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**SUBSTITUTE AMENDMENT FOR THE AMENDMENT
IN THE NATURE OF A SUBSTITUTE TO H.R. 3534
OFFERED BY MR. HASTINGS OF WASHINGTON**

Strike all after the enacting clause and insert the following:

1 **TITLE I—REFORMING THE MIN-**
2 **ERALS MANAGEMENT SERV-**
3 **ICE**

4 **SEC. 101. STRUCTURAL REFORM OF OUTER CONTINENTAL**
5 **SHELF PROGRAM MANAGEMENT.**

6 (a) IN GENERAL.—The Outer Continental Shelf
7 Lands Act (43 U.S.C. 1331 et seq.) is amended by adding
8 to the end the following:

9 **“SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL**
10 **SHELF PROGRAM MANAGEMENT.**

11 **“(a) LEASING, PERMITTING, AND REGULATION BU-**
12 **REAUS.—**

13 **“(1) ESTABLISHMENT OF BUREAUS.—**

14 **“(A) IN GENERAL.—**Subject to the discre-
15 tion granted by Reorganization Plan Number 3
16 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note),
17 the Secretary shall establish in the Department
18 of the Interior not more than 2 bureaus to

1 carry out the leasing, permitting, and safety
2 and environmental regulatory functions vested
3 in the Secretary by this Act and the Federal Oil
4 and Gas Royalty Management Act of 1982 (30
5 U.S.C. 1701 et seq.) related to the outer Conti-
6 nental Shelf.

7 “(B) CONFLICTS OF INTEREST.—In estab-
8 lishing the bureaus under subparagraph (A),
9 the Secretary shall ensure, to the maximum ex-
10 tent practicable, that any potential organiza-
11 tional conflicts of interest related to leasing,
12 revenue creation, environmental protection, and
13 safety are eliminated.

14 “(2) DIRECTOR.—Each bureau shall be headed
15 by a Director, who shall be appointed by the Presi-
16 dent, by and with the advice and consent of the Sen-
17 ate.

18 “(3) COMPENSATION.—Each Director shall be
19 compensated at the rate provided for level V of the
20 Executive Schedule under section 5316 of title 5,
21 United States Code.

22 “(4) QUALIFICATIONS.—Each Director shall be
23 a person who, by reason of professional background
24 and demonstrated ability and experience, is specially
25 qualified to carry out the duties of the office.

1 “(b) ROYALTY AND REVENUE OFFICE.—

2 “(1) ESTABLISHMENT OF OFFICE.—Subject to
3 the discretion granted by Reorganization Plan Num-
4 ber 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note),
5 the Secretary shall establish in the Department of
6 the Interior an office to carry out the royalty and
7 revenue management functions vested in the Sec-
8 retary by this Act and the Federal Oil and Gas Roy-
9 alty Management Act of 1982 (30 U.S.C. 1701 et
10 seq.).

11 “(2) DIRECTOR.—The office established under
12 paragraph (1) shall be headed by a Director, who
13 shall be appointed by the President, by and with the
14 advice and consent of the Senate.

15 “(3) COMPENSATION.—The Director shall be
16 compensated at the rate provided for level V of the
17 Executive Schedule under section 5316 of title 5,
18 United States Code.

19 “(4) QUALIFICATIONS.—The Director shall be a
20 person who, by reason of professional background
21 and demonstrated ability and experience, is specially
22 qualified to carry out the duties of the office.

23 “(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY
24 BOARD.—

1 “(1) ESTABLISHMENT.—The Secretary shall es-
2 tablish, under the Federal Advisory Committee Act
3 (5 U.S.C. App.), an Outer Continental Shelf Safety
4 and Environmental Advisory Board (referred to in
5 this subsection as the ‘Board’), to provide the Sec-
6 retary and the Directors of the bureaus established
7 under this section with independent peer-reviewed
8 scientific and technical advice on safe and environ-
9 mentally compliant energy and mineral resource ex-
10 ploration, development, and production activities.

11 “(2) MEMBERSHIP.—

12 “(A) SIZE.—

13 “(i) IN GENERAL.—The Board shall
14 consist of not more than 12 members, cho-
15 sen to reflect a range of expertise in sci-
16 entific, engineering, management, and
17 other disciplines related to safe and envi-
18 ronmentally compliant energy and mineral
19 resource exploration, development, and
20 production activities.

21 “(ii) CONSULTATION.—The Secretary
22 shall consult with the National Academy of
23 Sciences and the National Academy of En-
24 gineering to identify potential candidates
25 for membership on the Board.

1 “(B) TERM.—The Secretary shall appoint
2 Board members to staggered terms of not more
3 than 4 years, and shall not appoint a member
4 for more than 2 consecutive terms.

5 “(C) CHAIR.—The Secretary shall appoint
6 the Chair for the Board.

7 “(3) MEETINGS.—The Board shall—

8 “(A) meet not less than 3 times per year;
9 and

10 “(B) at least once per year, shall host a
11 public forum to review and assess the overall
12 safety and environmental performance of outer
13 Continental Shelf energy and mineral resource
14 activities.

15 “(4) REPORTS.—Reports of the Board shall—

16 “(A) be submitted to Congress; and

17 “(B) made available to the public in an
18 electronically accessible form.

19 “(5) TRAVEL EXPENSES.—Members of the
20 Board, other than full-time employees of the Federal
21 Government, while attending a meeting of the Board
22 or while otherwise serving at the request of the Sec-
23 retary or the Director while serving away from their
24 homes or regular places of business, may be allowed
25 travel expenses, including per diem in lieu of subsist-

1 ence, as authorized by section 5703 of title 5,
2 United States Code, for individuals in the Federal
3 Government serving without pay.

4 “(d) SPECIAL PERSONNEL AUTHORITIES.—

5 “(1) DIRECT HIRING AUTHORITY FOR CRITICAL
6 PERSONNEL.—

7 “(A) IN GENERAL.—Notwithstanding sec-
8 tions 3104, 3304, and 3309 through 3318 of
9 title 5, United States Code, the Secretary may,
10 upon a determination that there is a severe
11 shortage of candidates or a critical hiring need
12 for particular positions, recruit and directly ap-
13 point highly qualified accountants, scientists,
14 engineers, or critical technical personnel into
15 the competitive service, as officers or employees
16 of any of the organizational units established
17 under this section.

18 “(B) REQUIREMENTS.—In exercising the
19 authority granted under subparagraph (A), the
20 Secretary shall ensure that any action taken by
21 the Secretary—

22 “(i) is consistent with the merit prin-
23 ciples of chapter 23 of title 5, United
24 States Code; and

1 “(ii) complies with the public notice
2 requirements of section 3327 of title 5,
3 United States Code.

4 “(2) CRITICAL PAY AUTHORITY.—

5 “(A) IN GENERAL.—Notwithstanding sec-
6 tion 5377 of title 5, United States Code, and
7 without regard to the provisions of that title
8 governing appointments in the competitive serv-
9 ice or the Senior Executive Service and chap-
10 ters 51 and 53 of that title (relating to classi-
11 fication and pay rates), the Secretary may es-
12 tablish, fix the compensation of, and appoint in-
13 dividuals to critical positions needed to carry
14 out the functions of any of the organizational
15 units established under this section, if the Sec-
16 retary certifies that—

17 “(i) the positions—

18 “(I) require expertise of an ex-
19 tremely high level in a scientific or
20 technical field; and

21 “(II) any of the organizational
22 units established in this section would
23 not successfully accomplish an impor-
24 tant mission without such an indi-
25 vidual; and

1 “(ii) exercise of the authority is nec-
2 essary to recruit an individual exceptionally
3 well qualified for the position.

4 “(B) LIMITATIONS.—The authority grant-
5 ed under subparagraph (A) shall be subject to
6 the following conditions:

7 “(i) The number of critical positions
8 authorized by subparagraph (A) may not
9 exceed 40 at any 1 time in either of the
10 bureaus established under this section.

11 “(ii) The term of an appointment
12 under subparagraph (A) may not exceed 4
13 years.

14 “(iii) An individual appointed under
15 subparagraph (A) may not have been an
16 employee of the Department of the Interior
17 during the 2-year period prior to the date
18 of appointment.

19 “(iv) Total annual compensation for
20 any individual appointed under subpara-
21 graph (A) may not exceed the highest total
22 annual compensation payable at the rate
23 determined under section 104 of title 3,
24 United States Code.

1 “(v) An individual appointed under
2 subparagraph (A) may not be considered
3 to be an employee for purposes of sub-
4 chapter II of chapter 75 of title 5, United
5 States Code.

6 “(C) NOTIFICATION.—Each year, the Sec-
7 retary shall submit to Congress a notification
8 that lists each individual appointed under this
9 paragraph.

10 “(3) REEMPLOYMENT OF CIVILIAN RETIR-
11 EES.—

12 “(A) IN GENERAL.—Notwithstanding part
13 553 of title 5, Code of Federal Regulations (re-
14 lating to reemployment of civilian retirees to
15 meet exceptional employment needs), or suc-
16 cessor regulations, the Secretary may approve
17 the reemployment of an individual to a par-
18 ticular position without reduction or termi-
19 nation of annuity if the hiring of the individual
20 is necessary to carry out a critical function of
21 any of the organizational units established
22 under this section for which suitably qualified
23 candidates do not exist.

1 “(B) LIMITATIONS.—An annuitant hired
2 with full salary and annuities under the author-
3 ity granted by subparagraph (A)—

4 “(i) shall not be considered an em-
5 ployee for purposes of subchapter III of
6 chapter 83 and chapter 84 of title 5,
7 United States Code;

8 “(ii) may not elect to have retirement
9 contributions withheld from the pay of the
10 annuitant;

11 “(iii) may not use any employment
12 under this paragraph as a basis for a sup-
13 plemental or recomputed annuity; and

14 “(iv) may not participate in the Thrift
15 Savings Plan under subchapter III of
16 chapter 84 of title 5, United States Code.

17 “(C) LIMITATION ON TERM.—The term of
18 employment of any individual hired under sub-
19 paragraph (A) may not exceed an initial term
20 of 2 years, with an additional 2-year appoint-
21 ment under exceptional circumstances.

22 “(e) CONTINUITY OF AUTHORITY.—Subject to the
23 discretion granted by Reorganization Plan Number 3 of
24 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference
25 in any law, rule, regulation, directive, or instruction, or

1 certificate or other official document, in force immediately
2 prior to the date of enactment of this section—

3 “(1) to the Minerals Management Service that
4 pertains to any of the duties and authorities de-
5 scribed in this section shall be deemed to refer and
6 apply to the appropriate bureaus and offices estab-
7 lished under this section;

8 “(2) to the Director of the Minerals Manage-
9 ment Service that pertains to any of the duties and
10 authorities described in this section shall be deemed
11 to refer and apply to the Director of the bureau or
12 office under this section to whom the Secretary has
13 assigned the respective duty or authority; and

14 “(3) to any other position in the Minerals Man-
15 agement Service that pertains to any of the duties
16 and authorities described in this section shall be
17 deemed to refer and apply to that same or equiva-
18 lent position in the appropriate bureau or office es-
19 tablished under this section.”.

20 (b) CONFORMING AMENDMENT.—Section 5316 of
21 title 5, United States Code, is amended by striking “Direc-
22 tor, Bureau of Mines, Department of the Interior” and
23 inserting the following:

24 “Bureau Directors, Department of the Interior
25 (2).

1 “Director, Royalty and Revenue Office, Depart-
2 ment of the Interior.”.

3 **TITLE II—BIPARTISAN BP HORI-**
4 **ZON OIL SPILL COMMISSION**

5 **SEC. 201. NATIONAL COMMISSION ON OUTER CONTI-**
6 **NENTAL SHELF OIL SPILL PREVENTION.**

7 (a) **ESTABLISHMENT.**—There is established in the
8 Legislative branch the National Commission on Outer
9 Continental Shelf Oil Spill Prevention (referred to in this
10 section as the “Commission”).

11 (b) **PURPOSES.**—The purposes of the Commission
12 are—

13 (1) to examine and report on the facts and
14 causes relating to the *Deepwater Horizon* explosion
15 and oil spill of 2010;

16 (2) to ascertain, evaluate, and report on the evi-
17 dence developed by all relevant governmental agen-
18 cies regarding the facts and circumstances sur-
19 rounding the incident;

20 (3) to build upon the investigations of other en-
21 tities, and avoid unnecessary duplication, by review-
22 ing the findings, conclusions, and recommendations
23 of—

1 (A) the Committees on Energy and Nat-
2 ural Resources and Commerce, Science, and
3 Transportation of the Senate;

4 (B) the Committee on Natural Resources
5 and the Subcommittee on Oversight and Inves-
6 tigation of the House of Representatives; and

7 (C) other Executive branch, congressional,
8 or independent commission investigations into
9 the *Deepwater Horizon* incident of 2010, other
10 fatal oil platform accidents and major spills,
11 and major oil spills generally;

12 (4) to make a full and complete accounting of
13 the circumstances surrounding the incident, and the
14 extent of the preparedness of the United States for,
15 and immediate response of the United States to, the
16 incident; and

17 (5) to investigate and report to the President
18 and Congress findings, conclusions, and rec-
19 ommendations for corrective measures that may be
20 taken to prevent similar incidents.

21 (c) COMPOSITION OF COMMISSION.—

22 (1) MEMBERS.—The Commission shall be com-
23 posed of 10 members, of whom—

1 (A) 1 member shall be appointed by the
2 President, who shall serve as Chairperson of the
3 Commission;

4 (B) 1 member shall be appointed by the
5 majority or minority (as the case may be) lead-
6 er of the Senate from the Republican Party and
7 the majority or minority (as the case may be)
8 leader of the House of Representatives from the
9 Republican Party, who shall serve as Vice
10 Chairperson of the Commission;

11 (C) 2 members shall be appointed by the
12 senior member of the leadership of the Senate
13 from the Democratic Party;

14 (D) 2 members shall be appointed by the
15 senior member of the leadership of the House
16 of Representatives from the Republican Party;

17 (E) 2 members shall be appointed by the
18 senior member of the leadership of the Senate
19 from the Republican Party; and

20 (F) 2 members shall be appointed by the
21 senior member of the leadership of the House
22 of Representatives from the Democratic Party.

23 (2) QUALIFICATIONS; INITIAL MEETING.—

1 (A) POLITICAL PARTY AFFILIATION.—Not
2 more than 5 members of the Commission shall
3 be from the same political party.

4 (B) NONGOVERNMENTAL APPOINTEES.—
5 An individual appointed to the Commission may
6 not be a current officer or employee of the Fed-
7 eral Government or any State or local govern-
8 ment.

9 (C) OTHER QUALIFICATIONS.—It is the
10 sense of Congress that individuals appointed to
11 the Commission should be prominent United
12 States citizens, with national recognition and
13 significant depth of experience and expertise in
14 such areas as—

- 15 (i) engineering;
16 (ii) environmental compliance;
17 (iii) health and safety law (particu-
18 larly oil spill legislation);
19 (iv) oil spill insurance policies;
20 (v) public administration;
21 (vi) oil and gas exploration and pro-
22 duction;
23 (vii) environmental cleanup; and
24 (viii) fisheries and wildlife manage-
25 ment.

1 (D) DEADLINE FOR APPOINTMENT.—All
2 members of the Commission shall be appointed
3 on or before September 15, 2010.

4 (E) INITIAL MEETING.—The Commission
5 shall meet and begin the operations of the Com-
6 mission as soon as practicable after the date of
7 enactment of this Act.

8 (3) QUORUM; VACANCIES.—

9 (A) IN GENERAL.—After the initial meet-
10 ing of the Commission, the Commission shall
11 meet upon the call of the Chairperson or a ma-
12 jority of the members of the Commission.

13 (B) QUORUM.—6 members of the Commis-
14 sion shall constitute a quorum.

15 (C) VACANCIES.—Any vacancy in the Com-
16 mission shall not affect the powers of the Com-
17 mission, but shall be filled in the same manner
18 in which the original appointment was made.

19 (d) FUNCTIONS OF COMMISSION.—

20 (1) IN GENERAL.—The functions of the Com-
21 mission are—

22 (A) to conduct an investigation that—

23 (i) investigates relevant facts and cir-
24 cumstances relating to the *Deepwater Ho-*
25 *rizon* incident of April 20, 2010, and the

1 associated oil spill thereafter, including any
2 relevant legislation, Executive order, regu-
3 lation, plan, policy, practice, or procedure;
4 and

5 (ii) may include relevant facts and cir-
6 cumstances relating to—

7 (I) permitting agencies;

8 (II) environmental and worker
9 safety law enforcement agencies;

10 (III) national energy require-
11 ments;

12 (IV) deepwater and
13 ultradeepwater oil and gas exploration
14 and development;

15 (V) regulatory specifications,
16 testing, and requirements for offshore
17 oil and gas well explosion prevention;

18 (VI) regulatory specifications,
19 testing, and requirements offshore oil
20 and gas well casing and cementing
21 regulation;

22 (VII) the role of congressional
23 oversight and resource allocation; and

24 (VIII) other areas of the public
25 and private sectors determined to be

1 relevant to the *Deepwater Horizon* in-
2 cident by the Commission;

3 (B) to identify, review, and evaluate the
4 lessons learned from the *Deepwater Horizon* in-
5 cident of April 20, 2010, regarding the struc-
6 ture, coordination, management policies, and
7 procedures of the Federal Government, and, if
8 appropriate, State and local governments and
9 nongovernmental entities, and the private sec-
10 tor, relative to detecting, preventing, and re-
11 sponding to those incidents; and

12 (C) to submit to the President and Con-
13 gress such reports as are required under this
14 section containing such findings, conclusions,
15 and recommendations as the Commission deter-
16 mines to be appropriate, including proposals for
17 organization, coordination, planning, manage-
18 ment arrangements, procedures, rules, and reg-
19 ulations.

20 (2) RELATIONSHIP TO INQUIRY BY CONGRES-
21 SIONAL COMMITTEES.—In investigating facts and
22 circumstances relating to energy policy, the Commis-
23 sion shall—

24 (A) first review the information compiled
25 by, and any findings, conclusions, and rec-

1 ommendations of, the committees identified in
2 subparagraphs (A) and (B) of subsection
3 (b)(3); and

4 (B) after completion of that review, pursue
5 any appropriate area of inquiry, if the Commis-
6 sion determines that—

7 (i) those committees have not inves-
8 tigated that area;

9 (ii) the investigation of that area by
10 those committees has not been completed;
11 or

12 (iii) new information not reviewed by
13 the committees has become available with
14 respect to that area.

15 (e) POWERS OF COMMISSION.—

16 (1) HEARINGS AND EVIDENCE.—The Commis-
17 sion or, on the authority of the Commission, any
18 subcommittee or member of the Commission, may,
19 for the purpose of carrying out this section—

20 (A) hold such hearings, meet and act at
21 such times and places, take such testimony, re-
22 ceive such evidence, and administer such oaths;
23 and

24 (B) require, by subpoena or otherwise, the
25 attendance and testimony of such witnesses and

1 the production of such books, records, cor-
2 respondence, memoranda, papers, documents,
3 tapes, and materials;
4 as the Commission or such subcommittee or member con-
5 siders to be advisable.

6 (2) SUBPOENAS.—

7 (A) ISSUANCE.—

8 (i) IN GENERAL.—A subpoena may be
9 issued under this paragraph only—

10 (I) by the agreement of the
11 Chairperson and the Vice Chair-
12 person; or

13 (II) by the affirmative vote of 6
14 members of the Commission.

15 (ii) SIGNATURE.—Subject to clause
16 (i), a subpoena issued under this para-
17 graph—

18 (I) shall bear the signature of the
19 Chairperson or any member des-
20 ignated by a majority of the Commis-
21 sion;

22 (II) and may be served by any
23 person or class of persons designated
24 by the Chairperson or by a member

1 designated by a majority of the Com-
2 mission for that purpose.

3 (B) ENFORCEMENT.—

4 (i) IN GENERAL.—In the case of con-
5 tumacy or failure to obey a subpoena
6 issued under subparagraph (A), the United
7 States district court for the district in
8 which the subpoenaed person resides, is
9 served, or may be found, or where the sub-
10 poena is returnable, may issue an order re-
11 quiring the person to appear at any des-
12 ignated place to testify or to produce docu-
13 mentary or other evidence.

14 (ii) JUDICIAL ACTION FOR NON-
15 COMPLIANCE.—Any failure to obey the
16 order of the court may be punished by the
17 court as a contempt of that court.

18 (iii) ADDITIONAL ENFORCEMENT.—In
19 the case of any failure of any witness to
20 comply with any subpoena or to testify
21 when summoned under authority of this
22 subsection, the Commission may, by major-
23 ity vote, certify a statement of fact consti-
24 tuting such failure to the appropriate
25 United States attorney, who may bring the

1 matter before the grand jury for action,
2 under the same statutory authority and
3 procedures as if the United States attorney
4 had received a certification under sections
5 102 through 104 of the Revised Statutes
6 (2 U.S.C. 192 through 194).

7 (3) CONTRACTING.—The Commission may, to
8 such extent and in such amounts as are provided in
9 appropriation Acts, enter into contracts to enable
10 the Commission to discharge the duties of the Com-
11 mission under this section.

12 (4) INFORMATION FROM FEDERAL AGENCIES.—

13 (A) IN GENERAL.—The Commission may
14 secure directly from any Executive department,
15 bureau, agency, board, commission, office, inde-
16 pendent establishment, or instrumentality of the
17 Federal Government, information, suggestions,
18 estimates, and statistics for the purposes of this
19 section.

20 (B) COOPERATION.—Each Federal depart-
21 ment, bureau, agency, board, commission, of-
22 fice, independent establishment, or instrumen-
23 tality shall, to the extent authorized by law, fur-
24 nish information, suggestions, estimates, and
25 statistics directly to the Commission, upon re-

1 quest made by the Chairperson, the Chair-
2 person of any subcommittee created by a major-
3 ity of the Commission, or any member des-
4 ignated by a majority of the Commission.

5 (C) RECEIPT, HANDLING, STORAGE, AND
6 DISSEMINATION.—Information shall be received,
7 handled, stored, and disseminated only by mem-
8 bers of the Commission and the staff of the
9 Commission in accordance with all applicable
10 laws (including regulations and Executive or-
11 ders).

12 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

13 (A) GENERAL SERVICES ADMINISTRA-
14 TION.—The Administrator of General Services
15 shall provide to the Commission on a reimburs-
16 able basis administrative support and other
17 services for the performance of the functions of
18 the Commission.

19 (B) OTHER DEPARTMENTS AND AGEN-
20 CIES.—In addition to the assistance prescribed
21 in subparagraph (A), departments and agencies
22 of the United States may provide to the Com-
23 mission such services, funds, facilities, staff,
24 and other support services as are determined to
25 be advisable and authorized by law.

1 (6) GIFTS.—The Commission may accept, use,
2 and dispose of gifts or donations of services or prop-
3 erty, including travel, for the direct advancement of
4 the functions of the Commission.

5 (7) POSTAL SERVICES.—The Commission may
6 use the United States mails in the same manner and
7 under the same conditions as departments and agen-
8 cies of the United States.

9 (f) PUBLIC MEETINGS AND HEARINGS.—

10 (1) PUBLIC MEETINGS AND RELEASE OF PUB-
11 LIC VERSIONS OF REPORTS.—The Commission
12 shall—

13 (A) hold public hearings and meetings, to
14 the extent appropriate; and

15 (B) release public versions of the reports
16 required under paragraphs (1) and (2) of sub-
17 section (j).

18 (2) PUBLIC HEARINGS.—Any public hearings of
19 the Commission shall be conducted in a manner con-
20 sistent with the protection of proprietary or sensitive
21 information provided to or developed for or by the
22 Commission as required by any applicable law (in-
23 cluding a regulation or Executive order).

24 (g) STAFF OF COMMISSION.—

25 (1) IN GENERAL.—

1 (A) APPOINTMENT AND COMPENSATION.—

2 (i) IN GENERAL.—The Chairperson,
3 in consultation with the Vice Chairperson
4 and in accordance with rules agreed upon
5 by the Commission, may, without regard to
6 the civil service laws (including regula-
7 tions), appoint and fix the compensation of
8 a staff director and such other personnel
9 as are necessary to enable the Commission
10 to carry out the functions of the Commis-
11 sion.

12 (ii) MAXIMUM RATE OF PAY.—No rate
13 of pay fixed under this subparagraph may
14 exceed the equivalent of that payable for a
15 position at level V of the Executive Sched-
16 ule under section 5316 of title 5, United
17 States Code.

18 (B) PERSONNEL AS FEDERAL EMPLOY-
19 EES.—

20 (i) IN GENERAL.—The staff director
21 and any personnel of the Commission who
22 are employees shall be considered to be
23 employees under section 2105 of title 5,
24 United States Code, for purposes of chap-

1 ters 63, 81, 83, 84, 85, 87, 89, and 90 of
2 that title.

3 (ii) MEMBERS OF COMMISSION.—

4 Clause (i) shall not apply to members of
5 the Commission.

6 (2) DETAILEES.—

7 (A) IN GENERAL.—An employee of the
8 Federal Government may be detailed to the
9 Commission without reimbursement.

10 (B) CIVIL SERVICE STATUS.—The detail of
11 the employee shall be without interruption or
12 loss of civil service status or privilege.

13 (3) PROCUREMENT OF TEMPORARY AND INTER-
14 MITTENT SERVICES.—The Chairperson of the Com-
15 mission may procure temporary and intermittent
16 services in accordance with section 3109(b) of title
17 5, United States Code, at rates for individuals that
18 do not exceed the daily equivalent of the annual rate
19 of basic pay prescribed for level V of the Executive
20 Schedule under section 5316 of that title.

21 (h) COMPENSATION AND TRAVEL EXPENSES.—

22 (1) COMPENSATION OF MEMBERS.—

23 (A) NON-FEDERAL EMPLOYEES.—A mem-
24 ber of the Commission who is not an officer or
25 employee of the Federal Government shall be

1 compensated at a rate equal to the daily equiva-
2 lent of the annual rate of basic pay prescribed
3 for level IV of the Executive Schedule under
4 section 5315 of title 5, United States Code, for
5 each day (including travel time) during which
6 the member is engaged in the performance of
7 the duties of the Commission.

8 (B) FEDERAL EMPLOYEES.—A member of
9 the Commission who is an officer or employee
10 of the Federal Government shall serve without
11 compensation in addition to the compensation
12 received for the services of the member as an
13 officer or employee of the Federal Government.

14 (2) TRAVEL EXPENSES.—A member of the
15 Commission shall be allowed travel expenses, includ-
16 ing per diem in lieu of subsistence, at rates author-
17 ized for an employee of an agency under subchapter
18 I of chapter 57 of title 5, United States Code, while
19 away from the home or regular place of business of
20 the member in the performance of the duties of the
21 Commission.

22 (i) SECURITY CLEARANCES FOR COMMISSION MEM-
23 BERS AND STAFF.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 the appropriate Federal agencies or departments

1 shall cooperate with the Commission in expeditiously
2 providing to the members and staff of the Commis-
3 sion appropriate security clearances, to the max-
4 imum extent practicable, pursuant to existing proce-
5 dures and requirements.

6 (2) PROPRIETARY INFORMATION.—No person
7 shall be provided with access to proprietary informa-
8 tion under this section without the appropriate secu-
9 rity clearances.

10 (j) REPORTS OF COMMISSION; ADJOURNMENT.—

11 (1) INTERIM REPORTS.—The Commission may
12 submit to the President and Congress interim re-
13 ports containing such findings, conclusions, and rec-
14 ommendations for corrective measures as have been
15 agreed to by a majority of members of the Commis-
16 sion.

17 (2) FINAL REPORT.—Not later than 180 days
18 after the date of the enactment of this Act, the
19 Commission shall submit to the President and Con-
20 gress a final report containing such findings, conclu-
21 sions, and recommendations for corrective measures
22 as have been agreed to by a majority of members of
23 the Commission.

24 (3) TEMPORARY ADJOURNMENT.—

1 (A) IN GENERAL.—The Commission, and
2 all the authority provided under this section,
3 shall adjourn and be suspended, respectively, on
4 the date that is 60 days after the date on which
5 the final report is submitted under paragraph
6 (2).

7 (B) ADMINISTRATIVE ACTIVITIES BEFORE
8 TERMINATION.—The Commission may use the
9 60-day period referred to in subparagraph (A)
10 for the purpose of concluding activities of the
11 Commission, including—

12 (i) providing testimony to committees
13 of Congress concerning reports of the
14 Commission; and

15 (ii) disseminating the final report sub-
16 mitted under paragraph (2).

17 (C) RECONVENING OF COMMISSION.—The
18 Commission shall stand adjourned until such
19 time as the President or the Secretary of
20 Homeland Security declares an oil spill of na-
21 tional significance to have occurred, at which
22 time—

23 (i) the Commission shall reconvene in
24 accordance with subsection (c)(3); and

1 (ii) the authority of the Commission
2 under this section shall be of full force and
3 effect.

4 (k) FUNDING.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated to carry out
7 this section—

8 (A) \$10,000,000 for the first fiscal year in
9 which the Commission convenes; and

10 (B) \$3,000,000 for each fiscal year there-
11 after in which the Commission convenes.

12 (2) AVAILABILITY.—Amounts made available to
13 carry out this section shall be available—

14 (A) for transfer to the Commission for use
15 in carrying out the functions and activities of
16 the Commission under this section; and

17 (B) until the date on which the Commis-
18 sion adjourns for the fiscal year under sub-
19 section (j)(3).

20 (l) NONAPPLICABILITY OF FEDERAL ADVISORY COM-

21 MITTEE ACT.—The Federal Advisory Committee Act (5

22 U.S.C. App.) shall not apply to the Commission.

1 **TITLE III—RESTORING THE**
2 **GULF OF MEXICO**

3 **SEC. 301. GULF OF MEXICO RESTORATION PROGRAM.**

4 (a) PROGRAM.—There is established a Gulf of Mexico
5 Restoration Program for the purposes of coordinating
6 Federal, State, and local restoration programs and
7 projects to maximize efforts in restoring biological integ-
8 rity, productivity and ecosystem functions in the Gulf of
9 Mexico.

10 (b) GULF OF MEXICO RESTORATION TASK FORCE.—

11 (1) ESTABLISHMENT.—There is established a
12 task force to be known as the Gulf of Mexico Res-
13 toration Task Force (in this section referred to as
14 the “Restoration Task Force”).

15 (2) MEMBERSHIP.—The Restoration Task
16 Force shall consist of the Governors of each of the
17 Gulf Coast States and the heads of appropriate Fed-
18 eral agencies selected by the President. The chair-
19 person of the Restoration Task Force (in this sub-
20 section referred to as the “Chair”) shall be ap-
21 pointed by the President. The Chair shall be a per-
22 son who, as the result of experience and training, is
23 exceptionally well-qualified to manage the work of
24 the Restoration Task Force. The Chair shall serve
25 in the Executive Office of the President.

1 (3) ADVISORY COMMITTEES.—The Restoration
2 Task Force may establish advisory committees and
3 working groups as necessary to carry out its du-
4 ties under this Act.

5 (c) GULF OF MEXICO RESTORATION PLAN.—

6 (1) IN GENERAL.—Not later than nine months
7 after the date of enactment of this Act, the Restora-
8 tion Task Force shall issue a proposed comprehen-
9 sive, multi-jurisdictional plan for long-term restora-
10 tion of the Gulf of Mexico that incorporates, to the
11 greatest extent possible, existing restoration plans.
12 Not later than 12 months after the date of enact-
13 ment and after notice and opportunity for public
14 comment, the Restoration Task Force shall publish
15 a final plan. The Plan shall be updated every five
16 years in the same manner.

17 (2) ELEMENTS OF RESTORATION PLAN.—The
18 Plan shall—

19 (A) identify processes and strategies for
20 coordinating Federal, State, and local restora-
21 tion programs and projects to maximize efforts
22 in restoring biological integrity, productivity
23 and ecosystem functions in the Gulf of Mexico
24 region;

1 (B) identify mechanisms for scientific re-
2 view and input to evaluate the benefits and
3 long-term effectiveness of restoration programs
4 and projects;

5 (C) identify, using the best science avail-
6 able, strategies for implementing restoration
7 programs and projects for natural resources in-
8 cluding—

9 (i) restoring species population and
10 habitat including oyster reefs, sea grass
11 beds, coral reefs, tidal marshes and other
12 coastal wetlands and barrier islands and
13 beaches;

14 (ii) restoring fish passage and improv-
15 ing migratory pathways for wildlife;

16 (iii) research that directly supports
17 restoration programs and projects;

18 (iv) restoring the biological produc-
19 tivity and ecosystem function in the Gulf
20 of Mexico region;

21 (v) improving the resilience of natural
22 resources to withstand the impacts of cli-
23 mate change and ocean acidification to en-
24 sure the long-term effectiveness of the res-
25 toration program; and

1 (vi) restoring fisheries resources in
2 the Gulf of Mexico that benefit the com-
3 mercial and recreational fishing industries
4 and seafood processing industries through-
5 out the United States.

6 (3) REPORT.—The Task Force shall annually
7 provide a report to Congress about the progress in
8 implementing the Plan.

9 (d) DEFINITIONS.—For purposes of this section, the
10 term—

11 (1) “Gulf Coast State” means each of the
12 States of Texas, Louisiana, Mississippi, Alabama,
13 and Florida; and

14 (2) “restoration programs and projects” means
15 activities that support the restoration, rehabilitation,
16 replacement, or acquisition of the equivalent, of in-
17 jured or lost natural resources including the ecologi-
18 cal services and benefits provided by such resources.

19 (e) RELATIONSHIP TO OTHER LAW.—Nothing in this
20 section affects the ability or authority of the Federal Gov-
21 ernment to recover costs of removal or damages from a
22 person determined to be a responsible party pursuant to
23 the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.)
24 or other law.

1 **TITLE IV—IMPROVING FEDERAL**
2 **COMMUNICATION WITH AF-**
3 **FECTED STATES**

4 **SEC. 401. COORDINATION AND CONSULTATION WITH AF-**
5 **FECTED STATE AND LOCAL GOVERNMENTS.**

6 Section 19 of the Outer Continental Shelf Lands Act
7 (43 U.S.C. 1345) is amended—

8 (1) by inserting “exploration plan or” before
9 “development and production plan” in each place it
10 appears; and

11 (2) by amending subsection (c) to read as fol-
12 lows:

13 “(c) ACCEPTANCE OR REJECTION OF RECOMMENDA-
14 TIONS.—The Secretary shall accept recommendations of
15 the Governor and may accept recommendations of the ex-
16 ecutive of any affected local government if the Secretary
17 determines, after having provided the opportunity for con-
18 sultation, that they provide for a reasonable balance be-
19 tween the national interest and the well-being of the citi-
20 zens of the affected State. For purposes of this subsection,
21 a determination of the national interest shall be based on
22 the desirability of obtaining oil and gas supplies in a bal-
23 anced manner and on protecting coastal and marine eco-
24 systems and the economies dependent on those eco-
25 systems. The Secretary shall provide an explanation to the

- 1 Governor, in writing, of the reasons for his determination
- 2 to accept or reject such Governor's recommendations, or
- 3 to implement any alternative identified in consultation
- 4 with the Governor.".

