

S J R

58

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/9/90

FURTHER:

Date of 5-Day Notice: 1-18-90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 1-22-90

Resources _____ Committee considered SJR 58

Endorsing a proposal in pending federal legislation to establish citizens' advisory committees to assist in the development and implementation of oil discharge contingency response plans.

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) DEC

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures]

[Handwritten signature]

 Chair: Signature and Recommendation



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

JAN 9 1990

January 9, 1990

TO: Senator Bette Fahrenkamp
Chair, Senate Resources Committee

FROM: Senator Mike Szymanski *MS*

SUBJECT: SJR 58, relating to pending federal legislation establishing citizens' advisory committees to assist in development and implementation of oil discharge contingency response plans.

SJR 58 has been referred to the Senate Resources Committee and I would like to request that a committee hearing be held as soon as possible on this resolution. Congress is due to reconvene this month and it is expected that the House/Senate Conference Committee on S. 686 and H.R. 1465 will be considering the consensus language very shortly.

This resolution has been developed with members of fishing groups, environmental groups and industry.

Thank you for your consideration of this request.



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-4978

Interim:
3111 C Street, Suite 510
Anchorage, Alaska 99503
(907) 561-7617
or
165 E. Parks Highway
Wasilla, Alaska 99687
(907) 376-6453

January 19, 1990

TO: Senate Resources Committee Members

FROM: Senator Mike Szymanski *MS*

SUBJECT; SENATE JOINT RESOLUTIONN 58, relating to the establishment of citizens' advisory committees in federal legislation.

In the enclosed packet, you will find the following supporting information for this resolution:

- 1) Letter from Ann Rothe, President of the Regional Citizens Advisory Committee, explaining the evolution and purpose of the Committee and the status of federal legislation.
- 2) Regional Citizens Advisory Committee Members
- 3) Consensus Language for the Conference Committee which has been drafted and approved by the Regional Citizens Advisory Committee and endorsed by Senator Stevens and Senator Murkowski;
- 4) Federal Legislation which will be considered in Conference Committee, including
 - a. Congressional Record - House with the Young amendment
 - b. H.R. 1465, page 143
 - c. S. 686 by Senator Murkowski
- 5) List of Conferees
- 6) Resolution of support from the City of Cordova
- 7) Resolution of Support from the Kenai Peninsula Borough

Senate District E

Mat-Su Borough • Sitka Anchorage • Bar/Indian • Girdwood • Nikiski • Cooper Landing • Hope • Seward • Prince William Sound

REGIONAL CITIZENS ADVISORY COMMITTEE
750 West Second Avenue, Suite 200
Anchorage, Alaska 99501
(907) 694-9068

January 17, 1990

Senator Bettye Fahrenkamp, Chairman
Alaska State Senate Resources Committee
P.O. Box V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I am writing to express the support of the Regional Citizens Advisory Committee for Senate Joint Resolution No. 58 now under co.sideration by your committee.

The formation of the Regional Citizens Advisory Committee (RCAC) was a cooperative effort between Alyeska Pipeline Service Company (Alyeska) and citizens of Prince William Sound and adjacent areas impacted by the Exxon Valdez oil spill. Efforts to organize this group were guided by recognition of the fact that participation of an informed citizenry is essential to insuring that potential environmental impacts from the operation of the Trans Alaska Pipeline Terminal, including operation of oil tankers served by the terminal, are minimized.

For your information, I have attached a copy of the list of the members of RCAC. The members came together in June of 1989 for two purposes:

- 1) To review Alyeska's revised oil spill prevention and response plan for Prince William Sound; and
- 2) To develop a plan of action for the formation of a permanent citizens' oversight group to monitor operation of the Trans Alaska Pipeline Terminal and oil tanker traffic served by terminal.

RCAC members provided Alyeska with our comments on the Prince William Sound Oil Spill Prevention and Response Plan released August 1. Our comments were incorporated into major revisions

to the plan released December 31. We are presently reviewing these revisions and will submit our comments to Alyeska in mid February.

Our chosen course of action for developing a permanent citizens oversight group was to incorporate as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code and enter into a contract with Alyeska that requires them to provide funding for the citizens group and establishes a formal and verifiable process for insuring that the advice provided by the citizens group is given serious consideration by the company.

We were chartered as a nonprofit corporation by the State of Alaska on December 26, 1989. The organizational meeting of the newly incorporated Regional Citizens Advisory Committee was held January 15. At that meeting, we elected our corporation officers and approved bylaws. Contract negotiations with Alyeska are nearing completion and we anticipate we will have a final contract ready to sign by the end of this week.

While we were organizing RCAC here in Alaska, we were aware that the concept of a citizens advisory committee had been included in oil spill legislation pending in Congress. We carefully reviewed Title V of Senate Bill 686 (authored by Senator Murkowski) and Title VIII of House Bill 1465 (authored by Senator George Miller of California), which deal with the establishment of citizens oversight groups. We felt Senator Murkowski's legislation most closely reflected what we felt was needed, except that it did not provide enough regional representation.

We rewrote Senator Murkowski's Title V to provide broader citizen oversight and took our language to Washington, D.C. in the hope that we could get it included in HB 1465 before it passed the House. Although we were asking for our language to be inserted very late in the House debate on the bill, Congressman Don Young agreed that he would see what he could do. After reviewing the direction of the debate on HB 1465, Congressman Young thought our language would have greater success if he could find another vehicle for its passage. He changed the federal oversight authority outlined in our language from the Environmental Protection Agency (EPA) to the U.S. Coast Guard and attached it to the Coast Guard appropriations bill which passed the House November 7, 1989.

When the House version of the Coast Guard appropriations bill reached the Senate, Young's Amendment (our language) was deleted. The Senate felt the Young Amendment should not have

been attached to Coast Guard appropriations, but should be considered along with S 686 and HB 1465 by the House-Senate conference committee for oil spill legislation to be convened in February. We intend to carry our language to conference committee staff next week.

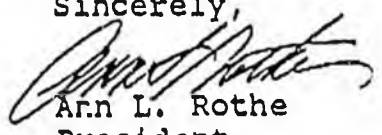
I have included for your information our final recommendations on this language. Please note that we have given the federal oversight authority back to the EPA because we felt our concerns over the operation of the Trans Alaska Pipeline Terminal and tanker traffic through Prince William Sound fall primarily in their purview as the lead federal agency charged with responsibility for enforcement of the Clean Water Act. We have contacted the offices of Senators Stevens and Murkowski and Congressman Young, and have received assurances that they will help us in our efforts.

In the meantime, we are continuing the task of building our organization. We have established four working subcommittees: Oil Spill Prevention and Response, Port Operations and Vessel Traffic Systems, Terminal Operations and Environmental Monitoring, and Scientific Research and Review. We intend to hold public meetings over the next three months in locations throughout the region represented by our committee to take public comment regarding the scope and purpose of these subcommittees and seek nominations for subcommittee members. In addition, we will seek nominations for ex-officio members from the state and federal regulatory agencies responsible for overseeing terminal operations and tanker traffic in the Sound.

I hope this provides you with an understanding of the purpose and commitment of the Regional Citizens Advisory Committee. On behalf of our committee, I respectfully request that you give your strong support to SJR No. 58.

If you have further questions regarding the Regional Citizens Advisory Committee, please do not hesitate to contact me.

Sincerely,



Arn L. Rothe
President

Enclosures

cc: Members, Regional Citizens Advisory Committee

December 12, 1989

RCAC MEMBERS

NAME	ADDRESS	PHONE	FAX
BOB BRODIE CITY OF KODIAK	710 MILL BAY RD. KODIAK, AK 99615	486-3224(WK) 486-3079(HM)	486-4009
JIM BUTLER KENAI PENINSULA	144 N. BINKLEY AVE SOLDOTNA, AK 99669 560-27-0535	262-7815(WK) 283-5633(HM)	262-1892
CHARLES CHRISTIANSEN LARSEN BAY	BOX 8 LARSEN BAY, AK 99615	847-2211	847-2239
BILL WALKER CITY OF VALDEZ	509 W. 3rd AVE. ANCHORAGE, AK 99501	263-8251 274-7522	263-8320
CHRIS GATES CITY OF SEWARD	5th & ADAMS BOX 167 CITY HALL SEWARD, AK 99664	224-3331(WK) 224-8667(HM)	224-3248
MARILYN LELAND C.D.F.U.	BOX 939 CORDOVA, AK 99574 SS# 384-48-2011	424-3447(WK) 424-7778(HM)	424-3430
JOHN McMULLEN PWSAC	PWSAC OFFICE CORDOVA, AK 99574 SS# 386-32-5722	424-7511(WK)	424-7514
DAVE MOFFAT CITY OF WHITTIER	BEGICH TOWERS CONDO 504 WHITTIER, AK 99693 SS# 179-16-2663	472-2327(WK) 472-2443(HM)	472-2404
STACY PASCAL CHUGACH ALASKA CORP.	3000 A STREET SUITE 400 ANCHORAGE, AK 99503	563-8866(WK) 272-2272(HM)	563-8402
TIM ROBERTSON CITY OF SELDOVIA	DRAWER B SELDOVIA, AK 99663	234-7469(WK) 234-7491(HM)	234-7430
ANN ROTHE NATL WLD. FEDERATION	750 W. 2ND AVE SUITE 200 ANCHORAGE, AK SS# 479-70-4492	258-4800(WK)	258-4811
JEROME SELBY KODIAK ISLAND BOROUGH	710 MILL BAY RD KODIAK, AK 99615	486-5736(WK)	486-2886
MARGE TILLON CITY OF HOMER	P.O. BOX 935 HOMER, AK 99603	235-7085(HM)	235-7085
MEAD TREADWELL CITY OF CORDOVA	FIRST STREET BOX 1210 CORDOVA, AK 99574	424-6248(WK) 277-3042(HM)	424-6000

12/06/89 DRAFT
ACAC RECOMMENDATIONS FOR FEDERAL LEGISLATION
GOVERNING CITIZENS OVERSIGHT OF TERMINAL AND TANKER OPERATIONS
IN ALASKA

ACAC recommends that the Conference Committee include the Amendment to H.R. 1465 offered by Rep. Young dated 11/7/89 with our suggested changes in the Committee's final bill on oil spill prevention, liability and compensation. Mr. Young's amendment with our recommended changes is provided below:

SEC. ____ . TERMINAL AND TANKER OVERSIGHT AND MONITORING

(a) SHORT TITLE.--This title may be sited as the "Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1989."

(b) DEMONSTRATION PROGRAMS.--

- (1) ESTABLISHMENT.--There are established two Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Demonstration Programs (hereinafter referred to as "Programs") to be carried out in the State of Alaska.
- (2) ADVISORY FUNCTION.--The function of these programs shall be advisory only.
- (3) PURPOSE.--Prince William Sound Program shall be responsible for environmental monitoring of the terminal facilities in Prince William Sound and the crude oil tankers operating in Prince William Sound. The Cook Inlet Program shall be responsible for environmental monitoring of the terminal facilities and crude oil tankers operating in Cook Inlet located south of the latitude at Point Possession and north of the latitude at [AMATUL] Amatuli Island, including offshore facilities in Cook Inlet.
- (4) SUITS BARRED.--No program, association, council, committee or other organization created by this section may sue any person or entity, public or private, concerning any matter arising under this section except for the performance of contracts.

(c) OIL TERMINAL FACILITIES AND OIL TANKER OPERATION ASSOCIATION.--

- (1) ESTABLISHMENT.--There is established an Oil Terminal Facilities and Oil Tanker Operations Association (hereinafter referred to as the "Association") for each of the Programs established in subsection (b).
 - (2) MEMBERSHIP.--Each Association shall be comprised of four individuals as follows:
 - (A) One individual shall be designated by the owners and operators of the terminal facilities and shall represent those owners and operators;
 - (B) One individual shall be designated by the owners and operators of the crude oil tankers call and the terminal facilities and shall represent those owners and operators;
 - (C) One individual shall be an employee of the State of Alaska, shall be designated by the Governor of the State of Alaska, and shall represent the State Government; and
 - (D) One individual shall be an employee of the Federal Government, shall be designated by the President, and shall represent the Federal Government.
 - (3) RESPONSIBILITIES.--Each Association shall be responsible for reviewing policies relating to the operation and maintenance of the oil terminal facilities and crude oil tankers which affect or may affect the environment in the vicinity of their respective terminals. Each Association shall provide a forum among the owners and operators of the terminal facilities, the owners and operators of crude oil tankers calling at those facilities, the United States, and the State of Alaska to discuss and to propose resolution of all permits, plans, and site-specific regulations governing the activities and actions of the terminal facilities which affect or may affect the vicinity of the terminal facilities and of crude oil tankers calling at those facilities.
- (d) REGIONAL CITIZENS' ADVISORY COUNCILS.--
- (1) MEMBERSHIP.--Each Council shall be comprised of voting and non-voting members and follows:

(A) VOTING MEMBERS.--Voting members shall be Alaska residents and, except as provided in clause (vii) of this paragraph, shall be appointed by the Governor from a list of nominees provided by each of the following interests, with one representative appointed to represent each of the following interests, taking into consideration the need for regional balance on the Council--

(i) local commercial fishing industry organizations, the members of which depend on the fisheries resources of the waters in the vicinity of the terminal facilities;

(ii) the aquaculture association(s) in the vicinity of the terminal facilities;

(iii) Alaska Native Corporations and other Alaska Native organizations the members of which reside in the vicinity of the terminal facilities;

(iv) environmental organizations the members of which reside in the vicinity of the terminal facilities;

(v) recreational organizations the members of the which reside in or use the vicinity of the terminal facilities;

(vi) the Alaska State Chamber of Commerce, to represent the locally based tourist industry;

(vii) (I) for the Prince William Sound terminal facilities Council, one representative selected by each of the following municipalities: Cordova, Whittier, Seward, Valdez, Kodiak, the Kodiak Island Borough, and the Kenai Peninsula Borough;

(II) for the Cook Inlet terminal facilities Council, one representative selected by each of the following municipalities: Homer, Seldovia, Anchorage, Kenai, Kodiak, the Kodiak

Island Borough, and the Kenai Peninsula Borough.

(B) NON-VOTING MEMBERS.--One ex-officio, non-voting representative shall be designated by, and represent, each of the following--

- (i) Environmental Protection Agency;
- (ii) Coast Guard;
- (iii) U.S. Forest Service;
- (iv) Department of the Interior;
- (v) Alaska Department of Environmental Conservation;
- (vi) Alaska Department of Fish and Game;
- (vii) Alaska Department of Natural Resources; and
- (viii) Division of Emergency Services,
[ALASKA DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] Alaska Department of Military and Veterans Affairs.

(3) TERMS.--

(A) THREE YEARS.--The voting members of each council shall be appointed for a term of three years except as provided for in subparagraph (3)(B) of this paragraph.

(B) INITIAL APPOINTMENTS.--The terms of the first appointments shall be--

(i) for the appointments by the Governor of the State of Alaska, one third shall serve for three years, one third shall serve for two years, and one third shall serve for one year; and

(ii) for the representatives of municipalities required by subsection (d)(2)(A)(vii) a drawing of lots among the appointees shall determine that one third of that group serves for three years, one third serves for two years, and the remainder serve for one year.

(4) SELF-GOVERNING.--Each Council shall elect its own chairperson, select its own staff, and make policies with regard to its internal operating procedures. After the initial organizational meeting called by the [SECRETARY OF

TRANSPORTATION) Administrator of the Environmental Protection Agency under subsection (i) of this section, each Council shall be self-governing.

- (5) DUAL MEMBERSHIP PROHIBITED.--No individual selected as a member of the Council shall serve on the Association.
- (6) DUTIES OF THE COUNCIL.--Each Council shall--
 - (A) provide advice and recommendations to the Association on policies, permits, and site-specific regulations relating to the operation and maintenance of terminal facilities and crude oil tankers which affect or may affect the environment in the vicinity of the terminal facilities;
 - (B) monitor through the committee established under subsection (e) of this section, the environmental impacts of the operation of the terminal facilities and crude oil tankers;
 - (C) monitor those aspects of terminal facilities and crude oil tanker operations and maintenance which affect or may affect the environment in the vicinity of the terminal facilities;
 - (D) review through the committee established under subsection (f) of this section, the adequacy of oil spill prevention and contingency plans for the terminal facilities and the adequacy of oil spill prevention and contingency plans for crude oil tankers operating in Prince William Sound or Cook Inlet;
 - (E) recommend to the Association --
 - (i) standards and stipulations for permits and site-specific regulations intended to minimize the impact of terminal facilities and crude oil tanker operations on the environment in the vicinity of the terminal facilities;
 - (ii) modifications in terminal facilities operations and maintenance intended to

minimize the impact of terminal facilities operations on the environment in the vicinity of the terminal facilities and to minimize the risk of oil spills;

(iii) modifications of crude oil tanker operations and maintenance in Prince William Sound and Cook Inlet intended to minimize the risk and mitigate the impact of oil spills; and

(iv) modifications to the oil spill prevention and contingency plans for terminal facilities and for crude oil tankers in Prince William Sound and Cook Inlet intended to enhance the ability to prevent and respond to an oil spill.

(F) create additional committees of the Council as necessary to carry out the above functions, including a scientific and technical advisory committee to the Prince William Sound Council.

(7) NO ESTOPPEL.--No Council shall be held liable under state or federal law for costs or damages as a result of rendering advice pursuant to this title. Nor shall any advice given by a council, association or program representative or agent be grounds for estopping the interests represented by each Council from seeking damages and other appropriate relief [IN THE EVENT OF A SPILL].

(8) SCIENTIFIC WORK.--In carrying out its research development and monitoring functions, each Council shall review the scientific work undertaken by or on behalf of the terminal operators or crude oil tanker operators as a result of a legal requirement to undertake that work. Each Council shall also review the relevant scientific work undertaken by or on behalf of any government entity relating to the terminal facilities or crude oil tankers. To the extent possible, to avoid unnecessary duplication, the Council shall coordinate its work with the scientific work performed by or on behalf of the terminal operators and with the scientific work performed by or on behalf of the operators of the crude oil tankers.

(e) COMMITTEE FOR TERMINAL AND OIL TANKER OPERATIONS AND ENVIRONMENTAL MONITORING.--

(1) MONITORING COMMITTEE.--Each Council shall establish a standing Terminal and Oil Tanker Operations and Environmental Monitoring Committee (hereinafter referred to as the "Monitoring Committee") to devise and manage a comprehensive program of monitoring the environmental impacts of the operations of terminal facilities and of crude oil tankers while operating in Prince William Sound and Cook Inlet. The membership of the Monitoring Committee shall be made up of members of the Council, citizens and recognized scientific experts selected by the Council.

(2) DUTIES.--In fulfilling its responsibilities, the Monitoring Committee shall--

(A) advise the Council on a monitoring strategy that will permit early detection of environmental impacts of terminal facilities operations and crude oil tanker operations while in Prince William Sound and Cook Inlet;

(B) develop monitoring programs and make recommendation to the Council on the implementation of those programs;

(C) at its discretion, select and contract with universities and other scientific institutions to carry out specific monitoring projects authorized by the Council pursuant to an approved monitoring strategy;

(D) complete any other tasks assigned by the Council; and

(E) provide written reports to the Council which interpret and assess the results of all monitoring programs.

(f) COMMITTEE FOR OIL SPILL PREVENTION, SAFETY, AND EMERGENCY RESPONSE.--

(1) TECHNICAL OIL SPILL COMMITTEE.--Each Council shall establish a standing technical committee (hereinafter referred to as the "Oil Spill Committee") to review and assess measures

designed to prevent oil spills and the planning and preparedness for responding to, containing, and cleaning up oil spills. The membership of the Oil Spill Committee shall be made up of members of the Council, citizens and recognized technical experts selected by the Council.

- (2) DUTIES.--In fulfilling its responsibilities, the Oil Spill Committee shall--
- (A) periodically review the respective oil spill prevention and contingency plans for the terminal facilities and for the crude oil tankers while in Prince William Sound or Cook Inlet, in light of new technological developments and changed circumstances;
 - (B) monitor periodic drills and testing of the oil spill contingency plans for the terminal facilities and for crude oil tankers while in prince William Sound and Cook Inlet;
 - (C) study wind and water currents and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain, and clean up an oil spill;
 - (D) identify highly sensitive areas which may require specific protective measures in the event of a spill in Prince William Sound or Cook Inlet;
 - (E) monitor developments in oil spill prevention, containment, response and cleanup technology;
 - (F) periodically port organization, operations, incidents, and the adequacy and maintenance of vessel traffic systems designed to assure safe transit of vessels pertinent to terminal operations;
 - (G) periodically review the standards for tankers bound for, loading at, exiting from or otherwise using the terminal facilities; and
 - (H) Complete any other tasks assigned by the Council; and
 - (I) provide written reports to the Council outlining its findings and recommendations.

(g) AGENCY COOPERATION.--On and after the expiration of the 180-day period following the date of enactment of this section, each Federal department, agency, or other instrumentality shall, with respect to all permits, site-specific regulations, and other matters governing the activities and actions of the terminal facilities which affect or may affect the vicinity of the terminal facilities, consult with the appropriate Council prior to taking substantive action with respect to the permit, site-specific regulation, or other matter. This consultation shall be carried out with a view to enabling the appropriate Association and Council to review the permits, site-specific regulations, or other matters and make appropriate recommendations regarding operations policy or agency actions. Prior consultation shall not be required if an authorized Federal agency representative reasonably believes that an emergency exists requiring action without delay.

(h) RECOMMENDATIONS OF THE COUNCIL.--In the event that the Association does not adopt or significantly modifies before adoption any recommendation of the Council made pursuant to the authority granted to the Council in subsection (d), the Association shall provide, in writing, within five days of its decision, to the Council notice of its decision and a written statement of reasons for its rejection or significant modification of the recommendation.

(i) ADMINISTRATIVE ACTIONS.--Appointments, designations, and selections of individuals to serve as members of the Associations and Councils under this section shall be submitted to the [SECRETARY OF TRANSPORTATION] Administrator of the Environmental Protection Agency prior to the expiration of the 120-day period following the date of the enactment of this section. On or before the expiration of the 180-day period following the enactment of this section, the [SECRETARY] Administrator shall call an initial meeting of each Association and Council for organizational purposes.

(j) LOCATION AND COMPENSATION.--

- (1) LOCATION.--Each Association and Council established by this title shall be located in the State of Alaska.
- (2) COMPENSATION.--No member of an Association or Council shall be compensated for the member's services as a member of the Association or Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at a

rate established by such Association or Council not to exceed the rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code. However, each Council may enter into contracts to provide for compensation and expenses to members of the committees created under subsections (d), (e), and (f) of this section.

(k) FUNDING.--

(1) REQUIREMENT.--Approval of [THE] all contingency plans and licenses required of owners and operators of the Cook Inlet and Prince William Sound terminal facilities and crude oil tankers shall be effective only so long as the respective Association and Council for a facility are funded pursuant to paragraph (2) of this section.

(2) RESPONSIBILITY.--

(A) PRINCE WILLIAM SOUND.--The owners and operators of terminal facilities or crude oil tankers in Prince William Sound shall provide, for the establishment and operation of the environmental oversight and monitoring program in Prince William Sound, \$2,000,000 annually, adjusted annually by the Anchorage Consumer Price Index.

(B) OIL SPILL FUND.--Subject to appropriations laws, the Secretary of the Treasury shall make available from the Oil Spill Liability Trust Fund to the [SECRETARY OF TRANSPORTATION] Administrator of the Environmental Protection Agency such sums, in addition to those available pursuant to subparagraph (A), as the [SECRETARY] Administrator deems necessary to operate the Prince William Sound Program established by this section.

(C) COOK INLET PROGRAM.--

(i) Subject to appropriations laws, the Secretary of the Treasury shall make available from the Oil Spill Liability Fund to the [SECRETARY OF TRANSPORTATION] Administrator of the Environmental Protection Agency such sums as the

CITY OF CORDOVA, ALASKA

RESOLUTION 90-14

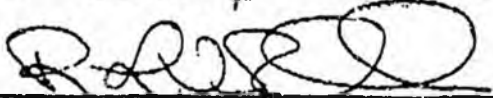
A RESOLUTION OF THE CITY OF CORDOVA, ALASKA
TO SUPPORT SENATE JOINT RESOLUTION NO. 58

WHEREAS, the City of Cordova, Alaska, urges the State of Alaska to support SJR 58 endorsing a proposal in Federal Legislation to establish Citizens' Advisory Committees to assist in the development and implementation of oil discharge contingency response plans, and

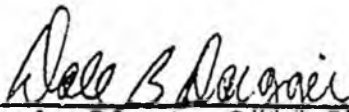
WHEREAS, the City of Cordova supports the Citizens' involvement in the contingency planning.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cordova, Alaska, hereby supports and strongly urges the State of Alaska to continue endorsing the SJR 58.

PASSED AND APPROVED THIS 17th DAY OF January, 1990.



Mayor Robert Van Brocklin


for D. Lynda Plant, City Clerk



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 282-4441

DON GILMAN
MAYOR

January 16, 1990

Senator Mike Szymanski
Room 11, Capital
P.O. Box V
Juneau, AK. 99811

RE: Senate Joint Resolution 58

Dear Senator Szymanski:

I would like to convey my support for Senate Joint Resolution 58, which endorses a proposal in pending federal legislation establishing regional citizen advisory councils to assist in the development of oil spill prevention and response plans in Cook Inlet and Prince William Sound.

The Kenai Peninsula Borough, along with native corporations, oil impacted local communities and impacted user groups, has worked since the oil spill to establish such a citizen advisory committee. The result has been the interim Regional Citizen Advisory Committee in Prince William Sound. This group provides a forum that will facilitate communication between the oil transportation industry, local communities and area user groups. It will also provide local input in oil spill prevention and response strategies as they are developed.

I would urge the Alaska Legislature to support this aspect of pending federal legislation and pass SJR 58 to document their support.

Sincerely,

Jim Butler
for Don Gilman
Mayor

cc: Sen. Fahrenkamp
Sen. Fischer
Rep. Navarre
Rep. Swack

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: SJR 58
Advisory Committees
 Sponsor: Szymanski
 Requestor: S. Resources

Agency Affected: Environmental Conservation
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

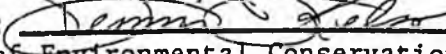
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The FY 90 effect would also be a zero impact.

Prepared by: Gail Gatton
 Division: Administrative Services

Phone: 465-2600
 Date: 1/22/90

Approved by Commissioner: 
 Agency: Department of Environmental Conservation

Date: January 22, 1990

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

(D) **DEFINITIONS.**—For purposes of this section—

(1) "tanker" means a self-propelled tank vessel that is constructed or adapted to carry oil in bulk in the cargo spaces; and

(2) "barge" means a nonself-propelled vessel constructed or adapted to carry oil in bulk as cargo.

SEC. 214. OILER FARE REPORT CLARIFICATION

Section 664(c) of title 14, United States Code, is amended as follows:

(1) in paragraph (1) by striking "collected stating—" and substituting "collected under any law stating—" and

(2) in paragraph (2) by inserting "under any law" after "collected" the first time it appears.

SEC. 215. REVIEW OF CRIMINAL RECORDS IN ISSUING AND RENEWING SEAMEN'S LICENSES

Chapter 71 of title 46, United States Code is amended—

(1) in section 7101—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following:

"(f) This Secretary shall conduct a review of the criminal record of each individual who applies for a license under this section;" and

(2) in section 7203—

(A) by inserting "(c)" before "A license"; and

(B) by adding at the end the following:

"(b) The Secretary shall conduct a review of the criminal record of each holder of a license issued under this part who applies for renewal of that license under this section."

SEC. 216. BOND FOR THE CORRECTION OF MILITARY RECORDS

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall—

(1) amend part 63 of title 58, Code of Federal Regulations, governing the proceedings of the board established by the Secretary under section 1952 of title 10, United States Code, to ensure that an application for correction of military records is processed expeditiously and that final action on the application is taken within 10 months of its receipt; and

(2) appoint and maintain a permanent staff, and a panel of civilian officers or employees to serve as members of the board, which are adequate to ensure compliance with paragraph (1) of this subsection.

SEC. 217. CONVEYANCE OF MARINE ANTI-POLLUTION VESSELS

Before acquiring a vessel for use by the Coast Guard, the Secretary of Transportation, the Commandant of the Coast Guard, as appropriate, shall review the inventory of vessels acquired by the Secretary or the Secretary of Commerce as the result of a default under title XI of the Merchant Marine Act, 1936 (16 App. U.S.C. 1271-1273c), to determine whether any of those vessels are available for use by the Coast Guard.

SEC. 218. PROHIBITION AGAINST REDUCTION IN SERVICES

Notwithstanding any other law, the Secretary of Transportation may not reduce the level of Coast Guard activity during fiscal year 1990 to increase drug law enforcement. Amounts made available from all sources to carry out Coast Guard activities are equal to or greater than the amounts used to carry out Coast Guard activities during fiscal year 1989.

SEC. 219. SUSPENSION AND REVOCATION OF SEAMEN'S LICENSES FOR ALCOHOL ABUSE

(a) **IN GENERAL.**—Chapter 77 of title 46, United States Code, is amended by adding the following new section:

"§ 7704a. Alcohol abuse as grounds for revocation

"(a) The Secretary shall suspend or revoke a license, certificate of registry, or merchant mariner's document if the Secretary determines the holder is a current or chronic abuser of alcohol.

"(b) Any determination by the Secretary to suspend or revoke a license, certificate of registry, or merchant mariner's document under this section shall be based on the severity of abuse of alcohol by the holder and the length of time necessary to control that abuse.

"(c) The Secretary shall conduct necessary investigations to determine if a holder is a current or chronic abuser of alcohol if the Secretary receives information regarding any alcohol-related misconduct of the holder.

"(d) A suspension of a license, certificate of registry, or merchant mariner's document under subsection (a) shall remain in effect until the former holder provides sufficient proof that the former holder is no longer a current or chronic abuser of alcohol."

(b) **CLERICAL AMENDMENT.**—The context for chapter 77 of title 46, United States Code, is amended by adding "§ 7704a. Alcohol abuse as grounds for revocation." after "§ 7704. Dangerous drug as grounds for revocation."

SEC. 220. REQUIREMENT TO REPORT SEXUAL OFFENSES

(a) **IN GENERAL.**—Chapter 101 of title 46, United States Code is amended by—

(1) deleting section 10104; and

(2) adding the following new section:

"§ 10104. Requirement to report sexual offenses

"(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109A of title 18, United States Code.

"(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for a civil penalty of \$5,000."

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 101 of title 46, United States Code, is amended by striking "10104. Regulations" and inserting "10104. Requirement to report sexual offenses."

SEC. 221. SOUTHEAST LIGHTHOUSE PRESERVATION

(a) (1) The Secretary of the department in which the Coast Guard is operating shall convey, by any appropriate means, all right, title and interest of the United States in the Block Island Southeast Lighthouse to the Block Island Southeast Lighthouse Foundation (hereafter referred to as the "Foundation") of the town of New Shoreham, Rhode Island.

(2) The purpose of this conveyance is to establish and maintain a nonprofit center for the public at the Block Island Southeast Lighthouse for interpretation and preservation of the culture of the United States Coast Guard and Block Island's maritime history.

(b) The conveyance shall be made—

(1) without payment of consideration;

(2) subject to the condition that if the property, or any part of the property, ceases to be used for the purpose of this section, title to all such property shall be deemed to have immediately reverted to the United States; and

(3) subject to such other terms and conditions as the Secretary of the department in which the Coast Guard is operating may impose.

(c) The conveyance shall include provisions necessary to assure that—

(1) the light, antennas, sound signal, and associated equipment which are active aids to navigation shall continue to be operated and maintained by the United States;

(2) the Foundation will not interfere or allow its interference in any manner with national

aid without written permission of the United States;

(3) there is reserved to the United States the right to relocate, replace, or add any navigational aids or make any changes on any portion of the property as may be necessary for a navigational purpose;

(4) the United States shall have the right, at any time, to enter the property without notice to maintain navigational aids; and

(5) the United States shall have an easement for access to the property to maintain navigational aids.

(d) The Secretary of the department in which the Coast Guard is operating shall identify, describe, and determine the properties to be conveyed under this section.

(e) For purposes of this section, "Block Island Southeast Lighthouse" means the lighthouse and attached keeper's dwelling, several ancillary buildings, a fog signal, and land necessary to carry out the purpose of this section located in the town of New Shoreham, Rhode Island.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Young of Alaska: Page 21, after line 22, add the following new section—

"SEC. 2. TERMINAL AND TANKER OVERTSIGHT AND MONITORING

"(a) **SHORT TITLE.**—This section may be cited as the "Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1989".

"(b) **DEMONSTRATION PROGRAMS.**—

"(1) **TERMINAL AND TANKER ENVIRONMENTAL OVERTSIGHT AND MONITORING DEMONSTRATION PROGRAMS.**—There are established two Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Demonstration Programs (hereinafter referred to as "Programs") to be carried out in the State of Alaska.

"(2) **ADVISORY FUNCTION.**—The function of these Programs shall be advisory only.

"(3) **PURPOSE.**—Prince William Sound Program shall be responsible for environmental monitoring of the terminal facilities in Prince William Sound and the crude oil tankers operating in Prince William Sound. The Cook Inlet Program shall be responsible for environmental monitoring of the terminal facilities and crude oil tankers operating in Cook Inlet located south of the latitude at Point Possession and North of the latitude at Smalr Island, including offshore facilities in Cook Inlet.

"(4) **STATUS BARRED.**—No program, association, council, committee or other organization created by this section may sue any person or entity, public or private, concerning any matter arising under this section.

"(c) OIL TERMINAL PROGRAMS AND OIL TANKER OPERATIONS ASSOCIATION.

"(1) **ESTABLISHMENT.**—There is established an Oil Terminal Facilities and Oil Tanker Operations Association (hereinafter referred to as "Association") for each of the Programs established in subsection (b).

"(2) **MEMBERSHIP.**—Each Association shall be comprised of four individuals as follows:

"(A) One individual shall be designated by the owners and operators of the terminal facilities and shall represent those owners and operators;

"(B) One individual shall be designated by the owners and operators of the crude oil tankers calling at the terminal facilities and shall represent those owners and operators;

"(C) One individual shall be an employee of the State of Alaska, shall be designated by the Governor of the State of Alaska, and shall represent the State government; and

"(D) One individual shall be an employee of the Federal Government, shall be design-

Items #2 and #3

- Consensus language

- Fed' legislation

HOUSE CONFEREES ON H.R. 1465MERCHANT MARINE AND FISHERIES COMMITTEEDEMOCRATS

JONES (KURT OXLEY)
 STUDDS (WILL STELLE)
 TAUZIN (ROY WILLIS)
 CARPER (CHRISTOPHE TULU)
 MANTON (JIM MATTHEWS)

REPUBLICANS

DAVIS (SHERRY STEELE)
 YOUNG (LEE FORSGREN)
 LENT (KIP ROBINSON)
 SHUMWAY (LARRY FLICK)

PUBLIC WORKS AND TRANSPORTATIONDEMOCRATS

ANDERSON (ERROL TYLER)
 NOWAK (ERROL TYLER/KATHY EVANS)
 BOSCO (JASON LYLES)
 BORSKI (MANOR PRUITT)
 MINETTA (JOHN KARREN)

REPUBLICANS

HAMMERSCHMIDT (GABE ROZSA)
 STANGLAND (GABE ROZSA)
 SHUSTER (SCOTT LOWRY)

SCIENCE, SPACE, AND TECHNOLOGYTITLE VIIDEMOCRATS

ROE (PHIL STEFFEN)
 SCHEUER (MIKE RODENMYER)
 TANNER (VICKI WALLING)
 NOWAK (KATHY EVANS)
 BROWN, GEORGE (HOLLY WELLS)

REPUBLICANS

WALKER (BILL WICHTERMAN)
 SCHNEIDER (PETER MARX)
 MORRISON, SID (JIM STODA)

FOREIGN AFFAIRSTITLE IIIDEMOCRATS

FASCELL (TOM ADAMS)
 YATRON (TIM TERRY)
 OWENS, WAYNE (SCOTT KEARIN)
 LANTOS (JOAN NYKODYM)
 FEIGHAN (JIM SWEENEY)

REPUBLICANS

BROOMFIELD (DAN FINN)
 BEREUTER (DARREL CHOAT)
 MILLER, JOHN (CHUCK BROCHE)

SENATE CONFEREES ON H.R. 1465

ENVIRONMENT AND PUBLIC WORKS

DEMOCRATS

BURDICK (BOB DAVIDSON)
MOYNIHAN (ROY KIENITZ)
MITCHELL (KATE KIMBALL)
BAUCUS (KATE KIMBALL)
LAUTENBERG (JEFF MORALES)
BREAUX (MARSHA JONES/JEFF SCHRYVER)

REPUBLICANS

CHAFFEE (RICH INNES)
DURENBERGER (EDWARD GARVEY)
WARNER (CLAUDIA McMURRAY)
JEFFORDS (BRIAN KEEFE)
HUMPHREY (JEFF MERRIFIELD)

COMMERCE, SCIENCE, AND TRANSPORTATION

DEMOCRATS

HOLLINGS (PENNY DALTON/MIKE NESSMAN)
INOUE (PHYLLIS MINN)
KERRY (GRAHAM CHISHOLM)
BREAUX (MARSHA JONES/JEFF SCHRYVER)

REPUBLICANS

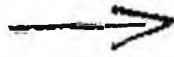
DANFORTH (BOB EISENBUD)
PACKWOOD (JOHN STEPHENS)
STEVENS (LISA SUTHERLAND
EARL COMSTOCK)

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101ST CONGRESS
1ST SESSION

H. R. 1465

IN THE SENATE OF THE UNITED STATES



NOVEMBER 15 (legislative day, NOVEMBER 6), 1989

Received

AN ACT

To establish limitations on liability for damages resulting from oil pollution, to establish a fund for the payment of compensation for such damages, 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 AND TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the "Oil
5 Pollution Act of 1989".

6 (b) TABLE OF CONTENTS.—The contents of this Act
7 are as follows:

Task Force p. 143.

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1 with the Interagency Committee and the agencies represent-
2 ed on the Interagency Committee.

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3 (10) The applicant shall disseminate results of oil pollu-
4 tion prevention, removal, mitigation, and environmental ef-
5 fects research and development, as appropriate, through
6 technology transfer, training, and other educational pro-
7 grams.

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5 SEC. 81

8 (g) FUNDING.—Not to exceed \$28,000,000 of amounts
9 in the Fund shall be available annually, without fiscal year
10 limitation, to carry out this section. For each of fiscal years
11 1990, 1991, 1992, 1993, and 1994, \$1,000,000 of such
12 amount shall be available for each regional center established
13 under subsection (f).

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14 TITLE VIII--TRANS-ALASKA
15 PIPELINE SYSTEM

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16 SEC. 8001. SHORT TITLE.

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17 This title may be cited as the "Trans-Alaska Pipeline
18 System Reform Act of 1989".

17 U.S.C.

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19 SEC. 8002. REFERENCES TO TRANS-ALASKA PIPELINE
20 AUTHORIZATION ACT.

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21 Except as otherwise expressly provided, whenever in
22 this title an amendment or repeal is expressed in terms of an
23 amendment to, or repeal of, a section or other provision, the
24 reference shall be considered to be made to a section or other

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1 provision of the Trans-Alaska Pipeline Authorization Act (43
2 U.S.C. 1651-1655).

8 **Subtitle A—Improvements to Trans-**
4 **Alaska Pipeline System**

5 **SEC. 8101. LIABILITY WITHIN THE STATE OF ALASKA AND**
6 **CLEANUP EFFORTS.**

7 (a) **CAUSE OF ACCIDENT.**—Section 204(a)(1) of the
8 Trans-Alaska Pipeline Authorization Act (43 U.S.C.
9 1653(a)(1)) is amended by striking out “caused by” in the
10 first sentence and inserting in lieu thereof “caused solely by”.

11 (b) **REMOVAL OF LIMITATION.**—Section 204(a) of the
12 Act (43 U.S.C. 1653(a)) is amended—

13 (1) by striking out paragraph (2); and

14 (2) by redesignating paragraphs (3), (4), and (5) as
15 paragraphs (2), (3), and (4), respectively.

16 (c) **CLEANUP EFFORTS.**—Section 204(b) of the Act (43
17 U.S.C. 1653(b)) is amended in the first sentence—

18 (1) by inserting after “any area” the following:
19 “in the State of Alaska”;

20 (2) by inserting after “any activities” the follow-
21 ing: “related to the trans-Alaska pipeline system, in-
22 cluding operation of the terminal,”; and

23 (3) by inserting after “other Federal” the first
24 place it appears the following: “or State”.

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1 SEC. 8102. TRANS-ALASKA PIPELINE LIABILITY FUND.

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2 (a) TERMINATION OF CERTAIN PROVISIONS.—Section
3 204(c) of the Act (43 U.S.C. 1653(c)) is amended by adding
4 at the end the following new paragraph:

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5 “(13) Paragraphs (1) through (14) shall apply to claims
6 pending against the Fund, but only with respect to incidents
7 occurring before the date of the enactment of the Trans-
8 Alaska Pipeline System Reform Act of 1989.”.

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9 (b) CAUSE OF ACCIDENT.—Section 204(c)(2) of the
10 Trans-Alaska Pipeline Authorization Act (43 U.S.C.
11 1653(c)(2)) is amended by striking out “caused by” in the
12 first sentence and inserting in lieu thereof “caused solely by”.

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13 (c) DAMAGES.—Section 204(c) of the Act (43 U.S.C.
14 1653(c)) (as amended by subsection (a)) is further amended by
15 adding at the end the following new paragraph:

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16 “(14) For any claims against the Fund, the term ‘dam-
17 ages’ shall include, but not be limited to, the net loss of
18 taxes, revenues, fees, royalties, rents, or other revenues in-
19 curred by a State or a political subdivision of a State due to
20 injury, destruction, or loss of real property, personal proper-
21 ty, or natural resources, or diminished economic activity due
22 to the discharge.”.

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23 (d) PAYMENT OF CLAIMS BY FUND.—Section 204(c)(3)
24 of the Act (43 U.S.C. 1653(c)(3)) is amended by adding at
25 the end the following: “The Fund shall pay a valid claim
26 under this section, including such \$14,000,000, if the owner

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1 or operator of a vessel has not paid any such claim within 90
 2 days after such claim has been submitted to such owner or
 8 operator. Upon payment of any claim, the Fund shall be sub-
 4 rogated under applicable State and Federal laws to all rights
 5 of any person entitled to recover under this subsection, sub-
 6 ject to the limit of liability of the owner and operator under
 7 this Act. In any action brought by the Fund against an owner
 8 or operator or an affiliate thereof to recover amounts under
 9 this paragraph, the Fund shall be entitled to recover pre-
 10 judgment interest, costs, and reasonable attorney's fees."

11 (e) OFFICERS OR TRUSTEES.—Section 204(c)(4) is
 12 amended—

13 (1) by inserting "(A)" after "(4)"; and

14 (2) by adding at the end the following:

15 "(B) No present or former officer or trustee of the Fund
 16 shall be subject to any liability incurred by the Fund or by
 17 the present or former officers or trustees of the Fund, other
 18 than liability for gross negligence or willful misconduct.

19 "(C)(i) Subject to clause (ii), each officer and each
 20 trustee of the Fund—

21 "(I) shall be indemnified against all claims and li-
 22 abilities to which he or she has or shall become subject
 23 by reason of serving or having served as an officer or
 24 trustee, or by reason of any action taken, omitted, or
 25 neglected by him or her as an officer or trustee; and

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1 “(II) shall be reimbursed for all attorney’s fees
2 reasonably incurred in connection with any claim or
3 liability.

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4 “(ii) No officer or trustee shall be indemnified against, or
5 be reimbursed for, any expenses incurred in connection with,
6 any claim or liability arising out of his or her gross negli-
7 gence or willful misconduct.”.

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8 (f) TRANS-ALASKA PIPELINE SYSTEM.—Section
9 204(c) of the Act (48 U.S.C. 1653(c)) (as amended by subsec-
10 tions (a) and (c)) is further amended by adding at the end the
11 following:

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12 “(15)(A) Amounts in the Oil Spill Liability Fund estab-
13 lished by section 9509 of the Internal Revenue Code of 1986
14 shall be made available to the extent provided in appropria-
15 tion Acts for the following purposes directly related to safe
16 and environmentally sound operation of the trans-Alaska
17 pipeline system:

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18 “(i) Payment of the reasonable costs (but not
19 more than \$5,000,000 annually) to the Federal Gov-
20 ernment with respect to activities in the State of
21 Alaska, and the reasonable costs (but not more than
22 \$2,000,000 annually) to the State of Alaska, necessary
23 for agency personnel to conduct studies regarding, and
24 to monitor and enforce compliance with, applicable
25 safety, health, and environmental standards.

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1 “(ii) Payment of the reasonable costs (but not
2 more than \$5,000,000 annually) of the Presidential
3 Task Force and the audit of the trans-Alaska pipeline
4 system.

5 “(B) Amounts may only be made available under sub-
6 paragraph (A)(i) to the State of Alaska if the State matches
7 such amounts on a dollar-for-dollar basis.”.

* 8 SEC. 3103. PRESIDENTIAL TASK FORCE.

9 The Act is amended by adding at the end thereof the
10 following new section:

11 “PRESIDENTIAL TASK FORCE; ADVISORY COUNCIL

12 “SEC. 207. (a) ESTABLISHMENT OF TASK FORCE.—

13 (1) There is hereby established a Presidential Task Force on
14 the Trans-Alaska Pipeline System (hereinafter referred to as
15 the ‘Task Force’) composed of the following nine members
16 appointed by the President:

17 “(A) One member appointed to serve as cochair-
18 man of the Task Force.

19 “(B) One member nominated by the Governor of
20 Alaska who will serve as cochairman of the Task
21 Force.

22 “(C) Three members, 1 of whom shall be nomi-
23 nated by the Secretary of the Interior, 1 by the Ad-
24 ministrator of the Environmental Protection Agency,
25 and 1 by the Secretary of Transportation, and all of
26 whom shall be Federal employees.

1 “(D) Three members, 1 of whom shall be nomi-
 2 nated by the Commissioner of Fish and Game, 1 by
 8 the Commissioner of Environmental Conservation, and
 4 1 by the Commissioner of Natural Resources of the
 5 State of Alaska, and all of whom shall be State
 6 employees.

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7 “(E) One member nominated by the National
 8 Academy of Engineering.

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9 “(2)(A) Except as provided in subparagraphs (B) and
 10 (C), members shall be appointed for terms of 3 years.

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11 “(B) Of the members first appointed—

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12 “(i) three shall be appointed for a term of 3 years;

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13 “(ii) three shall be appointed for a term of 4
 14 years; and

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15 “(iii) three shall be appointed for a term of 5
 16 years.

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17 “(C) Any member appointed to fill a vacancy occurring
 18 before the expiration of the term for which his or her prede-
 19 cessor was appointed shall be appointed only for the remain-
 20 der of such term. A member may serve after the expiration of
 21 his or her term until a successor has taken office.

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22 “(3) Members shall, to the extent approved in appro-
 23 priation Acts, receive the daily equivalent of the minimum
 24 annual rate of basic pay in effect for grade GS-15 of the
 25 General Schedule for each day (including travel time) during

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1 which they are engaged in the actual performance of duties
2 vested in the Task Force, except that members who are
3 State, Federal, or other governmental employees shall re-
4 ceive no compensation under this paragraph in addition to the
5 salaries they receive as such employees.

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6 “(4) The cochairmen of the Task Force shall appoint a
7 Director to carry out administrative duties. The Director may
8 hire such staff and incur such expenses on behalf of the Task
9 Force as are authorized by the Task Force and for which
10 funds are available.

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11 “(5) Employees of the Task Force shall not, by reason
12 of such employment, be considered to be employees of the
13 Federal Government for any purpose.

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14 “(b) DUTIES OF TASK FORCE.—(1) The Task Force
15 shall conduct a comprehensive audit and review of operations
16 of the trans-Alaska pipeline system, make recommendations
17 to the President, the Congress, and the Governor of Alaska,
18 and function as a forum for improved oversight and enforce-
19 ment of safety and environmental laws related to the trans-
20 Alaska pipeline system.

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21 “(2) The scope of the audit shall include matters related
22 to operations of the trans-Alaska pipeline system and the ter-
23 minal at the Port of Valdez, Alaska.

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24 “(3) As part of such audit, the Task Force shall conduct
25 a comprehensive review of the trans-Alaska pipeline system

1 in order to specifically advise the President, the Congress,
2 and the Governor of Alaska concerning—

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3 “(A) whether the holder of the Federal and State
4 right-of-way is, and has been, operating in full compli-
5 ance with applicable agreements and laws;

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6 “(B) the operational and structural soundness of
7 the pipeline, terminal, and related onshore facilities;

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8 “(C) necessary improvements for the pipeline, ter-
9 minal, and related onshore facilities in terms of oper-
10 ational safety, public health, and environmental protec-
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12 “(D) necessary improvements in the oil spill re-
13 sponse capabilities and contingency plans for the pipe-
14 line, terminal, and related onshore facilities; and

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15 “(E) necessary improvements in security for the
16 pipeline, terminal, and related onshore facilities.

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17 “(4)(A) The Task Force shall retain at least 1 independ-
18 ent consulting firm with technical expertise in engineering,
19 transportation safety, the environment, and other applicable
20 areas to assist the Task Force in carrying out this subsection.
21 Such firm shall have extensive experience in carrying out
22 audits of the nature to be carried out by the Task Force.

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23 “(B) Contracts with any such firm shall be entered into
24 on a nationally competitive basis, and the Task Force shall
25 not select any firm with respect to which there may be a

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1 conflict of interest in assisting the Task Force in carrying out
2 its audit and review.

8 “(5) The Task Force shall provide an opportunity for
4 public comment on its activities and shall consult on a regular
5 basis with the Trans-Alaska Pipeline Terminal Advisory
6 Council established pursuant to subsection (c).

7 “(6) The Task Force shall transmit (and make available
8 to the public), within 6 months after the date of enactment of
9 this paragraph, a report to the President and the Congress of
10 its findings, conclusions, and recommendations made as a
11 result of carrying out such audit.

12 “(7) The President shall, within 90 days after receiving
13 the Task Force's report, transmit a report to the Congress
14 and the Governor of Alaska containing comments on
15 whether—

16 “(A) the Alyeska Pipeline Service Company or its
17 successor is, and has been, operating in full compliance
18 with the right-of-way permits granted for the trans-
19 Alaska pipeline;

20 “(B) the President intends to direct the Secretary
21 of the Interior to exercise authority pursuant to section
22 203(e) of the Trans-Alaska Pipeline Authorization Act
23 to amend or modify the Federal right-of-way agree-
24 ment;

B12 of 15

1 “(C) the President intends to recommend to the
2 Governor of Alaska that the State right-of-way agree-
3 ment be amended or modified; and

4 “(D) the President intends to take other measures
5 to implement the Task Force's findings and recommen-
6 dations.

7 “(8) The Task Force shall prepare an annual report on
8 its activities and submit such report to the President, the
9 Congress, and the Governor of Alaska.

10 “(9) The Comptroller General of the United States, and
11 any of his or her duly authorized representatives, shall have
12 access, for purposes of audit and examination, to any books,
13 documents, papers, and records of the Task Force that are
14 pertinent to the funds received and expended by the Task
15 Force.

16 “(10) The Task Force shall cease to exist on the date
17 which is 10 years after the date of enactment of this para-
18 graph.

19 “(11) With respect to safety, operations, and other mat-
20 ters related to the pipeline facilities (as such term is defined
21 in section 202(4) of the Hazardous Liquid Pipeline Safety
22 Act of 1979) of the trans-Alaska pipeline, the Task Force
23 shall not perform any functions which are the responsibility of
24 the Secretary of Transportation under the Hazardous Liquid
25 Pipeline Safety Act of 1979.

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1 “(c) TRANS-ALASKA PIPELINE TERMINAL ADVISORY
 2 COUNCIL.—(1) Not later than 90 days after the date of en-
 3 actment of this Act, the operator of the trans-Alaska pipeline
 4 system, on behalf of the companies which possess the Federal
 5 right-of-way granted by the Secretary of the Interior, shall
 6 establish and fund the reasonable costs of the Trans-Alaska
 7 Pipeline Terminal Advisory Council (hereinafter referred to
 8 as the ‘Advisory Council’).

9 “(2) The Advisory Council shall assist the owners and
 10 operator of the trans-Alaska pipeline and Federal and State
 11 officials in developing policies, permits, plans, and regulations
 12 relating to the monitoring, operation, and maintenance of the
 13 terminal and related facilities of the trans-Alaska pipeline
 14 that may affect safety, public health, and the environment.
 15 The Advisory Council shall serve as a forum for the industri-
 16 al users, owners, and operators of the terminal facilities to
 17 work cooperatively with residents of interested communities.

18 “(3) The Governor of Alaska may appoint to the Advi-
 19 sory Council the following members from among the resi-
 20 dents of Valdez, Cordova, and other communities:

21 “(A) one member who shall serve as chairman;

22 “(B) two members of the fishing industry;

23 “(C) two members of Alaska Native organiza-
 24 tions;

1	“(D) two members of environmental organiza-	1
2	tions;	2
3	“(E) two members from local governments; and	3
4	“(F) two members from the tourism industry or	4
5	other business community.	5
6	“(4)(A) Except as provided in subparagraphs (B) and	6
7	(C), members shall be appointed for terms of 2 years.	7
8	“(B) Of the members first appointed—	8
9	“(i) six shall be appointed for a term of 4 years;	9
10	“(ii) three shall be appointed for a term of 3	10
11	years; and	11
12	“(iii) two shall be appointed for a term of two	12
13	years.	13
14	“(C) Any member appointed to fill a vacancy occurring	14
15	before the expiration of the term for which his or her prede-	15
16	cessor was appointed shall be appointed only for the remain-	16
17	der of such term. A member may serve after the expiration of	17
18	his or her term until a successor has taken office.	18
19	“(D) Members shall receive, to the extent provided in	19
20	appropriation Acts, the daily equivalent of the minimum	20
21	annual rate of basic pay in effect for grade GS-15 of the	21
22	General Schedule for each day (including travel time) during	22
23	which they are engaged in the actual performance of duties	
24	vested in the Advisory Council.	

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1 “(E) The Chairman of the Advisory Council shall ap-
2 point a Director to carry out administrative duties. The Di-
3 rector may hire such staff and incur such reasonable expenses
4 on behalf of the Advisory Council as are authorized by the
5 Advisory Council and for which funds are available.

6 “(F) Employees of the Advisory Council shall not, by
7 reason of such employment, be considered to be employees of
8 the Federal Government for any purpose.

9 “(5) Industrial users, owners, and operators of the ter-
10 minal facilities shall cooperate fully with the Advisory Coun-
11 cil through frequent consultation and attendance at meetings
12 and by granting reasonable access to the Advisory Council to
13 all facilities and requested documents and information.

14 “(6) The Advisory Council may establish such technical
15 advisory committees as it deems necessary.

16 “(7) The Advisory Council shall prepare an annual
17 report on its activities and submit such report to the Task
18 Force established by subsection (a), the Governor of Alaska,
19 the Congress, and the public.

20 “(8) The Advisory Council shall cease to exist on the
21 date which is ten years after the date of enactment of this
22 Act.”.

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Proposed Senate language

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1 SEC. __. TERMINAL AND TANKER OVERSIGHT AND MONITORING.

2 (a) SHORT TITLE.—(1) This section may be cited as
3 the “Oil Terminal and Oil Tanker Environmental Over-
4 sight and Monitoring Act of 1989”.

5 (2) The Congress finds that—

6 (A) the March 24, 1989, grounding and rupture
7 of the fully loaded oil tanker, the *Exxon Valdez*,
8 spilled 11 million gallons of crude oil in Prince Wil-
9 liam Sound, an environmentally sensitive area;

10 (B) many people believe that complacency on
11 the part of the industry and government personnel
12 responsible for monitoring the operation of the
13 Valdez terminal and vessel traffic in Prince William
14 Sound was one of the contributing factors to the
15 *Exxon Valdez* oil spill;

16 (C) one way to combat this complacency is to
17 involve local citizens in the process of preparing,
18 adopting, and revising oil spill contingency plans;

19 (D) a mechanism should be established which
20 fosters the long-term partnership of industry, govern-
21 ment, and local communities in overseeing compli-
22 ance with environmental concerns in the operation of
23 crude oil terminals;

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1 (E) such a mechanism presently exists at the
2 Sullom Voe terminal in the Shetland Islands and this
3 terminal should serve as a model for others;

4 (F) because of the effective partnership that has
5 developed at Sullom Voe, Sullom Voe is considered
6 the safest terminal in Europe;

7 (G) the present system of regulation and over-
8 sight of crude oil terminals in the United States has
9 degenerated into a process of continual mistrust and
10 confrontation;

11 (H) only when local citizens are involved in the
12 process will the trust develop that is necessary to
13 change the present system from confrontation to con-
14 sensus;

15 (I) a pilot program patterned after Sullom Voe
16 should be established in Alaska to further refine the
17 concepts and relationships involved; and

18 (J) similar programs should eventually be estab-
19 lished in other major crude oil terminals in the
20 United States because the recent oil spills in Texas,
21 Delaware, and Rhode Island indicate that the safe
22 transportation of crude oil is a national problem.

23 (b) DEMONSTRATION PROGRAMS.—

24 (1) ESTABLISHMENT.—There are established two
25 Oil Terminal and Oil Tanker Environmental Over-

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1 sight and Monitoring Demonstration Programs (here-
2 inafter referred to as "Programs") to be carried out
3 in the State of Alaska.

4 (2) ADVISORY FUNCTION.—The function of these
5 Programs shall be advisory only.

6 (3) PURPOSE.—The Prince William Sound Pro-
7 gram shall be responsible for environmental monitor-
8 ing of the terminal facilities in Prince William Sound
9 and the crude oil tankers operating in Prince William
10 Sound. The Cook Inlet Program shall be responsible
11 for environmental monitoring of the terminal facili-
12 ties and crude oil tankers operating in Cook Inlet lo-
13 cated South of the latitude at Point Possession and
14 North of the latitude at Amatul Island, including off-
15 shore facilities in Cook Inlet.

16 (4) SUITS BARRED.—No program, association,
17 council, committee or other organization created by
18 this section may sue any person or entity, public or
19 private, concerning any matter arising under this sec-
20 tion.

21 (c) OIL TERMINAL FACILITIES AND OIL TANKER OPER-
22 ATIONS ASSOCIATION.—

23 (1) ESTABLISHMENT.—There is established an
24 Oil Terminal Facilities and Oil Tanker Operations
25 Association (hereinafter referred to as "Associa-

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1 tion") for each of the Programs established in sub-
2 section (b).

3 (2) MEMBERSHIP.—Each Association shall be
4 comprised of four individuals as follows:

5 (A) one individual shall be designated by
6 the owners and operators of the terminal facili-
7 ties and shall represent those owners and opera-
8 tors;

9 (B) one individual shall be designated by
10 the owners and operators of the crude oil tank-
11 ers calling at the terminal facilities and shall
12 represent those owners and operators;

13 (C) one individual shall be an employee of
14 the State of Alaska, shall be designated by the
15 Governor of the State of Alaska, and shall rep-
16 resent the State government; and

17 (D) one individual shall be an employee of
18 the Federal Government, shall be designated by
19 the President, and shall represent the Federal
20 Government.

21 (3) RESPONSIBILITIES.—Each Association shall
22 be responsible for reviewing policies relating to the
23 operation and maintenance of the oil terminal facili-
24 ties and crude oil tankers which affect or may affect
25 the environment in the vicinity of their respective

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1 terminals. Each Association shall provide a forum
2 among the owners and operators of the terminal fa-
3 cilities, the owners and operators of crude oil tankers
4 calling at those facilities, the United States, and the
5 State of Alaska to discuss and to propose the resolu-
6 tion of all permits, plans, and site-specific regula-
7 tions governing the activities and actions of the ter-
8 minal facilities which affect or may affect the envi-
9 ronment in the vicinity of the terminal facilities and
10 of crude oil tankers calling at those facilities.

11 (d) REGIONAL CITIZENS' ADVISORY COUNCILS.—

12 (1) MEMBERSHIP.—There is established a Re-
13 gional Citizens' Advisory Council (hereinafter re-
14 ferred to as "Council") for each of the programs es-
15 tablished by subsection (b).

16 (2) MEMBERSHIP.—Each Council shall be com-
17 posed of voting members and non-voting members,
18 as follows:

19 (A) VOTING MEMBERS.—Voting members
20 shall be Alaska residents and, except as provid-
21 ed in clause (iii) of this paragraph, shall be ap-
22 pointed by the Governor of the State of Alaska
23 from a list of nominees provided by each of the
24 following interests, with one representative ap-
25 pointed to represent each of the following inter-

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1 ests, taking into consideration the need for re-
2 gional balance on the Council—

3 (i) local commercial fishing industry
4 organizations, the members of which
5 depend on the fisheries resources of the
6 waters in the vicinity of the terminal facili-
7 ties;

8 (ii) aquaculture associations in the vi-
9 cinity of the terminal facilities;

10 (iii) Alaska Native Corporations and
11 other Alaska Native organizations the
12 members of which reside in the vicinity of
13 the terminal facilities;

14 (iv) environmental organizations the
15 members of which reside in the vicinity of
16 the terminal facilities;

17 (v) recreational organizations the
18 members of which reside in or use the vi-
19 cinity of the terminal facilities;

20 (vi) the Alaska State Chamber of
21 Commerce, to represent the locally based
22 tourist industry;

23 (vii)(I) for the Prince William Sound
24 terminal facilities Council, one representa-
25 tive selected by each of the following mu-

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1 municipalities: Cordova, Whittier, Seward,
2 Valdez, Kodiak, the Kodiak Island Bor-
3 ough, and the Kenai Peninsula Borough;

4 (II) for the Cook Inlet terminal facili-
5 ties Council, one representative selected by
6 each of the following municipalities:
7 Homer, Seldovia, Anchorage, Kenai, the
8 Kodiak Island Borough, and the Kenai Pe-
9 ninsula Borough.

10 (B) NON-VOTING MEMBERS.—One ex-offi-
11 cio, non-voting representative shall be designat-
12 ed by, and represent, each of the following—

- 13 (i) Environmental Protection Agency;
14 (ii) Coast Guard;
15 (iii) U.S. Forest Service;
16 (iv) Department of the Interior;
17 (v) Alaska Department of Environ-
18 mental Conservation;
19 (vi) Alaska Department of Fish and
20 Game;
21 (vii) Alaska Department of Natural
22 Resources; and
23 (viii) Division of Emergency Services,
24 Alaska Department of Community and Re-
25 gional Affairs.

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1 (3) TERMS.—

2 (A) THREE YEARS.—The voting members of
3 each Council shall be appointed for a term of
4 three years except as provided for in subpara-
5 graph (3)(B) of this paragraph.

6 (B) INITIAL APPOINTMENTS.—The terms of
7 the first appointments shall be—

8 (i) for the appointments by the Gover-
9 nor of the State of Alaska, one-third shall
10 serve for three years, one-third shall serve
11 for two years, and one-third shall serve for
12 one year; and

13 (ii) for the representatives of municipi-
14 palities required by subsection
15 (d)(2)(A)(vii), a drawing of lots among the
16 appointees shall determine that one-third of
17 that group serves for three years, one-third
18 serves for two years, and the remainder
19 serves for one year.

20 (4) SELF-GOVERNING.—Each Council shall elect
21 its own chairperson, select its own staff, and make
22 policies with regard to its internal operating proce-
23 dures. After the initial organizational meeting called
24 by the Secretary of Transportation under subsection

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1 (i) of this section, each Council shall be self-govern-
2 ing.

3 (5) DUAL MEMBERSHIP PROHIBITED.—No individ-
4 ual selected as a member of the Council shall serve
5 on the Association.

6 (6) DUTIES.—Each Council shall—

7 (A) provide advice and recommendations
8 to the Association on policies, permits, and site-
9 specific regulations relating to the operation and
10 maintenance of terminal facilities and crude oil
11 tankers which affect or may affect the environ-
12 ment in the vicinity of the terminal facilities;

13 (B) monitor through the committee estab-
14 lished under subsection (e) of this section, the
15 environmental impacts of the operation of the
16 terminal facilities and crude oil tankers;

17 (C) monitor those aspects of terminal fa-
18 cilities' and crude oil tankers' operations and
19 maintenance which affect or may affect the vi-
20 cinity of the terminal facilities;

21 (D) review through the committee estab-
22 lished under subsection (f), the adequacy of oil
23 spill prevention and contingency plans for the
24 terminal facilities and the adequacy of oil spill
25 prevention and contingency plans for crude oil

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1 tankers, operating in Prince William Sound or
2 in Cook Inlet;

3 (E) recommend to the Association—

4 (i) standards and stipulations for per-
5 mits and site-specific regulations intended
6 to minimize the impact of the terminal fa-
7 cilities' and crude oil tankers' operations in
8 the vicinity of the terminal facilities;

9 (ii) modifications of terminal facility
10 operations and maintenance intended to
11 minimize the risk and mitigate the impact
12 of terminal facilities, operations in the vi-
13 cinity of the terminal facilities and to mini-
14 mize the risk of oil spills;

15 (iii) modifications of crude oil tanker
16 operations and maintenance in Prince Wil-
17 liam Sound and Cook Inlet intended to
18 minimize the risk and mitigate the impact
19 of oil spills; and

20 (iv) modifications to the oil spill pre-
21 vention and contingency plans for terminal
22 facilities and for crude oil tankers in Prince
23 William Sound and Cook Inlet intended to
24 enhance the ability to prevent and respond
25 to an oil spill; and

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1 (F) create additional committees of the
2 Council as necessary to carry out the above
3 functions, including a scientific and technical
4 advisory committee to the Prince William
5 Sound Council.

6 (7) NO ESTOPPEL.—No Council shall be held
7 liable under State or Federal law for costs or dam-
8 ages as a result of rendering advice under this sec-
9 tion. Nor shall any advice given by a voting member
10 of a Council, or program representative or agent, be
11 grounds for estopping the interests represented by
12 the voting Council members from seeking damages
13 or other appropriate relief in the event of a spill.

14 (8) SCIENTIFIC WORK.—In carrying out its moni-
15 toring functions, each Council shall review the scien-
16 tific work undertaken by or on behalf of the terminal
17 operators or crude oil tanker operators as a result of
18 a legal requirement to undertake that work. Each
19 Council shall also review the relevant scientific work
20 undertaken by or on behalf of any government entity
21 relating to the terminal facilities or crude oil tankers.
22 To the extent possible, to avoid unnecessary duplica-
23 tion, the Council shall coordinate its work with the
24 scientific work performed by or on behalf of the ter-
25 minal operators and with the scientific work per-

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1 formed by or on behalf of the operators of the crude
2 oil tankers.

3 (e) COMMITTEE FOR TERMINAL AND OIL TANKER OPER-
4 ATIONS AND ENVIRONMENTAL MONITORING.—

5 (1) MONITORING COMMITTEE.—Each Council
6 shall establish a standing Terminal and Oil Tanker
7 Operations and Environmental Monitoring Commit-
8 tee (hereinafter referred to as the "Monitoring Com-
9 mittee") to devise and manage a comprehensive pro-
10 gram of monitoring the environmental impacts of the
11 operations of terminal facilities and of crude oil
12 tankers while operating in Prince William Sound and
13 Cook Inlet. The membership of the Monitoring Com-
14 mittee shall be made up of members of the Council,
15 citizens, and recognized scientific experts selected by
16 the Council.

17 (2) DUTIES.—In fulfilling its responsibilities, the
18 Monitoring Committee shall—

19 (A) advise the Council on a monitoring
20 strategy that will permit early detection of envi-
21 ronmental impacts of terminal facility oper-
22 ations and crude oil tanker operations while in
23 Prince William Sound and Cook Inlet;

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1 (B) develop monitoring programs and
2 make recommendations to the Council on the
3 implementation of those programs;

4 (C) at its discretion, select and contract
5 with universities and other scientific institutions
6 to carry out specific monitoring projects author-
7 ized by the Council pursuant to an approved
8 monitoring strategy;

9 (D) complete any other tasks assigned by
10 the Council; and

11 (E) provide written reports to the Council
12 which interpret and assess the results of all
13 monitoring programs.

14 (f) COMMITTEE FOR OIL SPILL PREVENTION, SAFETY,
15 AND EMERGENCY RESPONSE.—

16 (1) TECHNICAL OIL SPILL COMMITTEE.—Each
17 Council shall establish a standing technical commit-
18 tee (hereinafter referred to as "Oil Spill Commit-
19 tee") to review and assess measures designed to pre-
20 vent oil spills and the planning and preparedness for
21 responding to, containing, cleaning up, and mitigat-
22 ing impacts of oil spills. The membership of the Oil
23 Spill Committee shall be made up of members of the
24 Council, citizens and recognized technical experts se-
25 lected by the Council.

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1 (2) DUTIES.—In fulfilling its responsibilities, the
2 Oil Spill Committee shall—

3 (A) periodically review the respective oil
4 spill prevention and contingency plans for the
5 terminal facilities and for the crude oil tankers
6 while in Prince William Sound or Cook Inlet, in
7 light of new technological developments and
8 changed circumstances;

9 (B) monitor periodic drills and testing of
10 the oil spill contingency plans for the terminal
11 facilities and for crude oil tankers while in
12 Prince William Sound and Cook Inlet;

13 (C) study wind and water currents and
14 other environmental factors in the vicinity of
15 the terminal facilities which may affect the abil-
16 ity to prevent, respond to, contain, and clean up
17 an oil spill;

18 (D) identify highly sensitive areas which
19 may require specific protective measures in the
20 event of a spill in Prince William Sound or
21 Cook Inlet;

22 (E) monitor developments in oil spill pre-
23 vention, containment, response and cleanup
24 technology;

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1 (F) periodically review port organization,
2 operations, incidents, and the adequacy and
3 maintenance of vessel traffic service systems
4 designed to assure safe transit of crude oil tank-
5 ers pertinent to terminal operations;

6 (G) periodically review the standards for
7 tankers bound for, loading at, exiting from, or
8 otherwise using the terminal facilities;

9 (H) complete any other tasks assigned by
10 the Council; and

11 (I) provide written reports to the Council
12 outlining its findings and recommendations.

13 (g) AGENCY COOPERATION.—On and after the expira-
14 tion of the 180-day period following the date of enactment
15 of this section, each Federal department, agency, or other
16 instrumentality shall, with respect to all permits, site-spe-
17 cific regulations, and other matters governing the activities
18 and actions of the terminal facilities which affect or may
19 affect the vicinity of the terminal facilities, consult with
20 the appropriate Council prior to taking substantive action
21 with respect to the permit, site-specific regulation, or other
22 matter. This consultation shall be carried out with a view
23 to enabling the appropriate Association and Council to
24 review the permit, site-specific regulation, or other matter
25 and make appropriate recommendations. Prior consultation

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1 shall not be required if an authorized Federal agency repre-
2 sentative reasonably believes that an emergency exists re-
3 quiring action without delay.

4 (h) RECOMMENDATIONS OF THE COUNCIL.—In the event
5 that the Association does not adopt or significantly modi-
6 fies before adoption any recommendation of the Council
7 made pursuant to the authority granted to the Council in
8 subsection (d), the Association shall provide, in writing,
9 within five days of its decision, to the Council notice of its
10 decision and a written statement of reasons for its rejection
11 or significant modification of the recommendation.

12 (i) ADMINISTRATIVE ACTIONS.—Appointments, desig-
13 nations, and selections of individuals to serve as members
14 of the Associations and Councils under this section shall
15 be submitted to the Secretary of Transportation prior to the
16 expiration of the 120-day period following the date of the
17 enactment of this section. On or before the expiration of
18 the 180-day period following that date of enactment of this
19 section, the Secretary shall call an initial meeting of each
20 Association and Council for organizational purposes.

21 (j) LOCATION AND COMPENSATION.—

22 (1) LOCATION.—Each Association and Council
23 established by this section shall be located in the
24 State of Alaska.

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1 (2) COMPENSATION.—No member of an Association
 2 tion or Council shall be compensated for the mem-
 3 ber's services as a member of the Association or
 4 Council, but shall be allowed travel expenses, in-
 5 cluding per diem in lieu of subsistence, at a rate es-
 6 tablished by the Association or Council not to
 7 exceed the rates authorized for employees of agen-
 8 cies under sections 5702 and 5703 of title 5, United
 9 States Code. However, each Council may enter into
 10 contracts to provide compensation and expenses to
 11 members of the committees created under subsec-
 12 tions (d), (e), and (f) of this section.

13 (k) FUNDING.—

14 (1) REQUIREMENT.—Approval of the contingency
 15 plans required of owners and operators of the
 16 Cook Inlet and Prince William Sound terminal facili-
 17 ties and crude oil tankers shall be effective only so
 18 long as the respective Association and Council for a
 19 facility are funded pursuant to paragraph (2) of this
 20 section.

21 (2) RESPONSIBILITY.—

22 (A) PRINCE WILLIAM SOUND.—The owners
 23 or operators of terminal facilities or crude oil
 24 tankers in Prince William Sound shall provide,
 25 for the establishment and operation of the en i-

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1 ronmental oversight and monitoring program in
2 Prince William Sound, \$2,000,000 annually, ad-
3 justed annually by the Anchorage Consumer
4 Price Index.

5 (B) OIL SPILL FUND.—Subject to appropria-
6 tions laws, the Secretary of the Treasury shall
7 make available from the Oil Spill Liability
8 Trust Fund to the Secretary of Transportation
9 such sums, in addition to those available pursu-
10 ant to subparagraph (A), as the Secretary of
11 Transportation deems necessary to operate the
12 Prince William Sound Program.

13 (3) COOK INLET PROGRAM.—

14 (A) Not to exceed \$1,500,000 from the Oil
15 Spill Liability Trust Fund shall be available to
16 the Secretary of Transportation, without fiscal
17 year limitation, to establish the Cook Inlet Pro-
18 gram provided for by this section.

19 (B) Subject to appropriations laws, the Sec-
20 retary of the Treasury shall make available from
21 the Oil Spill Liability Fund to the Secretary of
22 Transportation, such sums as the Secretary of
23 Transportation deems necessary to operate the
24 Cook Inlet Program established by this section.

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1 (C) The owners or operators of terminal fa-
2 cilities or crude oil tankers in Cook Inlet may
3 donate, and the Council may accept, funds for
4 establishment and operation of the Cook Inlet
5 environmental oversight and monitoring pro-
6 grams.

7 (l) REPORTS.—

8 (1) ASSOCIATIONS AND COUNCILS.—Prior to the
9 expiration of the 36-month period following the date
10 of the enactment of this section, each Association
11 and Council established by this section shall report
12 to the President and Congress concerning its activi-
13 ties under this section, together with its recommen-
14 dations.

15 (2) GAO.—Prior to the expiration of the 36-
16 month period following the date of the enactment of
17 this section, the General Accounting Office shall
18 report to the President and Congress as to the han-
19 dling of funds, including donated funds, by the enti-
20 ties carrying out the programs under this section, and
21 the effectiveness of the demonstration programs car-
22 ried out under this section, together with its recom-
23 mendations.

24 (m) DEFINITIONS.—As used in this section—

25 (1) "terminal facilities" means—

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1 (A) in the case of the Prince William
 2 Sound Program, the entire oil terminal complex
 3 located in Valdez, Alaska, consisting of ap-
 4 proximately 1,000 acres including all buildings,
 5 docks (except docks owned by the City of
 6 Valdez if those docks are not used for loading
 7 of crude oil), pipes, piping, roads, ponds, tanks,
 8 crude oil tankers only while at the terminal
 9 dock, tanker escorts owned or operated by the
 10 operator of the terminal, vehicles, and other fa-
 11 cilities associated with and necessary for assist-
 12 ing tanker movement of crude oil or petroleum
 13 products into and out of the oil terminal com-
 14 plex; and

15 (B) in the case of the Cook Inlet program,
 16 the entire oil terminal complex including all
 17 buildings, docks, pipes, piping, roads, ponds,
 18 tanks, vessels, vehicles, crude oil tankers only
 19 while at the terminal dock, tanker escorts owned
 20 or operated by the operator of the terminal,
 21 emergency spill response vessels owned or op-
 22 erated by the operator of the terminal, and othe-
 23 facilities associated with, and necessary for, as-
 24 sisting tanker movement of crude oil or petro-

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1 um products into and out of the oil terminal
2 complex;

3 (2) "crude oil tanker" means a tanker (as that
4 term is defined under section 2102 of title 46, United
5 States Code)—

6 (A) in the case of the Prince William
7 Sound Program, calling at the terminal facilities
8 for the purpose of receiving and transporting oil
9 to refineries, operating north of Middleton
10 Island and bound for or exiting from Prince
11 William Sound; and

12 (B) in the case of the Cook Inlet Program,
13 calling at the terminal facilities for the purpose
14 of receiving and transporting oil to refineries
15 and operating in Cook Inlet and the Gulf of
16 Alaska north of Amatuli Island, including tank-
17 ers transiting to Cook Inlet from Prince William
18 Sound; and

19 (3) "vicinity of the terminal facilities" means
20 that geographical area surrounding the environment
21 of terminal facilities which is directly affected or
22 may be directly affected by the operation of the ter-
23 minal facilities.

24 (n) SAVINGS CLAUSE.—

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1 (1) REGULATORY AUTHORITY.—Nothing in this
2 section shall be construed as modifying, repealing,
3 superseding or preempting any municipal, State or
4 Federal law or regulation, or in any way affecting
5 litigation arising from oil spills or the rights and re-
6 sponsibilities of the United States or the State of
7 Alaska, or municipalities thereof, to preserve and
8 protect the environment through regulation of land,
9 air, and water uses, of safety, and of related develop-
10 ment. The monitoring provided for by this section
11 shall be designed to help assure compliance with ap-
12 plicable laws and regulations and shall only extend
13 to activities—

14 (A) that would affect or have the potential
15 to affect the vicinity of the terminal facilities
16 and the area of crude oil tanker operations in-
17 cluded in the Programs; and

18 (B) are subject to the United States or
19 State of Alaska, or municipality thereof, law,
20 regulation, or other legal requirement.

21 (2) RECOMMENDATIONS.—This subsection does
22 not intend to prevent the Association or Council
23 from recommending to appropriate authorities that
24 existing legal requirements should be modified or
25 that new legal requirements should be adopted.

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1 (O) ALTERNATIVE VOLUNTARY ADVISORY GROUP IN
2 LIEU OF COUNCIL.—The requirements of subsections (d),
3 (e), and (k) as they apply respectively to the Prince Wil-
4 liam Sound Program and the Cook Inlet Program, are
5 deemed to have been met so long as the following condi-
6 tions are met—

7 (1) PRINCE WILLIAM SOUND.—With respect to the
8 Prince William Sound Program, the Alyeska Pipeline
9 Service Company or any of its owner companies
10 enters into a contract with the Alyeska Citizens Ad-
11 visory Committee in existence on the date of enact-
12 ment of this section, or a successor organization, to
13 fund that Committee or organization on an annual
14 basis and the President annually certifies that Com-
15 mittee or organization meets the purposes, funding,
16 organizational requirements, and membership compo-
17 sition established by this section.

18 (2) COOK INLET.—With respect to the Cook
19 Inlet Program, the terminal facilities or the crude oil
20 tanker owners and operators enter into a contract
21 with a voluntary advisory organization whose mem-
22 bers represent the interests and citizens of Cook Inlet
23 in a way similar to the representation required by
24 subsection (d)(2)(A) to fund the voluntary organiza-
25 tion on an annual basis and the President annually

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1 certifies that that organization meets the purposes,
2 funding, organization requirements, and membership
3 composition established by this section.