

**Calendar No. 235**106TH CONGRESS  
1ST SESSION**S. 711****[Report No. 106-124]**

To allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MARCH 24, 1999

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JULY 28, 1999

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To allow for the investment of joint Federal and State funds from the civil settlement of damages from the 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,*

1 **SECTION 1. AMENDMENT OF CONSENT DECREE**

2 (a) PURPOSE.—INVESTMENT OF JOINT TRUST  
 3 FUNDS—Notwithstanding any other provision of law,  
 4 upon the joint motion of the United States and the State  
 5 of Alaska and the issuance of an appropriate order by the  
 6 United States District Court for the District of Alaska,  
 7 the joint trust funds, or any portion thereof, including any  
 8 interest accrued thereon, previously received or to be re-  
 9 ceived by the United States and the State of Alaska pursu-  
 10 ant to the Agreement and Consent Decree issued in  
 11 United States v. Exxon Corporation, et al. (No. A91-082  
 12 CIV) and State of Alaska v. Exxon Corporation, et al.  
 13 (No. A91-083 CIV) (hereafter referred to as the “Consent  
 14 Decree”), may be deposited in—

15 (1) the Natural Resource Damage Assessment  
 16 and Restoration Fund (hereafter referred to as the  
 17 “Fund”) established in title I of the Department of  
 18 the Interior and Related Agencies Appropriations  
 19 Act, 1992 (Public Law 102-154, 43 U.S.C. 147b);

20 (2) accounts outside the United States Treas-  
 21 ury (hereinafter referred to as “outside accounts”);  
 22 or

23 (3) both.

24 Any funds deposited in an outside account shall be in-  
 25 vested in incoming-producing obligations and other instru-  
 26 ments or securities that have been determined unani-

1 mously by the Federal and State natural resource trustees  
2 for the Exxon Valdez oil spill to have a high degree of  
3 reliability and security.

4 (b) Joint trust funds deposited in the Fund or an  
5 outside account that have been approved unanimously by  
6 the trustees for expenditure by or through a State or Fed-  
7 eral agency shall be transferred promptly from the Fund  
8 or the outside account to such agency.

9 (c) The transfer of joint trust funds outside the Court  
10 Registry shall not affect the supervisory jurisdiction of the  
11 District Court under the Consent Decree or the Memo-  
12 randum of Agreement and Consent Decree in United  
13 States v. State of Alaska (No. A91-081-CIV) over all ex-  
14 penditures of the joint trust fund.

15 (d) Nothing herein shall affect the requirement of  
16 section 207 of the Dire Emergency Supplemental Appro-  
17 priations and Transfers for Relief From the Effects of  
18 Natural Disasters, for Other Urgent Needs, and for the  
19 Incremental Cost of "Operation Desert Shield/Desert  
20 Storm" Act of 1992 (Public Law 102-229, U.S.C. 1474b  
21 note) that amounts received by the United States and des-  
22 ignated by the trustees for the expenditure by or through  
23 a Federal agency must be deposited into the Fund.

1       (e) Any interest accrued under the authority in this  
 2 Act shall be used only for a peer reviewed grant program,  
 3 consisting of—

4           (1) marine research, including applied fisheries  
 5 research;

6           (2) monitoring and

7           (3) restoration, other than habitat acquisition,  
 8 and additionally for community and economic res-  
 9 toration projects and facilities (including projects  
 10 proposed by the communities of the EVOS Region  
 11 or the fishing industry).

12       (f) The trustees shall administer grants authorized  
 13 by this Act.

14       (g) The authority provided in this Act shall expire  
 15 on September 30, 2002, unless by September 30, 2001,  
 16 the trustees have submitted to the Congress a report rec-  
 17 ommending a structure the Trustees believe would be most  
 18 effective and appropriate for the administration and ex-  
 19 penditure of remaining funds and interest received. Upon  
 20 the expiration of the authorities granted in this Act all  
 21 monies in the Fund or outside accounts shall be returned  
 22 to the Court Registry.

23 **SECTION 1.**

24       (a) *Notwithstanding any other provision of law and*  
 25 *subject to the provisions of subsections (e) and (g), upon*

1 *the joint motion of the United States and the State of Alas-*  
2 *ka and the issuance of an appropriate order by the United*  
3 *States District Court for the District of Alaska, the joint*  
4 *trust funds, or any portion thereof, including any interest*  
5 *accrued thereon, previously received or to be received by the*  
6 *United States and the State of Alaska pursuant to the*  
7 *Agreement and Consent Decree issued in United States v.*  
8 *Exxon Corporation, et al. (No. A91-082 CIV) and State*  
9 *of Alaska v. Exxon Corporation, et al. (No. A91-083 CIV)*  
10 *(hereafter referred to as the “Consent Decree”), may be de-*  
11 *posited in—*

12           (1) *the Natural Resource Damage Assessment*  
13 *and Restoration Fund (hereafter referred to as the*  
14 *“Fund”) established in title I of the Department of*  
15 *the Interior and Related Agencies Appropriations Act,*  
16 *1992 (Public Law 102-154, 43 U.S.C. 1474b);*

17           (2) *accounts outside the United States Treasury*  
18 *(hereafter referred to as “outside accounts”); or*

19           (3) *both.*

20 *Any funds deposited in an outside account may be invested*  
21 *only in income-producing obligations and other instru-*  
22 *ments or securities that have been determined unanimously*  
23 *by the Federal and State natural resource trustees for the*  
24 *Exxon Valdez oil spill (“trustees”) to have a high degree*  
25 *of reliability and security.*

1           (b) *Joint trust funds deposited in the Fund or an out-*  
2 *side account that have been approved unanimously by the*  
3 *Trustees for expenditure by or through a State or Federal*  
4 *agency shall be transferred promptly from the Fund or the*  
5 *outside account to the State of Alaska or United States*  
6 *upon the joint request of the governments.*

7           (c) *The transfer of joint trust funds outside the Court*  
8 *Registry shall not affect the supervisory jurisdiction of the*  
9 *District Court under the Consent Decree or the Memo-*  
10 *randum of Agreement and Consent Decree in United States*  
11 *v. State of Alaska (No. A91-081-CIV) over all expenditures*  
12 *of the joint trust funds.*

13           (d) *Nothing herein shall affect the requirement of sec-*  
14 *tion 207 of the Dire Emergency Supplemental Appropria-*  
15 *tions and Transfers for Relief From the Effects of Natural*  
16 *Disasters, for Other Urgent Needs, and for the Incremental*  
17 *Cost of "Operation Desert Shield/Desert Storm" Act of 1992*  
18 *(Public Law 102-229, 42 U.S.C. 1474b note) that amounts*  
19 *received by the United States and designated by the trustees*  
20 *for the expenditure by or through a Federal agency must*  
21 *be deposited into the Fund.*

22           (e) *All remaining settlement funds are eligible for the*  
23 *investment authority granted under subsection (a) of this*  
24 *act so long as they are managed and allocated consistent*

1 *with the Resolution of the Trustees adopted March 1, 1999,*  
2 *concerning the Restoration Reserve, as follows:*

3 *(1) \$55 million of the funds remaining on Octo-*  
4 *ber 1, 2002, and the associated earnings thereafter*  
5 *shall be managed and allocated for habitat protection*  
6 *programs including small parcel habitat acquisitions.*

7 *Such sums shall be reduced by—*

8 *(A) the amount of any payments made after*  
9 *the date of enactment of this Act from the Joint*  
10 *Trust Funds pursuant to an agreement between*  
11 *the Trustee Council and Koniag, Inc. which in-*  
12 *cludes those lands which are presently subject to*  
13 *the Koniag Non-Development Easement, includ-*  
14 *ing, but not limited to, the continuation or*  
15 *modification of such Easement; and*

16 *(B) payments in excess of \$6.32 million for*  
17 *any habitat acquisition or protection from the*  
18 *joint trust funds after the date of enactment of*  
19 *this Act and prior to October 1, 2002, other than*  
20 *payments for which the Council is currently obli-*  
21 *gated through purchase agreements with the Ko-*  
22 *diak Island Borough, Afognak Joint Venture and*  
23 *the Eyak Corporation.*

1           (2) *All other funds remaining on October 1,*  
2           *2002, and the associated earnings shall be used to*  
3           *fund a program, consisting of—*

4                   (A) *marine research, including applied fish-*  
5                   *eries research;*

6                   (B) *monitoring; and*

7                   (C) *restoration, other than habitat acquisi-*  
8                   *tion, which may include community and eco-*  
9                   *nomical restoration projects and facilities (includ-*  
10                   *ing projects proposed by the communities of the*  
11                   *EVOS Region or the fishing industry), consistent*  
12                   *with the Consent Decree.*

13           (f) *The Federal trustees and the State trustees, to the*  
14           *extent authorized by State law, are authorized to issue*  
15           *grants as needed to implement this program.*

16           (g) *The authority provided in this Act shall expire on*  
17           *September 30, 2002, unless by September 30, 2001, the*  
18           *Trustees have submitted to the Congress a report recom-*  
19           *mending a structure the Trustees believe would be most ef-*  
20           *fective and appropriate for the administration and expendi-*  
21           *ture of remaining funds and interest received. Upon the ex-*  
22           *piration of the authorities granted in this Act all monies*  
23           *in the Fund or outside accounts shall be returned to the*  
24           *Court Registry or other account permitted by law.*



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106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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## **A BILL**

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