zones described in subparagraph (A) of the Gulf
23 Coast States; and

24 “(C) all Federal waters in the Gulf of Mex-
25 ico;

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

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

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

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

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

14 “(1) STATE ALLOCATION AND EXPENDI-
15 TURES.—

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

24 “(B) USE OF FUNDS.—

11

1 “(i) ELIGIBLE ACTIVITIES.—Amounts
2 provided to the Gulf States under this sub-
3 section may only be used to carry out 1 or
4 more of the following activities:

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

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

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

15 “(IV) Programs to promote tour-
16 ism in a Gulf Coast State, including
17 recreational fishing.

18 “(V) Programs to promote the
19 consumption of seafood produced from
20 the Gulf Coast ecosystem.

21 “(VI) Programs to promote edu-
22 cation regarding the natural resources
23 of the Gulf Coast ecosystem.

24 “(VII) Planning assistance.

1 “(VIII) Workforce development
2 and job creation.

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

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

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

20 “(XII) Administrative costs of
21 complying with this subsection.

22 “(ii) LIMITATION.—

23 “(I) IN GENERAL.—Of the
24 amounts received by a Gulf State
25 under this subsection not more than 3

1 percent may be used for administra-
2 tive costs eligible under clause
3 (i)(XII).

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

12 “(C) COASTAL POLITICAL SUBDIVISIONS.—

13 “(i) IN GENERAL.—In the case of a
14 State where the coastal zone includes the
15 entire State—

16 “(I) 75 percent of funding shall
17 be provided to the 8 disproportionately
18 affected counties impacted by the
19 Deepwater Horizon Oil Spill; and

20 “(II) 25 percent shall be provided
21 to nondisproportionately impacted
22 counties within the State.

23 “(ii) LOUISIANA.—Of the total
24 amounts made available to the State of
25 Louisiana under this paragraph:

14

1 “(I) 70 percent shall be provided
2 directly to the State in accordance
3 with this subsection.

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

11 “(aa) 40 percent based on
12 the weighted average of miles of
13 the parish shoreline oiled.

14 “(bb) 40 percent based on
15 the weighted average of the pop-
16 ulation of the parish.

17 “(cc) 20 percent based on
18 the weighted average of the land
19 mass of the parish.

20 “(iii) CONDITIONS.—

21 “(I) LAND USE PLAN.—As a con-
22 dition of receiving amounts allocated
23 under clause (ii), the chief executive
24 of the eligible parish shall certify to
25 the Governor of the State that the

1 parish has completed a comprehensive
2 land use plan.

3 “(II) OTHER CONDITIONS.—A
4 coastal political subdivision receiving
5 funding under this subsection shall
6 meet all of the conditions in subpara-
7 graph (D).

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

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

19 “(ii) certify in such form and in such
20 manner as the Secretary of the Treasury
21 determines necessary that the project or
22 program for which the Gulf Coast State or
23 coastal political subdivision is requesting
24 amounts—

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

6 “(II) carries out 1 or more of the
7 activities described in subparagraph
8 (B)(i);

9 “(III) was selected based on
10 meaningful input from the public, in-
11 cluding broad-based participation
12 from individuals, businesses, and non-
13 profit organizations; and

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

18 “(iii) certify that the project or pro-
19 gram and the awarding of a contract for
20 the expenditure of amounts received under
21 this subsection are consistent with the
22 standard procurement rules and regula-
23 tions governing a comparable project or
24 program in that State, including all appli-

1 cable competitive bidding and audit re-
2 quirements; and

3 “(iv) develop and submit a multiyear
4 implementation plan for use of those
5 funds.

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

11 “(i) ALABAMA.—

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

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

21 “(bb) The Director of the
22 Alabama State Port Authority,
23 who shall also serve as Vice
24 Chairperson and preside over the
25 meetings of the Alabama Gulf

1 Coast Recovery Council in the
2 absence of the Chairperson.

3 “(cc) The Chairman of the
4 Baldwin County Commission.

5 “(dd) The President of the
6 Mobile County Commission.

7 “(ee) The Mayor of the city
8 of Bayou La Batre.

9 “(ff) The Mayor of the town
10 of Dauphin Island.

11 “(gg) The Mayor of the city
12 of Fairhope.

13 “(hh) The Mayor of the city
14 of Gulf Shores.

15 “(ii) The Mayor of the city
16 of Mobile.

17 “(jj) The Mayor of the city
18 of Orange Beach.

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

22 “(III) MAJORITY VOTE.—All de-
23 cisions of the Alabama Gulf Coast Re-
24 covery Council shall be made by ma-
25 jority vote.

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

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

7 “(F) COMPLIANCE WITH ELIGIBLE ACTIVI-
8 TIES.—If the Secretary of the Treasury deter-
9 mines that an expenditure by a Gulf Coast
10 State or coastal political subdivision of amounts
11 made available under this subsection does not
12 meet 1 of the activities described in subpara-
13 graph (B)(i), the Secretary shall make no addi-
14 tional amounts from the Trust Fund available
15 to that Gulf Coast State or coastal political
16 subdivision until such time as an amount equal
17 to the amount expended for the unauthorized
18 use—

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

22 “(ii) has been authorized by the Sec-
23 retary of the Treasury for expenditure by
24 the Gulf Coast State or coastal political

1 subdivision for a project or program that
2 meets the requirements of this subsection.

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

13 “(H) PUBLIC INPUT.—In meeting any con-
14 dition of this subsection, a Gulf Coast State
15 may use an appropriate procedure for public
16 consultation in that Gulf Coast State, including
17 consulting with 1 or more established task
18 forces or other entities, to develop recommenda-
19 tions for proposed projects and programs that
20 would restore and protect the natural resources,
21 ecosystems, fisheries, marine and wildlife habi-
22 tats, beaches, coastal wetlands, and economy of
23 the Gulf Coast.

24 “(I) PREVIOUSLY APPROVED PROJECTS
25 AND PROGRAMS.—A Gulf Coast State or coastal

1 political subdivision shall be considered to have
2 met the conditions of subparagraph (D) for a
3 specific project or program if, before the date of
4 enactment of the Resources and Ecosystems
5 Sustainability, Tourist Opportunities, and Re-
6 vived Economies of the Gulf Coast States Act
7 of 2011—

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

14 “(ii) the applicable project or program
15 carries out 1 or more of the activities de-
16 scribed in subparagraph (B)(ii).

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

25 “(K) NON-FEDERAL MATCHING FUNDS.—

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

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

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

24 “(M) UNUSED FUNDS.—Any Funds not
25 identified in an implementation plan by a State

1 or coastal political subdivision in accordance
2 with subparagraph (D)(iv) shall remain in the
3 Trust Fund until such time as the State or
4 coastal political subdivision to which the funds
5 have been allocated develops and submits a plan
6 identifying uses for those funds in accordance
7 with subparagraph (D)(iv).

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

19 “(2) COUNCIL ESTABLISHMENT AND ALLOCA-
20 TION.—

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

24

1 “(B) COUNCIL EXPENDITURES.—

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

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

19 “(iii) ADMINISTRATIVE EXPENSES.—
20 Of the amounts received by the Council
21 under this subsection, not more than 3
22 percent may be used for administrative ex-
23 penses, including staff.

24 “(C) GULF COAST ECOSYSTEM RESTORA-
25 TION COUNCIL.—

25

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

6 “(ii) MEMBERSHIP.—The Council
7 shall consist of the following members, or
8 in the case of a Federal agency, a designee
9 at the level of the Assistant Secretary or
10 the equivalent:

11 “(I) The Chair of the Council on
12 Environmental Quality.

13 “(II) The Secretary of the Inte-
14 rior.

15 “(III) The Secretary of the
16 Army.

17 “(IV) The Secretary of Com-
18 merce.

19 “(V) The Administrator of the
20 Environmental Protection Agency.

21 “(VI) The Secretary of Agri-
22 culture.

23 “(VII) The head of the depart-
24 ment in which the Coast Guard is op-
25 erating.

26

1 “(VIII) The Governor of the
2 State of Alabama.

3 “(IX) The Governor of the State
4 of Florida.

5 “(X) The Governor of the State
6 of Louisiana.

7 “(XI) The Governor of the State
8 of Mississippi.

9 “(XII) The Governor of the State
10 of Texas.

11 “(iii) ALTERNATE.—A Governor ap-
12 pointed to the Council by the President
13 may designate an alternate to represent
14 the Governor on the Council and vote on
15 behalf of the Governor.

16 “(iv) CHAIRPERSON.—From among
17 the Federal agency members of the Coun-
18 cil, the representatives of States on the
19 Council shall select, and the President
20 shall appoint, 1 Federal member to serve
21 as Chairperson of the Council.

22 “(v) PRESIDENTIAL APPOINTMENT.—
23 All Council members shall be appointed by
24 the President.

25 “(vi) COUNCIL ACTIONS.—

27

1 “(I) IN GENERAL.—Subject to
2 subclause (IV), significant actions by
3 the Council shall require the affirma-
4 tive vote of the Federal Chairperson
5 and a majority of the State members
6 to be effective.

7 “(II) INCLUSIONS.—Significant
8 actions include but are not limited
9 to—

10 “(aa) approval of a Com-
11 prehensive Plan and future revi-
12 sions to a Comprehensive Plan;

13 “(bb) approval of State
14 plans pursuant to paragraph
15 (3)(B)(iii); and

16 “(cc) approval of reports to
17 Congress pursuant to clause
18 (vii)(X).

19 “(III) QUORUM.—A quorum of
20 State members shall be required to be
21 present for the Council to take any
22 significant action.

23 “(IV) AFFIRMATIVE VOTE RE-
24 QUIREMENT DEEMED MET.—For ap-
25 proval of State plans pursuant to

1 paragraph (3)(B)(iv), the certification
2 by a State member of the Council that
3 the plan satisfies all requirements of
4 clauses (i) and (ii) of paragraphs
5 (3)(B), when joined by an affirmative
6 vote of the Federal Chairperson of the
7 Council, is deemed to satisfy the re-
8 quirements for affirmative votes under
9 subclause (I).

10 “(V) PUBLIC TRANSPARENCY.—
11 Appropriate actions of the Council, in-
12 cluding votes on significant actions
13 and associated deliberations, shall be
14 made available to the public.

15 “(vii) DUTIES OF COUNCIL.—The
16 Council shall—

17 “(I) develop the Comprehensive
18 Plan, and future revisions to the Com-
19 prehensive Plan;

20 “(II) identify as soon as prac-
21 ticable the projects that—

22 “(aa) have been authorized
23 prior to the date of enactment of
24 this subsection but not yet com-
25 menced; and

1 “(bb) if implemented quick-
2 ly, would restore and protect the
3 natural resources, ecosystems,
4 fisheries, marine and wildlife
5 habitats, beaches, barrier islands,
6 dunes, and coastal wetlands of
7 the Gulf Coast ecosystem;

8 “(III) coordinate the development
9 of consistent policies, strategies,
10 plans, and activities by Federal agen-
11 cies, State and local governments, and
12 private sector entities for addressing
13 the restoration and protection of the
14 Gulf Coast ecosystem;

15 “(IV) establish such other advi-
16 sory committee or committees as may
17 be necessary to assist the Council, in-
18 cluding a scientific advisory committee
19 and a committee to advise the Council
20 on public policy issues;

21 “(V) coordinate scientific and
22 other research associated with restora-
23 tion of the Gulf Coast ecosystem, in-
24 cluding research, observation, and
25 monitoring carried out pursuant to

1 section 5 of the Resources and Eco-
2 systems Sustainability, Tourist Op-
3 portunities, and Revived Economies of
4 the Gulf Coast States Act of 2011;

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

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

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

24 “(IX) prepare an integrated fi-
25 nancial plan and recommendations for

1 coordinated budget requests for the
2 amounts proposed to be expended by
3 the Federal agencies represented on
4 the Council for projects and programs
5 in the Gulf Coast States;

6 “(X) submit to Congress an an-
7 nual report that—

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

13 “(bb) describes the projects
14 and programs being implemented
15 to restore and protect the Gulf
16 Coast ecosystem; and

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

23 “(XI) submit to Congress a final
24 report on the date on which all funds

1 made available to the Council are ex-
2 pended.

3 “(viii) APPLICATION OF FEDERAL AD-
4 VISORY COMMITTEE ACT.—The Council, or
5 any other advisory committee established
6 under this subsection, shall not be consid-
7 ered an advisory committee under the Fed-
8 eral Advisory Committee Act (5 U.S.C.
9 App.).

10 “(D) COMPREHENSIVE PLAN.—

11 “(i) PROPOSED PLAN.—

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

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

7 “(ii) PUBLICATION.—

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

“(III) CONSIDERATIONS.—In developing the initial Comprehensive Plan and subsequent updates, the Council shall consider all relevant findings, reports, or research prepared or funded by a center of excellence or the Gulf Fisheries and Ecosystem Endowment established pursuant to the Gulf Coast Ecosystem Restoration Science, Monitoring, and Technology Program under section 5 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2011.

20 “(IV) CONTENTS.—The initial
21 Comprehensive Plan shall include—

22 “(aa) such provisions as are
23 necessary to fully incorporate in
24 the Comprehensive Plan the
25 strategy, projects, and programs

1 recommended by the President's
2 Gulf Coast Restoration Task
3 Force;

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

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

21 “(dd) subject to available
22 funding in accordance with clause
23 (iii), a prioritized list of specific
24 projects and programs to be
25 funded and carried out during

1 the 3-year period immediately
2 following the date of publication
3 of the initial Comprehensive
4 Plan, including a table that illus-
5 trates the distribution of projects
6 and programs by Gulf Coast
7 State.

8 “(V) PLAN UPDATES.—The
9 Council shall update—

10 “(aa) the Comprehensive
11 Plan every 5 years in a manner
12 comparable to the manner estab-
13 lished in this subsection for each
14 5-year period for which amounts
15 are expected to be made available
16 to the Gulf Coast States from the
17 Trust Fund; and

18 “(bb) the 3-year list of
19 projects and programs described
20 in subclause (IV)(dd) annually.

21 “(iii) RESTORATION PRIORITIES.—Ex-
22 cept for projects and programs described
23 in subclause (IV)(bb), in selecting projects
24 and programs to include on the 3-year list
25 described in subclause (IV)(dd), based on

1 the best available science, the Council shall
2 give highest priority to projects that ad-
3 dress 1 or more of the following criteria:

4 “(I) Projects that are projected
5 to make the greatest contribution to
6 restoring and protecting the natural
7 resources, ecosystems, fisheries, ma-
8 rine and wildlife habitats, beaches,
9 and coastal wetlands of the Gulf
10 Coast ecosystem, without regard to
11 geographic location.

12 “(II) Large-scale projects and
13 programs that are projected to sub-
14 stantially contribute to restoring and
15 protecting the natural resources, eco-
16 systems, fisheries, marine and wildlife
17 habitats, beaches, and coastal wet-
18 lands of the Gulf Coast ecosystem.

19 “(III) Projects contained in exist-
20 ing Gulf Coast State comprehensive
21 plans for the restoration and protec-
22 tion of natural resources, ecosystems,
23 fisheries, marine and wildlife habitats,
24 beaches, and coastal wetlands of the
25 Gulf Coast ecosystem.

1 “(IV) Projects that restore long-
2 term resiliency of the natural re-
3 sources, ecosystems, fisheries, marine
4 and wildlife habitats, beaches, and
5 coastal wetlands most impacted by the
6 Deepwater Horizon oil spill.

7 “(E) IMPLEMENTATION.—

8 “(i) IN GENERAL.—The Council, act-
9 ing through the member agencies and Gulf
10 Coast States, shall expend funds made
11 available from the Trust Fund to carry out
12 projects and programs adopted in the
13 Comprehensive Plan.

14 “(ii) ADMINISTRATIVE RESPONS-
15 BILITY.—

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

23 “(II) TRANSFER OF AMOUNTS.—
24 Amounts necessary to carry out each
25 project or program included in the

1 Comprehensive Plan shall be trans-
2 ferred by the Secretary of the Treas-
3 ury from the Trust Fund to that Fed-
4 eral agency or Gulf Coast State as the
5 project or program is implemented,
6 subject to such conditions as the Sec-
7 retary of the Treasury, in consultation
8 with the Secretary of the Interior and
9 the Secretary of Commerce, estab-
10 lished pursuant to section 3 of the Re-
11 sources and Ecosystems Sustain-
12 ability, Tourist Opportunities, and Re-
13 vived Economies of the Gulf Coast
14 States Act of 2011.

15 “(iii) COST SHARING.—

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

24 “(aa) is authorized by other
25 Federal law; and

1 “(bb) meets the criteria of
2 subparagraph (D).

3 “(II) INCLUSION IN COMPREHEN-
4 SIVE PLAN.—A project or program de-
5 scribed in subclause (I) that meets the
6 criteria for inclusion in the Com-
7 prehensive Plan described in subpara-
8 graph (D) shall be selected and adopt-
9 ed by the Council as part of the Com-
10 prehensive Plan in the manner de-
11 scribed in subparagraph (D).

12 “(F) COORDINATION.—The Council and
13 the Federal members of the Council may de-
14 velop Memorandums of Understanding estab-
15 lishing integrated funding and implementation
16 plans among the member agencies and authori-
17 ties.

18 “(G) TERMINATION.—The Council shall
19 terminate on the date on which the report de-
20 scribed in subparagraph (C)(vii)(XI) is sub-
21 mitted to Congress.

22 “(3) OIL SPILL RESTORATION IMPACT ALLOCA-
23 TION.—

24 “(A) IN GENERAL.—Except as provided in
25 paragraph (4), of the total amount made avail-

1 able to the Council under paragraph (2) in any
2 fiscal year from the Trust Fund, 50 percent
3 shall be disbursed by the Council as follows:

4 “(i) FORMULA.—Subject to subpara-
5 graph (B), for each Gulf Coast State, the
6 amount disbursed under this paragraph
7 shall be based on a formula established by
8 the Council by regulation that is based on
9 a weighted average of the following cri-
10 teria:

11 “(I) 40 percent based on the pro-
12 portionate number of miles of shore-
13 line in each Gulf Coast State that ex-
14 perienced oiling as of April 10, 2011,
15 compared to the total number of miles
16 of shoreline that experienced oiling as
17 a result of the Deepwater Horizon oil
18 spill.

19 “(II) 40 percent based on the in-
20 verse proportion of the average dis-
21 tance from the Deepwater Horizon oil
22 rig to the nearest and farthest point
23 of the shoreline that experienced oil-
24 ing of each Gulf Coast State.

1 “(III) 20 percent based on the
2 average population in the 2010 decen-
3 nial census of coastal counties bor-
4 dering the Gulf of Mexico within each
5 Gulf Coast State.

6 “(ii) MINIMUM ALLOCATION.—The
7 amount disbursed to a Gulf Coast State
8 for each fiscal year under clause (i) shall
9 be at least 5 percent of the total amounts
10 made available under this paragraph.

11 “(B) APPROVAL OF PROJECTS AND PRO-
12 GRAMS.—

13 “(i) IN GENERAL.—The Council shall
14 disburse amounts to the respective Gulf
15 Coast States in accordance with the for-
16 mula developed under subparagraph (A)
17 for projects, programs, and activities that
18 will improve the ecosystems or economy of
19 the Gulf Coast, subject to the condition
20 that each Gulf Coast State submits a plan
21 for the expenditure of amounts disbursed
22 under this paragraph which meet the fol-
23 lowing criteria:

24 “(I) All projects, programs, and
25 activities included in that plan are eli-

1 gible activities pursuant to paragraph
2 (1)(B)(i).

3 “(II) The projects, programs,
4 and activities included in that plan
5 contribute to the overall economic and
6 ecological recovery of the Gulf Coast.

7 “(III) The plan takes into con-
8 sideration the Comprehensive Plan
9 and is consistent with its goals and
10 objectives, as described in paragraph
11 (2)(B)(i).

12 “(ii) FUNDING.—

13 “(I) IN GENERAL.—Except as
14 provided in subclause (II), the plan
15 described in clause (i) may use not
16 more than 25 percent of the funding
17 made available for infrastructure
18 projects eligible under subclauses (X)
19 and (XI) of paragraph (1)(B)(i).

20 “(II) EXCEPTION.—The plan de-
21 scribed in clause (i) may propose to
22 use more than 25 percent of the fund-
23 ing made available for infrastructure
24 projects eligible under subclauses (X)

1 and (XI) of paragraph (1)(B)(i) if the
2 plan certifies that—

3 “(aa) ecosystem restoration
4 needs in the State will be ad-
5 dressed by the projects in the
6 proposed plan; and

7 “(bb) additional investment
8 in infrastructure is required to
9 mitigate the impacts of the Deep-
10 water Horizon Oil Spill to the
11 ecosystem or economy.

12 “(iii) DEVELOPMENT.—The plan de-
13 scribed in clause (i) shall be developed
14 by—

15 “(I) in the State of Alabama, the
16 Alabama Gulf Coast Recovery Council
17 established under paragraph (1)(E)(i);

18 “(II) in the State of Florida, a
19 consortia of local political subdivisions
20 that includes at least 1 representative
21 of each disproportionately affected
22 county;

23 “(III) in the State of Louisiana,
24 the Coastal Protection and Restora-
25 tion Authority of Louisiana;

1 “(IV) in the State of Mississippi,
2 the Office of the Governor or an ap-
3 pointee of the Office of the Governor;
4 and

5 “(V) in the State of Texas, the
6 Office of the Governor or an ap-
7 pointee of the Office of the Governor.

8 “(iv) APPROVAL.—Not later than 60
9 days after the date on which a plan is sub-
10 mitted under clause (i), the Council shall
11 approve or disapprove the plan based on
12 the conditions of clause (i).

13 “(C) DISAPPROVAL.—If the Council dis-
14 approves a plan pursuant to subparagraph
15 (B)(iv), the Council shall—

16 “(i) provide the reasons for dis-
17 approval in writing; and

18 “(ii) consult with the State to address
19 any identified deficiencies with the State
20 plan.

21 “(D) FAILURE TO SUBMIT ADEQUATE
22 PLAN.—If a State fails to submit an adequate
23 plan under this subsection, any funds made
24 available under this subsection shall remain in
25 the Trust Fund until such date as a plan is

1 submitted and approved pursuant to this sub-
2 section.

3 “(E) JUDICIAL REVIEW.—If the Council
4 fails to approve or take action within 60 days
5 on a plan described in subparagraph (B)(iv),
6 the State may obtain expedited judicial review
7 within 90 days of that decision in a district
8 court of the United States, of appropriate juris-
9 diction and venue, that is located within the
10 State seeking such review.

11 “(4) AUTHORIZATION OF INTEREST TRANS-
12 FERS.—

13 “(A) IN GENERAL.—Of the total amount
14 made available in any fiscal year from the
15 Trust Fund, an amount equal to the interest
16 earned by the Trust Fund and proceeds from
17 investments made by the Trust Fund in the
18 preceding fiscal year—

19 “(i) 50 percent shall be transferred to
20 the National Endowment for Oceans in
21 subparagraph (B); and

22 “(ii) 50 percent shall be transferred to
23 the Gulf of Mexico Research Endowment
24 in subparagraph (C).

1 “(B) NATIONAL ENDOWMENT FOR THE
2 OCEANS.—

3 “(i) ESTABLISHMENT.—

4 “(I) IN GENERAL.—There is es-
5 tablished in the Treasury of the
6 United States a trust fund to be
7 known as the ‘National Endowment
8 for the Oceans’, consisting of such
9 amounts as may be appropriated or
10 credited to the National Endowment
11 for the Oceans.

12 “(II) INVESTMENT.—Amounts in
13 the National Endowment for the
14 Oceans shall be invested in accordance
15 with section 9602 of the Internal Rev-
16 enue Code of 1986, and any interest
17 on, and proceeds from, any such in-
18 vestment shall be available for expend-
19 iture in accordance with this subpara-
20 graph.

21 “(ii) TRUSTEE.—The trustee for the
22 National Endowment for the Oceans shall
23 be the Secretary of Commerce.

24 “(iii) ALLOCATION OF FUNDS.—

1 “(I) IN GENERAL.—Each fiscal
2 year, the Secretary shall allocate, at a
3 minimum, an amount equal to the in-
4 terest earned by the National Endow-
5 ment for the Oceans in the preceding
6 fiscal year, and may distribute an
7 amount equal to up to 10 percent of
8 the total amounts in the National En-
9 dowment for the Oceans—

10 “(aa) to allocate funding to
11 coastal states (as defined in sec-
12 tion 304 of the Marine Resources
13 and Engineering Development
14 Act of 1966 (16 U.S.C. 1453))
15 and affected Indian tribes;

16 “(bb) to make grants to re-
17 gional ocean and coastal planning
18 bodies; and

19 “(cc) to develop and imple-
20 ment a National Grant Program
21 for Oceans and Coastal Waters.

22 “(II) PROGRAM ADJUSTMENTS.—
23 Each fiscal year where the amount de-
24 scribed in subparagraph (A)(i) does
25 not exceed \$100,000,000, the Sec-

1 retary may elect to fund only the
2 grant program established in sub-
3 clause (I)(cc).

4 “(iv) ELIGIBLE ACTIVITIES.—Funds
5 deposited in the National Endowment for
6 the Oceans may be allocated by the Sec-
7 retary only to fund grants for programs
8 and activities intended to restore, protect,
9 maintain, or understand living marine re-
10 sources and their habitats and resources in
11 ocean and coastal waters (as defined in
12 section 304 of the Marine Resources and
13 Engineering Development Act of 1966 (16
14 U.S.C. 1453)), including baseline scientific
15 research, ocean observing, and other pro-
16 grams and activities carried out in coordi-
17 nation with Federal and State departments
18 or agencies, that are consistent with Fed-
19 eral environmental laws and that avoid en-
20 vironmental degradation.

21 “(v) APPLICATION.—To be eligible to
22 receive a grant under clause (iii)(I), an en-
23 tity shall submit to the Secretary an appli-
24 cation at such time, in such manner, and

1 containing such information as the Sec-
2 retary determines to be appropriate.

3 “(vi) FUNDING FOR COASTAL
4 STATES.—The Secretary shall allocate
5 funding among States as follows:

6 “(I) 50 percent of the funds shall
7 be allocated equally among coastal
8 States.

9 “(II) 25 percent of the funds
10 shall be allocated based on tidal shore-
11 line miles.

12 “(III) 25 percent of the funds
13 shall be allocated based on the coastal
14 population density of a coastal State.

15 “(IV) No State shall be allocated
16 more than 10 percent of the total
17 amount of funds available for alloca-
18 tion among coastal States for any fis-
19 cal year.

20 “(V) No territory shall be allo-
21 cated more than 1 percent of the total
22 amount of funds available for alloca-
23 tion among coastal States for any fis-
24 cal year.

1 “(C) GULF OF MEXICO RESEARCH ENDOW-
2 MENT.—

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

13 “(ii) INVESTMENT.—Amounts in the
14 Gulf of Mexico Research Endowment shall
15 be invested in accordance with section
16 9602 of the Internal Revenue Code of
17 1986, and, after adjustment for inflation
18 so as to maintain the value of the prin-
19 cipal, any interest on, and proceeds from,
20 any such investment shall be available for
21 expenditure and shall be allocated in equal
22 portions to the Gulf Coast Ecosystem Res-
23 toration Science, Monitoring, and Tech-
24 nology Program and Fisheries Endowment
25 established in section 5 of the Resources

1 and Ecosystems Sustainability, Tourist
2 Opportunities, and Revived Economies of
3 the Gulf Coast States Act of 2011.”.

4 **SEC. 5. GULF COAST ECOSYSTEM RESTORATION SCIENCE,**
5 **OBSERVATION, MONITORING, AND TECH-**
6 **NOLOGY PROGRAM.**

7 (a) DEFINITIONS.—In this section:

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

11 (2) FISHERIES AND ECOSYSTEM ENDOW-
12 MENT.—The term “Fisheries and Ecosystem En-
13 dowment” means the endowment established by sub-
14 section (d).

15 (3) PROGRAM.—The term “Program” means
16 the Gulf Coast Ecosystem Restoration Science, Ob-
17 servation, Monitoring, and Technology Program es-
18 tablished by subsection (b).

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

25 (c) CENTERS OF EXCELLENCE.—

1 (1) IN GENERAL.—In carrying out the Pro-
2 gram, the Administrator, in consultation with other
3 Federal agencies with expertise in the discipline of
4 a center of excellence, shall make grants in accord-
5 ance with paragraph (2) to establish and operate 5
6 centers of excellence, 1 of which shall be located in
7 each of the States of Alabama, Florida, Louisiana,
8 Mississippi, and Texas.

9 (2) GRANTS.—

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

18 (B) APPLICATION.—To be eligible to re-
19 ceive a grant under this paragraph, an entity or
20 consortium described in subparagraph (A) shall
21 submit to the Administrator an application at
22 such time, in such manner, and containing such
23 information as the Administrator determines to
24 be appropriate.

1 (C) PRIORITY.—In awarding grants under
2 this paragraph, the Administrator shall give
3 priority to entities and consortia that dem-
4 onstrate the ability to establish the broadest
5 cross-section of participants with interest and
6 expertise in any discipline described in para-
7 graph (3) on which the proposal of the center
8 of excellence will be focused.

9 (3) DISCIPLINES.—Each center of excellence
10 shall focus on science, technology, and monitoring in
11 at least 1 of the following disciplines:

12 (A) Coastal and deltaic sustainability, res-
13 toration and protection; including solutions and
14 technology that allow citizens to live safely and
15 sustainably in a coastal delta.

16 (B) Coastal fisheries and wildlife eco-
17 system research and monitoring.

18 (C) Offshore energy development, including
19 research and technology to improve the sustain-
20 able and safe development of energy resources.

21 (D) Sustainable and resilient growth, eco-
22 nomic and commercial development in the Gulf
23 Coast.

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

1 (4) COORDINATION WITH OTHER PROGRAMS.—

2 The Administrator shall develop a plan for the co-
3 ordination of projects and activities between the Pro-
4 gram and other existing Federal and State science
5 and technology programs in the States of Alabama,
6 Florida, Louisiana, Mississippi, and Texas, as well
7 as between the centers of excellence.

8 (d) ESTABLISHMENT OF FISHERIES AND ECOSYSTEM
9 ENDOWMENT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of enactment of this Act, the Council
12 shall establish a fishery and ecosystem endowment
13 to ensure, to the maximum extent practicable, the
14 long-term sustainability of the ecosystem, fish
15 stocks, fish habitat and the recreational, commercial,
16 and charter fishing industry in the Gulf of Mexico.

17 (2) EXPENDITURE OF FUNDS.—For each fiscal
18 year, amounts made available to carry out this sub-
19 section may be expended for, with respect to the
20 Gulf of Mexico—

21 (A) marine and estuarine research;

22 (B) marine and estuarine ecosystem moni-
23 toring and ocean observation;

24 (C) data collection and stock assessments;

25 (D) pilot programs for—

- 1 (i) fishery independent data; and
- 2 (ii) reduction of exploitation of spawn-
- 3 ing aggregations; and
- 4 (E) cooperative research.

5 (3) ADMINISTRATION AND IMPLEMENTATION.—

6 The Fisheries and Ecosystem Endowment shall be
7 administered by the Administrator of the National
8 Oceanic and Atmospheric Administration, in con-
9 sultation with the Director of the United States Fish
10 and Wildlife Service, with guidance provided by the
11 Regional Gulf of Mexico Fishery Management Coun-
12 cil.

13 (4) SPECIES INCLUDED.—The Fisheries and
14 Ecosystem Endowment will include all marine, estu-
15 arine, aquaculture, and fish and wildlife species in
16 State and Federal waters of the Gulf of Mexico.

17 (5) RESEARCH PRIORITIES.—In distributing
18 funding under this subsection, priority shall be given
19 to integrated, long-term projects that—

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

22 (B) address current or anticipated marine
23 ecosystem, fishery, or wildlife management in-
24 formation needs.

1 (6) DUPLICATION AND COORDINATION.—In car-
2 rying out this subsection, the Administrator shall
3 seek to avoid duplication of other research and mon-
4 itoring activities and coordinate with existing re-
5 search and monitoring programs, including the Inte-
6 grated Coastal and Ocean Observation System Act
7 of 2009 (33 U.S.C. 3601 et seq.).

8 (e) FUNDING.—

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

17 (2) ADMINISTRATIVE EXPENSES.—Of the
18 amounts received by the National Oceanic and At-
19 mospheric Administration to carry out this section,
20 not more than 3 percent may be used for adminis-
21 trative expenses.

22 **SEC. 6. EFFECT.**

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

1 (1) supersedes or otherwise affects any provi-
2 sion of Federal law, including, in particular, laws
3 providing recovery for injury to natural resources
4 under the Oil Pollution Act of 1990 (33 U.S.C.
5 2701 et seq.) and laws for the protection of public
6 health and the environment; or

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

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