

112TH CONGRESS  
1ST SESSION

# H. R. 56

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. SCALISE (for himself, Mr. BOUSTANY, Mr. LANDRY, Mr. CASSIDY, Mr. ALEXANDER, and Mr. RICHMOND) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, 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 provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gulf Coast Restoration  
5 Act”.

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

7 (a) DEFINITIONS.—In this section:

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

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

8           (3) FUND.—The term “Fund” means the Gulf  
9 Coast Ecosystem Restoration Fund established by  
10 subsection (b)(2)(A).

11           (4) GOVERNORS.—The term “Governors”  
12 means the Governors of each of the States of Ala-  
13 bama, Florida, Louisiana, Mississippi, and Texas.

14           (5) GULF COAST ECOSYSTEM.—The term “Gulf  
15 Coast ecosystem” means the coastal zones, as deter-  
16 mined pursuant to the Coastal Zone Management  
17 Act of 1972 (16 U.S.C. 1451 et seq.), of the States  
18 of Alabama, Florida, Louisiana, Mississippi, and  
19 Texas and adjacent State waters and areas of the  
20 outer Continental Shelf, adversely impacted by the  
21 blowout and explosion of the mobile offshore drilling  
22 unit Deepwater Horizon that occurred on April 20,  
23 2010, and resulting hydrocarbon releases into the  
24 environment.

1           (6) SECRETARY.—The term “Secretary” means  
2 the Secretary of the Interior.

3           (7) QUALIFYING STATE.—The term “qualifying  
4 State” means each of the States of Alabama, Flor-  
5 ida, Louisiana, Mississippi, and Texas.

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

9 (b) GULF COAST ECOSYSTEM RESTORATION.—

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

16           (2) GULF COAST ECOSYSTEM RESTORATION  
17 FUND.—

18           (A) ESTABLISHMENT.—There is estab-  
19 lished in the Treasury of the United States a  
20 fund to be known as the “Gulf Coast Eco-  
21 system Restoration Fund”.

22           (B) TRANSFERS TO FUND.—Notwith-  
23 standing any other provision of law, the Sec-  
24 retary of the Treasury shall deposit into the  
25 Fund amounts equal to not less than 80 per-

1 cent of any amounts collected by the United  
2 States as penalties, settlements, or fines under  
3 sections 309 and 311 of the Federal Water Pol-  
4 lution Control Act (33 U.S.C. 1319, 1321) in  
5 relation to the blowout and explosion of the mo-  
6 bile offshore drilling unit Deepwater Horizon  
7 that occurred on April 20, 2010, and resulting  
8 hydrocarbon releases into the environment.

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

16 (3) DISBURSEMENT.—The Chair shall disburse  
17 to each qualifying State for which the Chair has ap-  
18 proved a State Coastal Ecosystem Restoration Plan  
19 under this section such funds as are allocated to the  
20 qualifying State under this section.

21 (4) USE OF FUNDS BY QUALIFYING STATE.—A  
22 qualifying State shall use all amounts received under  
23 this section, including any amount deposited in a  
24 trust fund that is administered by the State and  
25 dedicated to uses consistent with this section, in ac-

1 cordance with all applicable Federal and State law,  
2 only for 1 or more of the following purposes:

3 (A) Projects and activities for the con-  
4 servation, protection, or restoration of coastal  
5 areas, including wetlands.

6 (B) Mitigation of damage to fish, wildlife,  
7 or natural resources.

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

10 (D) Implementation of a federally ap-  
11 proved marine, coastal, or comprehensive con-  
12 servation management plan.

13 (c) STATE COASTAL ECOSYSTEM RESTORATION  
14 PLAN.—

15 (1) SUBMISSION OF STATE PLANS.—

16 (A) IN GENERAL.—Not later than October  
17 1, 2011, the Governor of a qualifying State  
18 shall submit to the Chair a State Coastal Eco-  
19 system Restoration Plan.

20 (B) PUBLIC PARTICIPATION.—In carrying  
21 out subparagraph (A), the Governor shall solicit  
22 local input and provide for public participation  
23 in the development of the plan.

24 (2) APPROVAL.—

1 (A) IN GENERAL.—The Chair must ap-  
2 prove a plan of a qualifying State submitted  
3 under paragraph (1) before disbursing any  
4 amount to the qualifying State under this sec-  
5 tion.

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

9 (i) the Chair determines that the plan  
10 is consistent with the uses described in  
11 subsection (b); and

12 (ii) the plan contains—

13 (I) the name of the State agency  
14 that will have the authority to rep-  
15 resent and act on behalf of the State  
16 in dealing with the Secretary for pur-  
17 poses of this section;

18 (II) a program for the implemen-  
19 tation of the plan that describes how  
20 the amounts provided under this sec-  
21 tion to the qualifying State will be  
22 used; and

23 (III) a certification by the Gov-  
24 ernor that ample opportunity has been  
25 provided for public participation in

1                   the development and revision of the  
2                   plan.

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

5                   (A) developed in accordance with this sub-  
6                   section; and

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

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

14           (d) GULF COAST ECOSYSTEM RESTORATION TASK  
15           FORCE.—

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

18                   (2) MEMBERSHIP.—The Task Force shall con-  
19                   sist of the following members, or in the case of a  
20                   Federal agency, a designee at the level of Assistant  
21                   Secretary or the equivalent:

22                           (A) The Secretary.

23                           (B) The Secretary of Commerce.

24                           (C) The Secretary of the Army.

25                           (D) The Attorney General.

1 (E) The Secretary of Homeland Security.

2 (F) The Administrator of the Environ-  
3 mental Protection Agency.

4 (G) The Commandant of the Coast Guard.

5 (H) The Secretary of Transportation.

6 (I) The Secretary of Agriculture.

7 (J) A representative of each affected In-  
8 dian tribe, appointed by the Secretary based on  
9 the recommendations of the tribal chairman.

10 (K) Two representatives of each of the  
11 States of Alabama, Florida, Louisiana, Mis-  
12 sissippi, and Texas, appointed by the Governor  
13 of each State, respectively.

14 (L) Two representatives of local govern-  
15 ment within each of the States of Alabama,  
16 Florida, Louisiana, Mississippi, and Texas, ap-  
17 pointed by the Governor of each State, respec-  
18 tively.

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

22 (4) DUTIES OF THE TASK FORCE.—The Task  
23 Force shall—



1 (A) consult with, and provide recommenda-  
2 tions to, the Chair regarding the approval of  
3 State Coastal Ecosystem Restoration Plans;

4 (B) coordinate scientific and other re-  
5 search associated with restoration of the Gulf  
6 Coast ecosystem; and

7 (C) submit an annual report to Congress  
8 that summarizes the State Coastal Ecosystem  
9 Restoration Plans submitted by the Governors  
10 and approved by the Chair.

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

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