

112TH CONGRESS
1ST SESSION

S. 862

To provide for a comprehensive Gulf of Mexico restoration plan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for a comprehensive Gulf of Mexico restoration plan, 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 “Comprehensive Gulf
5 of Mexico Recovery, Restoration, and Resiliency Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **CITIZENS’ ADVISORY COMMITTEE.**—The
9 term “Citizens’ Advisory Committee” means the

1 Gulf of Mexico Regional Citizens' Advisory Com-
2 mittee established by section 8(a).

3 (2) CLEAN ENERGY PRODUCTION AND DEVEL-
4 OPMENT.—The term “clean energy production and
5 development” means any electricity generation,
6 transmission, storage, heating, cooling, industrial
7 process, or manufacturing project the primary pur-
8 pose of which is the deployment, development, or
9 production of an energy system or technology that
10 avoids, reduces, or sequesters air pollutants or an-
11 thropogenic greenhouse gases.

12 (3) COUNCIL.—The term “Council” means the
13 Gulf of Mexico Recovery Council established by sec-
14 tion 3(a).

15 (4) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means an organization that—

17 (A) is a consortium of 1 or more public
18 and private institutions of higher education in
19 a Gulf State;

20 (B) is formally established by a board of
21 higher education in a Gulf State for the pur-
22 pose of collaborating on marine science re-
23 search;

24 (C) carries out 1 or more operations that
25 are physically located in the Gulf coast; and

1 (D) demonstrates experience arising
2 from—

3 (i) the conduct of the types of activi-
4 ties described in section 6; and

5 (ii) the ability to carry out each re-
6 quirement described in subsections (c), (d),
7 and (e) of section 6.

8 (5) FEDERAL AGENCY.—The term “Federal
9 agency” has the meaning given the term in section
10 1004 of the Solid Waste Disposal Act (42 U.S.C.
11 6903).

12 (6) FISHERY ENDOWMENT.—The term “Fish-
13 ery Endowment” means the Gulf of Mexico Fishery
14 Endowment established under section 7(a).

15 (7) FUND.—The term “Fund” means the Gulf
16 of Mexico Recovery Fund established by section
17 4(a).

18 (8) GULF.—The term “Gulf” means the sub-
19 merged land of the outer Continental Shelf, and the
20 areas of the exclusive economic zone of the United
21 States, within the Gulf of Mexico, including associ-
22 ated coastal watersheds, estuaries, beaches, and wet-
23 lands.

24 (9) GULF COAST.—The term “Gulf coast”
25 means—

1 (A) each coastal zone (as determined pur-
2 suant to the Coastal Zone Management Act of
3 1972 (16 U.S.C. 1451 et seq.)) of each Gulf
4 State (including water adjacent to the Gulf
5 State); and

6 (B) submerged land of the outer Conti-
7 nental Shelf located in the Gulf of Mexico.

8 (10) GULF OIL SPILL.—The term “Gulf oil
9 spill” means the discharge of oil and the use of oil
10 dispersants that began in 2010 in connection with
11 the blowout and explosion of the mobile offshore
12 drilling unit Deepwater Horizon that occurred on
13 April 20, 2010, and resulting hydrocarbon releases
14 into the environment.

15 (11) GULF STATE.—The term “Gulf State”
16 means any of the States of—

17 (A) Alabama;

18 (B) Florida;

19 (C) Louisiana;

20 (D) Mississippi; and

21 (E) Texas.

22 (12) INSTITUTION OF HIGHER EDUCATION.—
23 The term “institution of higher education” has the
24 meaning given the term in section 102 of the Higher
25 Education Act of 1965 (20 U.S.C. 1002).

1 (13) LOCAL POLITICAL SUBDIVISION.—The
2 term “local political subdivision” means any city,
3 county, township, town, borough, parish, village, or
4 other general purpose political subdivision of a
5 State.

6 (14) NATURAL RESOURCE TRUSTEE.—The term
7 “natural resource trustee” means each of the Fed-
8 eral and State trustees designated under title I of
9 the Oil Pollution Act of 1990 (33 U.S.C. 2701 et
10 seq.) with respect to natural resource damages relat-
11 ing to the Gulf oil spill.

12 (15) OBSERVATION SYSTEM.—The term “Ob-
13 servation System” means the Gulf of Mexico Obser-
14 vation System established under section 6(a).

15 (16) PLAN.—The term “Plan” means the Com-
16 prehensive Gulf of Mexico Recovery Plan developed
17 under section 5(a).

18 (17) STRATEGY.—The term “Strategy” means
19 the regional ecosystem restoration strategy developed
20 by the Gulf Coast Ecosystem Restoration Task
21 Force established by Executive Order 13554 (16
22 U.S.C. 1451 note; relating to the Gulf Coast Eco-
23 system Restoration Task Force).

1 **SEC. 3. GULF OF MEXICO RECOVERY COUNCIL.**

2 (a) ESTABLISHMENT.—There is established the Gulf
3 of Mexico Recovery Council.

4 (b) MEMBERSHIP.—The Council shall be composed of
5 each member of the Gulf Coast Ecosystem Restoration
6 Task Force established by Executive Order 13554 (16
7 U.S.C. 1451 note; relating to the Gulf Coast Ecosystem
8 Restoration Task Force).

9 (c) CHAIRPERSON.—The President shall select a
10 Chairperson from among the members of the Council.

11 (d) DUTIES.—The Council, in coordination with the
12 natural resource trustees, shall—

13 (1) develop the Plan;

14 (2) establish guidelines for the provision of, and
15 provide, grants in accordance with subsection (e);

16 (3) establish the Observation System;

17 (4) establish the Fishery Endowment;

18 (5) coordinate the sharing of scientific informa-
19 tion and other research associated with Gulf coast
20 economic development, ecosystem restoration, and
21 public health rehabilitation;

22 (6) form partnerships with Federal and State
23 agencies, institutions of higher education, research
24 consortia, private companies, and other relevant en-
25 tities; and

1 (7) submit to the appropriate committees of
2 Congress an annual report under subsection (f).

3 (e) GRANTS.—

4 (1) IN GENERAL.—Using amounts made avail-
5 able for expenditure from the Fund for a fiscal year,
6 the Council shall provide grants in accordance with
7 this subsection.

8 (2) GRANTS TO LOCAL POLITICAL SUBDIVI-
9 SIONS.—

10 (A) IN GENERAL.—For each fiscal year, of
11 the amounts made available for expenditure
12 from the Fund, the Council shall use 45 percent
13 of the amounts to provide grants to local polit-
14 ical subdivisions.

15 (B) REQUEST FOR GRANT PROPOSALS.—
16 Not later than 30 days after the date of enact-
17 ment of this Act, and every 180 days thereafter
18 until such time as the percentage of amounts
19 specified in subparagraph (A) for a fiscal year
20 has been provided in the form of grants under
21 this paragraph, the Council shall issue to each
22 local political subdivision affected by the Gulf
23 oil spill, as determined by the Council, a re-
24 quest for proposal for grants for activities relat-
25 ing to Gulf coast economic development, eco-

1 system restoration, and public health rehabilita-
2 tion, including—

3 (i) environmental restoration and re-
4 mediation (including remediation in coastal
5 and marine ecosystems);

6 (ii) academic and applied research re-
7 garding the economy, environment, and
8 public health of the local political subdivi-
9 sion;

10 (iii) seafood marketing;

11 (iv) tourism and tourism marketing;

12 (v) coastal land acquisition;

13 (vi) ecosystem resource planning;

14 (vii) renewable and clean energy pro-
15 duction and development, energy conserva-
16 tion, and related retrofitting projects;

17 (viii) workforce development; and

18 (ix) environmental education.

19 (C) CONSISTENCY WITH REGIONAL ECO-
20 SYSTEM RESTORATION STRATEGY.—The Coun-
21 cil shall ensure that any funds made available
22 under this paragraph shall be used for projects
23 and activities that are consistent with the Strat-
24 egy.

1 (D) TIMING OF PROVISION OF GRANTS.—

2 The Council shall provide a grant under this
3 paragraph not later than 120 days after the
4 date on which the Council receives a proposal
5 for the grant described in subparagraph (B).

6 (3) GRANTS FROM COUNCIL FOR PLAN AND OB-
7 SERVATION SYSTEM.—

8 (A) IN GENERAL.—For each fiscal year, of
9 the amounts made available for expenditure
10 from the Fund, the Council shall use 50 percent
11 of the amounts to provide grants for use in—

12 (i) funding projects, programs, or ac-
13 tivities to meet the goals described in sec-
14 tion 5(b); and

15 (ii) carrying out section 6.

16 (B) ELIGIBLE RECIPIENTS.—The Council
17 may provide a grant under this paragraph—

18 (i) for a purpose described in subpara-
19 graph (A)(i), to—

20 (I) a Federal or State agency;

21 (II) an institution of higher edu-
22 cation; or

23 (III) a local political subdivision;

24 and

1 (ii) for the purpose described in sub-
 2 paragraph (A)(ii), to eligible entities se-
 3 lected by the Council under section
 4 6(b)(2)(A).

5 (C) CONDITION FOR RECEIPT OF GRANT.—

6 As a condition on the receipt of a grant under
 7 this paragraph, and eligible recipient described
 8 in subparagraph (B)(i) shall agree to coordinate
 9 with the Council to develop and modify pro-
 10 posed projects to address needs under, and
 11 achieve the goals of, the Plan.

12 (4) METHOD OF ALLOCATION.—

13 (A) IN GENERAL.—The Council shall allo-
 14 cate the amounts to be used within each Gulf
 15 State under this paragraph in accordance with
 16 subparagraph (B).

17 (B) ALLOCATION.—

18 (i) PROPORTIONATE SHARE OF
 19 LENGTH OF GULF COAST SHORELINE.—Of
 20 the amounts allocated to a Gulf State de-
 21 scribed in subparagraph (A) for each fiscal
 22 year, 60 percent shall be allocated based
 23 on the proportion that, as determined by
 24 the Council based on the most recently
 25 available data from, or accepted by, the

1 Office of Coast Survey of the National
 2 Oceanic and Atmospheric Administra-
 3 tion—

4 (I) the aggregate length of the
 5 Gulf coast shoreline of the Gulf State;
 6 bears to

7 (II) the aggregate length of the
 8 Gulf coast shoreline of all Gulf States.

9 (ii) PROPORTIONATE SHARE OF AG-
 10 GREGATE POPULATION.—Of the amounts
 11 allocated to a Gulf State described in sub-
 12 paragraph (A) for each fiscal year, 40 per-
 13 cent shall be allocated based on the propor-
 14 tion that, as determined by the Council
 15 based on data collected during the most re-
 16 cent decennial census—

17 (I) the aggregate population of
 18 all counties located, in whole or in
 19 part, within the designated Gulf coast
 20 boundaries of the Gulf State; bears to

21 (II) the aggregate population of
 22 all counties located, in whole or in
 23 part, within the designated Gulf coast
 24 boundaries in all Gulf States.

1 (iii) ADJUSTMENT AUTHORITY.—In
2 carrying out this paragraph for a fiscal
3 year, the Council may increase or decrease
4 the percentages of funds provided under
5 clauses (i) and (ii) for the fiscal year by
6 not more than 5 percent, based on the se-
7 verity of impacts of the Gulf oil spill on a
8 particular Gulf State, as determined by the
9 Council, on the condition that the total of
10 the percentages under those clauses re-
11 mains 100 percent after all such increases
12 and decreases.

13 (5) ADMINISTRATIVE EXPENSES.—Not more
14 than 5 percent of the amount of any grant provided
15 under this subsection may be used for administrative
16 expenses.

17 (6) FISHERY ENDOWMENT.—For each fiscal
18 year, an amount equal to 5 percent of the amounts
19 in the Fund shall be—

20 (A) deposited by the Council in a sub-
21 account in the Treasury; and

22 (B) made available to the Administrator of
23 the National Oceanic and Atmospheric Admin-
24 istration and the Regional Gulf of Mexico Fish-
25 ery Management Council for use in admin-

1 istering and implementing the Fishery Endow-
2 ment.

3 (f) ANNUAL REPORTS.—Not later than September
4 30, 2012, and annually thereafter, the Council shall sub-
5 mit to the appropriate committees of Congress a report
6 that, for the period covered by the report, contains a de-
7 scription of each—

8 (1) activity of the Council, including each grant
9 provided by the Council under subsection (e); and

10 (2) policy, plan, activity, and project carried out
11 under this Act.

12 (g) AUTHORITY TO TRANSFER FUND.—The Council
13 may transfer amounts from the Fund to Federal agencies
14 for the purpose of carrying out this Act, including for the
15 purposes of—

16 (1) carrying out Plan;

17 (2) administering the Fishery Endowment; and

18 (3) administering the Observation System.

19 (h) NONAPPLICABILITY OF FEDERAL ADVISORY
20 COMMITTEE ACT.—The Federal Advisory Committee Act
21 (5 U.S.C. App.) shall not apply to the Council.

22 **SEC. 4. GULF OF MEXICO RECOVERY FUND.**

23 (a) ESTABLISHMENT.—There is established in the
24 Treasury of the United States a fund to be known as the

1 “Gulf of Mexico Recovery Fund”, to be administered by
2 the Council for authorized uses described in subsection (c).

3 (b) TRANSFERS TO FUND.—Notwithstanding any
4 other provision of law, the Secretary of the Treasury shall
5 deposit in the Fund amounts equal to not less than 100
6 percent of any amounts collected by the United States be-
7 fore, on, or after the date of enactment of this Act, and
8 available on or after the date of enactment of this Act,
9 as penalties, settlements, or fines under sections 309 and
10 311 of the Federal Water Pollution Control Act (33
11 U.S.C. 1319, 1321) in relation to the Gulf oil spill.

12 (c) AUTHORIZED USES.—Amounts in the Fund shall
13 be available to the Council for the conduct of activities
14 relating to Gulf coast economic development, ecosystem
15 restoration, and public health rehabilitation in accordance
16 with this Act, including the provision of grants under sec-
17 tion 3(e).

18 **SEC. 5. COMPREHENSIVE GULF OF MEXICO RECOVERY**

19 **PLAN.**

20 (a) DEVELOPMENT OF PLAN.—In accordance with
21 subsection (b), the Council, in accordance with the Strat-
22 egy and taking into consideration the advice of the Sci-
23 entific Advisory Committee and the Citizens’ Advisory
24 Committee, shall develop a comprehensive plan to restore,

1 revitalize, and increase the resiliency of the Gulf of Mexico
2 ecosystem.

3 (b) GOALS.—The goals of the Plan shall include, with
4 respect to the Gulf coast—

5 (1) ecosystem monitoring; and

6 (2) ecosystem recovery and resiliency, with an
7 emphasis on a holistic, comprehensive approach cov-
8 ering coastal, nearshore, deep water.

9 (c) IMPLEMENTATION.—The Council shall provide
10 grants under section 4(c)(3)(A) for use in funding
11 projects, programs, or activities to meet the goals de-
12 scribed in subsection (b).

13 **SEC. 6. GULF OF MEXICO OBSERVATION SYSTEM.**

14 (a) ESTABLISHMENT.—The Council shall establish
15 the Gulf of Mexico Observation System to observe, mon-
16 itor, and map the Gulf in a comprehensive manner.

17 (b) ADMINISTRATION.—The Observation System
18 shall be—

19 (1) implemented through a Gulf of Mexico Ex-
20 ploration Research Center; and

21 (2) administered by 1 or more eligible entities
22 that—

23 (A) are selected by the Council based on
24 an application demonstrating the ability of the
25 eligible entity to carry out this section; and

1 (B) receive a grant for that purpose under
2 section 3(e)(3)(A)(ii).

3 (c) FACILITATION OF EXISTING TECHNOLOGIES.—

4 An eligible entity administering the Observation System
5 under subsection (b) shall facilitate the use of existing
6 technologies to quickly increase, to the maximum extent
7 practicable, observation and monitoring capabilities in the
8 Gulf.

9 (d) DEVELOPMENT OF NEW TECHNOLOGIES.—An el-
10 igible entity administering the Observation System under
11 subsection (b) shall facilitate the development of new mon-
12 itoring technologies.

13 (e) COORDINATION WITH NATIONAL INTEGRATED
14 COASTAL AND OCEAN OBSERVATION SYSTEM.—The
15 Council shall ensure that the Observation System is devel-
16 oped in coordination with the National Integrated Coastal
17 and Ocean Observation System established under section
18 12304(a) of the Integrated Coastal and Ocean Observa-
19 tion System Act of 2009 (33 U.S.C. 3603(a)).

20 **SEC. 7. GULF OF MEXICO FISHERY ENDOWMENT.**

21 (a) ESTABLISHMENT.—As soon as practicable after
22 the date of enactment of this Act, the Council shall estab-
23 lish a fishery endowment to ensure, to the maximum ex-
24 tent practicable, the long-term sustainability of fish stocks

1 and the recreational, commercial, and charter fishing in-
2 dustry in the Gulf of Mexico.

3 (b) FUNDING.—For each fiscal year, of the amounts
4 made available for expenditure from the subaccount de-
5 scribed in section 3(e)(6)(A), 95 percent of the interest
6 accrued in the subaccount may be expended for, with re-
7 spect to the Gulf of Mexico—

8 (1) data collection and stock assessments;

9 (2) pilot programs for—

10 (A) fishery independent data; and

11 (B) spawning aggregations reduction;

12 (3) cooperative research; and

13 (4) training and education on sustainable fish-
14 ing practices and gear use.

15 (c) ADMINISTRATION; IMPLEMENTATION.—The Fish-
16 ery Endowment shall be—

17 (1) administered by the Administrator of the
18 National Oceanic and Atmospheric Administration;

19 and

20 (2) implemented by the Regional Gulf of Mexico
21 Fishery Management Council.

22 **SEC. 8. CITIZENS ADVISORY COMMITTEE.**

23 (a) ESTABLISHMENT.—There is established the Citi-
24 zens' Advisory Committee.

25 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The Citizens' Advisory Com-
2 mittee shall be composed of 39 members, of whom—

3 (A) 30 members shall be voting mem-
4 bers—

5 (i) of whom—

6 (I) 6 members shall be residents
7 of, and represent, the State of Ala-
8 bama;

9 (II) 6 members shall be residents
10 of, and represent, the State of Flor-
11 ida;

12 (III) 6 members shall be resi-
13 dents of, and represent, the State of
14 Louisiana;

15 (IV) 6 members shall be resi-
16 dents of, and represent, the State of
17 Mississippi; and

18 (V) 6 members shall be residents
19 of, and represent, the State of Texas;
20 and

21 (ii) each of whom shall represent an
22 interest of the State of which the member
23 represents, including an interest relating
24 to—

1 (I) the commercial fin fish and
2 shellfish industry;

3 (II) the charter fishing industry;

4 (III) the restaurant, hotel, and
5 tourism industries;

6 (IV) indigenous peoples commu-
7 nities;

8 (V) the marine and coastal con-
9 servation community; and

10 (VI) incorporated and unincor-
11 porated municipalities; and

12 (B) 9 members shall be nonvoting mem-
13 bers, of whom—

14 (i) 1 member shall be appointed by,
15 and represent, the Secretary of the depart-
16 ment in which the Coast Guard is oper-
17 ating;

18 (ii) 1 member shall be appointed by,
19 and represent, the Administrator of the
20 Environmental Protection Agency;

21 (iii) 1 member shall be appointed by,
22 and represent, the Administrator of the
23 National Oceanic and Atmospheric Admin-
24 istration;

1 (iv) 1 member shall be appointed by,
2 and represent, the Secretary of the Inte-
3 rior;

4 (v) 1 member shall be appointed by,
5 and represent, the lead maritime environ-
6 mental and natural resources management
7 and enforcement agency of the State of
8 Alabama;

9 (vi) 1 member shall be appointed by,
10 and represent, the lead maritime environ-
11 mental and natural resources management
12 and enforcement agency of the State of
13 Florida;

14 (vii) 1 member shall be appointed by,
15 and represent, the lead maritime environ-
16 mental and natural resources management
17 and enforcement agency of the State of
18 Louisiana;

19 (viii) 1 member shall be appointed by,
20 and represent, the lead maritime environ-
21 mental and natural resources management
22 and enforcement agency of the State of
23 Mississippi; and

24 (ix) 1 member shall be appointed by,
25 and represent, the lead maritime environ-

1 mental and natural resources management
2 and enforcement agency of the State of
3 Texas.

4 (2) GEOGRAPHIC BALANCE.—Voting and non-
5 voting members representing States shall be ap-
6 pointed equally from each State represented on the
7 Citizens' Advisory Committee.

8 (c) TERMS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the voting members of the Citizens' Advi-
11 sory Committee shall be appointed for a term of 3
12 years.

13 (2) INITIAL APPOINTMENTS.—To establish the
14 terms of the group of first appointments of voting
15 members to the Citizens' Advisory Committee, a
16 drawing of lots among the initial members shall be
17 conducted under which—

18 (A) $\frac{1}{3}$ of the group shall serve for a period
19 of 3 years;

20 (B) $\frac{1}{3}$ of the group shall serve for a period
21 of 2 years; and

22 (C) $\frac{1}{3}$ of the group shall serve for a period
23 1 year.

24 (3) DURATION OF COMMITTEE.—The authority
25 of the Citizens' Advisory Committee shall continue

1 during the lifetime of energy development, transpor-
2 tation, and facility removal activities in the Gulf of
3 Mexico.

4 (d) ADMINISTRATION.—

5 (1) IN GENERAL.—The Citizens' Advisory Com-
6 mittee shall—

7 (A) elect a Chairperson from among the
8 members of the Citizens' Advisory Committee;

9 (B) select a staff; and

10 (C) make policies with regard to the inter-
11 nal operating procedures of the Citizens' Advi-
12 sory Committee.

13 (2) SELF-GOVERNANCE.—

14 (A) INITIAL MEETING.—After the date on
15 which the Secretary of the department in which
16 the Coast Guard is operating conducts an initial
17 organizational meeting for the Citizens' Advi-
18 sory Committee, the Citizens' Advisory Com-
19 mittee shall be self-governing.

20 (B) INITIAL MEETING.—Not later than 60
21 days after the date on which all members of the
22 Citizens' Advisory Committee have been ap-
23 pointed, the Citizens' Advisory Committee shall
24 hold the initial meeting of the Citizens' Advi-
25 sory Committee.

1 (C) PERIODIC MEETINGS.—The Citizens’
2 Advisory Committee shall conduct meetings not
3 less frequently than 1 meeting per calendar
4 year.

5 (3) TRANSPARENCY.—Subject to subsection
6 (e)(2), the Citizens’ Advisory Committee shall—

7 (A) conduct the operations of the Citizens’
8 Advisory Committee in a manner that is acces-
9 sible by the public;

10 (B) ensure that each work product adopted
11 by the Citizens’ Advisory Committee is publicly
12 accessible;

13 (C) conduct not less than 1 meeting during
14 each calendar year that is open to the public,
15 for which the Citizens’ Advisory Committee
16 shall provide public notice not later than 30
17 days before the date of the meeting; and

18 (D) maintain a public Web site containing,
19 at a minimum—

20 (i) recommendations made by the Citi-
21 zens’ Advisory Committee, and information
22 as to whether the recommendations have
23 been adopted (including an explanation of
24 each reason of the Citizens’ Advisory Com-

1 mittee for not adopting a recommenda-
2 tion);

3 (ii) a description of plans under re-
4 view, carried out in a manner that does
5 not disclose any confidential or privileged
6 information;

7 (iii) a statement of industry stand-
8 ards; and

9 (iv) an interactive component that en-
10 ables the public—

11 (I) to submit questions and com-
12 ments; and

13 (II) to report problems.

14 (4) CONFLICTS OF INTEREST.—An individual
15 selected as a voting member of the Citizens' Advi-
16 sory Committee may not engage in any activity that
17 may conflict with the execution of the functions or
18 duties of the individual as a member of the Citizens'
19 Advisory Committee.

20 (e) INFORMATION FROM FEDERAL AGENCIES AND
21 INDUSTRY.—

22 (1) IN GENERAL.—The Citizens' Advisory Com-
23 mittee may request directly from any Federal agency
24 information, suggestions, estimates, and statistics to
25 carry out this section.

1 (2) ACCESS.—The Citizens’ Advisory Com-
2 mittee shall have access to—

3 (A) facilities and nonproprietary records of
4 the oil and gas industry that are relevant to the
5 proper execution of the duties of the Citizens’
6 Advisory Committee under this section; and

7 (B) records containing proprietary infor-
8 mation if—

9 (i) the records are relevant to the
10 proper execution of the duties of the Citi-
11 zens’ Advisory Committee under this sec-
12 tion; and

13 (ii) the proprietary information is re-
14 dacted to the extent necessary and appro-
15 priate.

16 (f) COMMITTEE RECOMMENDATIONS.—All rec-
17 ommendations of the Committee shall only be advisory.

18 (g) LOCATION AND COMPENSATION.—

19 (1) OFFICE LOCATIONS.—The Council shall es-
20 tablish offices in 1 or more Gulf States, as the Citi-
21 zens’ Advisory Committee determines to be nec-
22 essary and appropriate to carry out the operations
23 of the Citizens’ Advisory Committee.

24 (2) COMPENSATION.—A member of the Citi-
25 zens’ Advisory Committee shall—

1 (A) serve without compensation; and

2 (B) be allowed travel expenses, including
3 per diem in lieu of subsistence, at rates author-
4 ized for an employee of an agency under sub-
5 chapter I of chapter 57 of title 5, United States
6 Code (except by express authorization of the
7 Citizens' Advisory Committee in any case in
8 which the rates are inadequate to reimburse a
9 member not eligible for travel rates of the Fed-
10 eral Government).

11 (h) REPORTS.—

12 (1) DUTY OF COMPTROLLER GENERAL OF THE
13 UNITED STATES.—Not later than 3 years after the
14 date of establishment of the Citizens' Advisory Com-
15 mittee, and every 3 years thereafter, the Comptroller
16 General of the United States shall submit to the
17 President and the appropriate committees of Con-
18 gress a report that contains a description of, for the
19 period covered by the report, the operations and ex-
20 penditures of the Citizens' Advisory Committee in
21 carrying out this section (including any rec-
22 ommendation of the Comptroller General of the
23 United States).

24 (2) DUTY OF CITIZENS' ADVISORY COM-
25 MITTEE.—Not later than 2 years after the date of

1 establishment of the Citizens' Advisory Committee,
 2 and every 2 years thereafter, the Citizens' Advisory
 3 Committee shall submit to the appropriate commit-
 4 tees of Congress a report that contains, for the pe-
 5 riod covered by the report, a description of—

6 (A) the extent of achievement of safe oper-
 7 ations in the Gulf of oil and gas activities;

8 (B) unresolved problems and concerns with
 9 operations, activities, and plans; and

10 (C) the operations and expenditures,
 11 needs, issues, and recommendations of the Citi-
 12 zens' Advisory Committee.

13 **SEC. 9. SCIENTIFIC ADVISORY COMMITTEE.**

14 (a) ESTABLISHMENT.—There is established the Sci-
 15 entific Advisory Committee to provide advice to the Coun-
 16 cil regarding the science behind the Plan and long-term
 17 monitoring and restoration of the Gulf coast ecosystem.

18 (b) MEMBERSHIP.—The Scientific Advisory Com-
 19 mittee shall be composed of 16 members, of whom—

20 (1) 10 shall be voting members, of whom—

21 (A) with respect to the State of Alabama,
 22 2 members shall be appointed by the State, of
 23 whom—

1 (i) 1 shall be a scientist employed by
2 an institution of higher education located
3 in the State; and

4 (ii) 1 shall be a representative of the
5 environmental protection or quality agency
6 of the State;

7 (B) with respect to the State of Florida, 2
8 members shall be appointed by the State, of
9 whom—

10 (i) 1 shall be a scientist employed by
11 an institution of higher education located
12 in the State; and

13 (ii) 1 shall be a representative of the
14 environmental protection or quality agency
15 of the State;

16 (C) with respect to the State of Louisiana,
17 2 members shall be appointed by the State, of
18 whom—

19 (i) 1 shall be a scientist employed by
20 an institution of higher education located
21 in the State; and

22 (ii) 1 shall be a representative of the
23 environmental protection or quality agency
24 of the State;

1 (D) with respect to the State of Mis-
2 sissippi, 2 members shall be appointed by the
3 State, of whom—

4 (i) 1 shall be a scientist employed by
5 an institution of higher education located
6 in the State; and

7 (ii) 1 shall be a representative of the
8 environmental protection or quality agency
9 of the State; and

10 (E) with respect to the State of Texas, 2
11 members shall be appointed by the State, of
12 whom—

13 (i) 1 shall be a scientist employed by
14 an institution of higher education located
15 in the State; and

16 (ii) 1 shall be a representative of the
17 environmental protection or quality agency
18 of the State; and

19 (2) 4 shall be nonvoting members, of whom—

20 (A) 1 member shall be appointed by the
21 Administrator of the National Oceanic and At-
22 mospheric Administration;

23 (B) 1 member shall be appointed by the
24 Administrator of the Environmental Protection
25 Agency;

1 (C) 1 member shall be appointed by the
2 Director of the National Institute for Standards
3 and Technology; and

4 (D) 1 member shall be appointed by the
5 Secretary of the Interior.

6 (c) DUTIES.—Not later than 2 years after the date
7 of enactment of this Act, and biennially thereafter, the
8 Scientific Advisory Committee shall prepare and submit
9 to the Council a report that describes, for the period cov-
10 ered by the report, the science regarding—

11 (1) impacts to the Gulf and Gulf coast from the
12 Gulf oil spill;

13 (2) the progress of restoration activities for the
14 Gulf and Gulf coast; and

15 (3) the implementation of the Plan.

16 **SEC. 10. EFFECT ON OTHER LAW.**

17 Nothing in this section supersedes or otherwise af-
18 fects any provision of Federal law, including, in particular,
19 laws providing recovery for injury to natural resources
20 under the Oil Pollution Act of 1990 (33 U.S.C 2701 et.
21 seq.).

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