20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCALISE OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

277R2

AMENDMENT TO THE RULES COMMITTEE PRINT

OF H.R. 7

OFFERED BY MR. SCALISE OF LOUISIANA

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE XVIII—RESTORE ACT

SECTION 18001. SHORT TITLE.

This title may be cited as the "Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012".

SEC. 18002. FINDINGS.

Congress finds that—

(1) as a result of decades of oil and gas development in the Gulf of Mexico, producing and nonproducing States in the Gulf Coast region have borne substantial risks of environmental damage and economic harm, all of which culminated with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*;

(2) the discharge of oil in the Gulf of Mexico that began following the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* has caused substantial environmental destruc-

1 tion and economic harm to the people and commu-
2 nities of the Gulf Coast region;
3 (3)(A) in the report entitled "America's Gulf
4 Coast—A Long Term Recovery Plan after the Deep-
5 water Horizon Oil Spill", the Secretary of the Navy
6 stated, "Together, the Gulf's tourism and commer-
7 cial and recreational fishing industries contribute
8 tens of billions of dollars to the [United States]
9 economy. More than 90 percent of the [N]ation's
10 offshore crude oil and natural gas is produced in the
11 Gulf, and the [F]ederal treasury receives roughly
12 $4.5 billion dollars every year from offshore leases
13 and royalties. And it is in the Gulf of Mexico that
14 nearly one third of seafood production in the conti-
15 nental [United States] is harvested. America needs
16 a healthy and resilient Gulf Coast, one that can sup-
17 port the diverse economies, communities, and cul-
18 tures of the region.";
19 (B) to address the needs of the Gulf Coast re-
20 gion, the Secretary of the Navy stated, "It is rec-
21 ommended that the President urge Congress to pass
22 legislation that would dedicate a significant amount
23 of any civil penalties recovered under the [Federal
24 Water Pollution Control Act] from parties respon-

1 sible for the *Deepwater Horizon* oil spill to those di-
2 rectly impacted by that spill."; and
3 (C) to mitigate local challenges and help restore
4 the resiliency of communities adversely affected by
5 the spill, the Secretary of the Navy stated that the
6 legislation described in subparagraph (B) should
7 "[b]uild economic development strategies around
8 community needs, and take particular efforts to ad-
9 dress the needs of disadvantaged, underserved, and
10 resource constrained communities";
11 (4) in a final report to the President, the Na-
12 tional Commission on the BP Deepwater Horizon
13 Oil Spill and Offshore Drilling—
14 (A) stated, "Estimates of the cost of Gulf
15 restoration, including but not limited to the
16 Mississippi Delta, vary widely, but according to
17 testimony before the Commission, full restora-
18 tion of the Gulf will require $15 billion to $20
19 billion: a minimum of $500 million annually for
20 30 years."; and
21 (B) like the Secretary of the Navy, rec-
22 ommended that, to meet the needs described in
23 subparagraph (A), a substantial portion of ap-
24 plicable penalties under the Federal Water Pol-
25 lution Control Act (33 U.S.C. 1251 et seq.) be

1 dedicated to long-term restoration of the Gulf
2 of Mexico;
3 (5) taking into account the risks borne by Gulf
4 Coast States for decades of oil and gas development
5 and the environmental degradation suffered by the
6 Gulf Coast region, the amounts received by the
7 United States as payment of administrative, civil, or
8 criminal penalties in connection with the explosion
9 on, and sinking of, the mobile offshore drilling unit
10 *Deepwater Horizon* should be expended—
11 (A) to restore the natural resources, eco-
12 systems, fisheries, marine and wildlife habitats,
13 beaches, barrier islands, dunes, coastal wet-
14 lands, and economy of the Gulf Coast; and
15 (B) to address the associated economic
16 harm suffered by the people and communities
17 of the region;
18 (6) the projects and programs authorized by
19 this title and the amendments made by this title
20 should be carried out pursuant to contracts awarded
21 in a manner that provides a preference to individuals
22 and entities that reside in, are headquartered in, or
23 are principally engaged in business in a Gulf Coast
24 State; and

1 (7) Federal, State, and local officials should
2 seek—
3 (A) to leverage the financial resources
4 made available under this title; and
5 (B) to the maximum extent practicable, to
6 ensure that projects funded pursuant to this
7 title complement efforts planned or in operation
8 to revitalize the natural resources and economic
9 health of the Gulf Coast region.

10 **SEC. 18003. GULF COAST RESTORATION TRUST FUND.**

11 (a) ESTABLISHMENT.—There is established in the
12 Treasury of the United States a trust fund to be known
13 as the "Gulf Coast Restoration Trust Fund" (referred to
14 in this section as the "Trust Fund"), consisting of such
15 amounts as are deposited in the Trust Fund under this
16 section or any other provision of law.

17 (b) TRANSFERS.—The Secretary of the Treasury
18 shall deposit in the Trust Fund an amount equal to 80
19 percent of all administrative and civil penalties paid by
20 responsible parties after the date of enactment of this title
21 in connection with the explosion on, and sinking of, the
22 mobile offshore drilling unit *Deepwater Horizon* pursuant
23 to a court order, negotiated settlement, or other instru-
24 ment in accordance with section 311 of the Federal Water
25 Pollution Control Act (33 U.S.C. 1321).

1 (c) EXPENDITURES.—Amounts in the Trust Fund,
2 including interest earned on advances to the Trust Fund
3 and proceeds from investment under subsection (d), shall
4 be available, pursuant to a future Act of Congress enacted
5 after the date of enactment of this Act—
6 (1) for expenditure to restore the Gulf Coast re-
7 gion from the *Deepwater Horizon* oil spill for under-
8 taking projects and programs in the Gulf Coast re-
9 gion that would restore and protect the natural re-
10 sources, ecosystems, fisheries, marine and wildlife
11 habitats, beaches, coastal wetlands, and economy of
12 the Gulf Coast region; and
13 (2) solely to Gulf Coast States and coastal po-
14 litical subdivisions to restore the ecosystems and
15 economy of the Gulf Coast region.
16 (d) INVESTMENT.—Amounts in the Trust Fund shall
17 be invested in accordance with section 9702 of title 31,
18 United States Code, and any interest on, and proceeds
19 from, any such investment shall be available for expendi-
20 ture in accordance with this section.
21 (e) DEFINITIONS.—In this section:
22 (1) COASTAL POLITICAL SUBDIVISION.—The
23 term "coastal political subdivision" means any local
24 political jurisdiction that is immediately below the
25 State level of government, including a county, par-

1 ish, or borough, with a coastline that is contiguous
2 with any portion of the United States Gulf of Mex-
3 ico.

4 (2) *DEEPWATER HORIZON* OIL SPILL.—The
5 term "*Deepwater Horizon* oil spill" means the blow-
6 out and explosion of the mobile offshore drilling unit
7 *Deepwater Horizon* that occurred on April 20, 2010,
8 and resulting hydrocarbon releases into the environ-
9 ment.

10 (3) GULF COAST REGION.—The term "Gulf
11 Coast region" means—

12 (A) in the Gulf Coast States, the coastal
13 zones (as that term is defined in section 304 of
14 the Coastal Zone Management Act of 1972 (16
15 U.S.C. 1453)) that border the Gulf of Mexico;

16 (B) any adjacent land, water, and water-
17 sheds, that are within 25 miles of those coastal
18 zones of the Gulf Coast States; and

19 (C) all Federal waters in the Gulf of Mex-
20 ico.

21 (4) GULF COAST STATE.—The term "Gulf
22 Coast State" means any of the States of Alabama,
23 Florida, Louisiana, Mississippi, and Texas.