

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1758

To establish a Stewardship Endowment Fund to fund activities for the restoration of injured natural resources in Alaska resulting from the T/V EXXON VALDEZ oil spill, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

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

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## A BILL

To establish a Stewardship Endowment Fund to fund activities for the restoration of injured natural resources in Alaska resulting from the T/V EXXON VALDEZ oil spill, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stewardship Endow-  
5       ment Fund Act of 1993”.

6       **SEC. 2. FINDINGS, PURPOSE, AND INTENT OF CONGRESS.**

7       (a) FINDINGS.—Congress finds that—

1           (1) for national security purposes, the United  
2 States requires steady and secure sources of oil as  
3 well as other sources of energy;

4           (2) while protecting the oil-producing capabili-  
5 ties of the United States is important, it is also im-  
6 portant to protect the environment from which the  
7 oil is drawn;

8           (3) following the discharge of oil from the T/V  
9 EXXON VALDEZ on March 23 and 24, 1989,  
10 when the vessel went aground on Bligh Reef in  
11 Prince William Sound, Alaska, a settlement was  
12 reached;

13           (4) under the terms of the Agreement and Con-  
14 sent Decree (as described in section 207 of Public  
15 Law 102-229) that the Federal Government and the  
16 State of Alaska entered into with the Exxon Cor-  
17 poration, Exxon will pay a total sum of  
18 \$900,000,000 over a period of 10 years for damages  
19 and environmental restoration to the Federal Gov-  
20 ernment and the State of Alaska (referred to in this  
21 section as “settlement funds”);

22           (5) the placement of a portion of the settlement  
23 funds in a Stewardship Endowment Fund would cre-  
24 ate a stream of income over and above the initial  
25 settlement funds that could be used to meet the

1 needs of environmental restoration over a period  
2 that extends beyond the 10-year period specified in  
3 paragraph (4);

4 (6)(A) catastrophic failures with respect to  
5 salmon fisheries in Prince William Sound, and other  
6 biological events, indicate an urgent need to carry  
7 out long-term multidisciplinary research efforts to  
8 enable the full implementation of an effective res-  
9 toration and enhancement program; and

10 (B) the research should fully examine all pos-  
11 sible causes of, and solutions to, the problems de-  
12 scribed in subparagraph (A);

13 (7) similar failures with respect to other salmon  
14 fisheries and changes in the populations and ratios  
15 of other species further indicate that a broad ap-  
16 proach to scientific investigation may be necessary  
17 to determine whether events in Prince William  
18 Sound concerning salmon fisheries may be caused  
19 by, or affected by, events in other geographic areas;

20 (8) a stable source of research funding is need-  
21 ed in order to provide for long-term research nec-  
22 essary for the successful restoration and enhance-  
23 ment of Prince William Sound; and

24 (9) the Endowment Fund referred to in para-  
25 graph (5) would facilitate the administration of the

1 settlement funds by the Trustees designated by the  
2 President and the Governor of the State of Alaska  
3 to act, for the purposes of the Comprehensive Envi-  
4 ronmental Response, Compensation, and Liability  
5 Act of 1980 (42 U.S.C. 9601 et seq.) and the Fed-  
6 eral Water Pollution Control Act (33 U.S.C. 1251 et  
7 seq.), as trustees of natural resources injured, lost,  
8 or destroyed as a result of the discharge of oil from  
9 the T/V EXXON VALDEZ;

10 (b) PURPOSE.—It is the purpose of this Act to estab-  
11 lish in the Treasury of the United States a Stewardship  
12 Endowment Fund in order to create a stream of income  
13 that will carry out the purposes specified in the Memoran-  
14 dum of Agreement and Consent Decree that the United  
15 States and the State of Alaska entered into on August  
16 28, 1991, for a period that extends beyond the payment  
17 period referred to in subsection (a)(4).

18 (c) INTENT OF CONGRESS.—It is the intent of Con-  
19 gress that the conservative use of settlement funds and  
20 earnings from the settlement funds should be encouraged  
21 in order to provide for the maintenance of restoration and  
22 enhancement activities for Prince William Sound (includ-  
23 ing providing for long-term scientific studies and eco-  
24 system research necessary to support restoration and en-  
25 hancement activities).

1 **SEC. 3. STEWARDSHIP ENDOWMENT FUND.**

2 Title XXX of the Energy Policy Act of 1992 (Public  
3 Law 102-486) is amended by adding at the end the fol-  
4 lowing new section:

5 **“SEC. 3022. STEWARDSHIP ENDOWMENT FUND.**

6 “(a) DEFINITIONS.—As used in this section:

7 “(1) AGREEMENT AND CONSENT DECREE.—

8 The term ‘Agreement and Consent Decree’ means  
9 the Agreement and Consent Decree described in sec-  
10 tion 207 of Public Law 102-229 (105 Stat. 1715)  
11 and approved by the United States District Court  
12 for the District of Alaska on October 8, 1991.

13 “(2) ENDOWMENT FUND.—The term ‘Endow-  
14 ment Fund’ means the Stewardship Endowment  
15 Fund established pursuant to subsection (b).

16 “(3) NATURAL RESOURCES.—The term ‘natural  
17 resources’ has the meaning given the term in the  
18 Agreement and Consent Decree.

19 “(4) OIL SPILL.—The term ‘Oil Spill’ means  
20 the grounding of the T/V EXXON VALDEZ on  
21 Bligh Reef in Prince William Sound, Alaska, on  
22 March 23 and 24, 1989, and the resulting oil spill.

23 “(5) RESTORATION.—

24 “(A) IN GENERAL.—The term ‘restoration’  
25 means any action, in addition to response and

1 cleanup activities required or authorized by  
2 State or Federal law, that endeavors to—

3 “(i) restore—

4 “(I) a natural resource injured,  
5 lost, or destroyed as a result of the  
6 Oil Spill to the pre-spill condition; and

7 “(II) the services provided by the  
8 resource; or

9 “(ii) replace or substitute for the in-  
10 jured, lost, or destroyed resources and af-  
11 fected services.

12 “(B) PHASES OF INJURY INCLUDED.—The  
13 term includes all phases of injury assessment,  
14 restoration, replacement, and enhancement of  
15 natural resources, and the acquisition of equiva-  
16 lent resources and services.

17 “(6) SECRETARY.—The term ‘Secretary’ means  
18 the Secretary of the Treasury.

19 “(7) SETTLEMENT FUNDS.—The term ‘settle-  
20 ment funds’ means the settlement funds established  
21 pursuant to the Agreement and Consent Decree.

22 “(8) TRUSTEES.—The term ‘Trustees’ means  
23 the officials designated by the President and the  
24 Governor of the State of Alaska to act, for the pur-  
25 poses of the Comprehensive Environmental Re-

1 sponse, Compensation, and Liability Act of 1980 (42  
2 U.S.C. 9601 et seq.) and the Federal Water Pollu-  
3 tion Control Act (33 U.S.C. 1251 et seq.), as trust-  
4 ees of natural resources injured, lost, or destroyed as  
5 a result of the Oil Spill.

6 “(b) STEWARDSHIP ENDOWMENT FUND.—

7 “(1) IN GENERAL.—Notwithstanding any other  
8 provision of law, there is established in the Treasury  
9 of the United States a Stewardship Endowment  
10 Fund to facilitate the restoration of natural re-  
11 sources in Alaska injured as a result of the Oil Spill.  
12 The Fund shall consist of such sums as are depos-  
13 ited in the Fund pursuant to paragraph (2) and any  
14 interest earned on investments of the Fund pursuant  
15 to paragraph (3).

16 “(2) DEPOSITS.—The Trustees may transfer  
17 from the settlement funds to the Secretary, for de-  
18 posit in the Endowment Fund, a portion of the set-  
19 tlement funds.

20 “(3) INVESTMENTS.—The Secretary, with the  
21 unanimous consent of the Trustees, shall invest the  
22 corpus and income of the Endowment Fund in fed-  
23 erally insured bank savings accounts or comparable  
24 interest-bearing accounts, certificates of deposit,  
25 money market funds, mutual funds, obligations of

1 the United States, or other instruments and securi-  
2 ties (as determined by the Secretary, with the unani-  
3 mous consent of the Trustees). The Secretary, with  
4 the concurrence of the Trustees, shall, to the maxi-  
5 mum extent practicable, ensure that the investments  
6 made pursuant to this paragraph generate a suffi-  
7 cient amount of income to carry out the purposes re-  
8 ferred to in subsection (c)(2)(B).

9 “(c) WITHDRAWALS AND EXPENDITURES.—

10 “(1) CORPUS PROHIBITION.—A withdrawal or  
11 expenditure may be made from the corpus of the  
12 Endowment Fund with the unanimous consent of  
13 the Trustees.

14 “(2) PERMISSIVE WITHDRAWALS.—

15 “(A) IN GENERAL.—On request of the  
16 Trustees, the Secretary shall transfer, at least  
17 annually, all or a portion of, the income of the  
18 Endowment Fund to the Trustees for expendi-  
19 ture by the Trustees in a manner consistent  
20 with subparagraph (B).

21 “(B) USE OF TRANSFERRED FUNDS.—  
22 Funds may be transferred to the Trustees, and  
23 expended by the Trustees, only for restora-  
24 tion.”.

1 **SEC. 4. CONFORMING AMENDMENT.**

2       The table of contents in section 1(b) of the Energy  
3 Policy Act of 1992 (106 Stat. 2776 et seq.) is amended  
4 by adding after the item relating to section 3021 the fol-  
5 lowing new item:

“Sec. 3022. Stewardship Endowment Fund.”.

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