

Editorial Notes

AMENDMENTS

2002—Par. (2). Pub. L. 107-295 substituted “Transportation and Infrastructure” for “Merchant Marine and Fisheries”.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 2735. Equipment and personnel requirements under tank vessel and facility response plans**(a) In general**

In addition to the requirements for response plans for vessels established by section 1321(j) of this title, a response plan for a tanker loading cargo at a facility permitted under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.), and a response plan for such a facility, shall provide for—

(1) prepositioned oil spill containment and removal equipment in communities and other strategic locations within the geographic boundaries of Prince William Sound, including escort vessels with skimming capability; barges to receive recovered oil; heavy duty sea boom, pumping, transferring, and lightering equipment; and other appropriate removal equipment for the protection of the environment, including fish hatcheries;

(2) the establishment of an oil spill removal organization at appropriate locations in Prince William Sound, consisting of trained personnel in sufficient numbers to immediately remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater;

(3) training in oil removal techniques for local residents and individuals engaged in the cultivation or production of fish or fish products in Prince William Sound;

(4) practice exercises not less than 2 times per year which test the capacity of the equipment and personnel required under this paragraph; and

(5) periodic testing and certification of equipment required under this paragraph, as required by the Secretary.

(b) Definitions

In this section—

(1) the term “Prince William Sound” means all State and Federal waters within Prince William Sound, Alaska, including the approach to Hinchinbrook Entrance out to and encompassing Seal Rocks; and

(2) the term “worst case discharge” means—

(A) in the case of a vessel, a discharge in adverse weather conditions of its entire cargo; and

(B) in the case of a facility, the largest foreseeable discharge in adverse weather conditions.

(Pub. L. 101-380, title V, § 5005, Aug. 18, 1990, 104 Stat. 553; Pub. L. 102-388, title III, § 354, Oct. 6, 1992, 106 Stat. 1555.)

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REFERENCES IN TEXT

The Trans-Alaska Pipeline Authorization Act, referred to in subsec. (a), is title II of Pub. L. 93-153, Nov. 16, 1973, 87 Stat. 584, which is classified generally to chapter 34 (§1651 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1651 of Title 43 and Tables.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-388 substituted “tanker loading cargo at” for “tank vessel operating on Prince William Sound, or” and directed the insertion of “and a response plan for such a facility,” after “(43 U.S.C. 1651 et seq.).”, which was executed by making the insertion after “(43 U.S.C. 1651 et seq.),” to reflect the probable intent of Congress.

§ 2736. Funding**(a) Sections 2731, 2733, and 2734**

Amounts in the Fund shall be available, without further appropriations and without fiscal year limitation, to carry out section 2731 of this title in the amount as determined in subsection (b), and to carry out sections 2733 and 2734 of this title, in an amount not to exceed \$5,000,000.

(b) Use of interest only

The amount of funding to be made available annually to carry out section 2731 of this title shall be the interest produced by the Fund’s investment of the \$22,500,000 remaining funding authorized for the Prince William Sound Oil Spill Recovery Institute and currently deposited in the Fund and invested by the Secretary of the Treasury in income producing securities along with other funds comprising the Fund. The National Pollution Funds Center shall transfer all such accrued interest, including the interest earned from the date funds in the Trans-Alaska Liability Pipeline Fund were transferred into the Oil Spill Liability Trust Fund pursuant to section 8102(a)(2)(B)(ii), to the Prince William Sound Oil Spill Recovery Institute annually, beginning 60 days after October 19, 1996.

(c) Use for section 2712

Beginning 1 year after the date on which the Secretary, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in the State of Alaska have ceased, the funding authorized for the Prince William Sound Oil Spill Recovery Institute and deposited in the Fund shall thereafter be made available for purposes of section 2712 of this title in Alaska.

(d) Section 2738

Amounts in the Fund shall be available, without further appropriation and without fiscal year limitation, to carry out section 2738(b) of this title, in an annual amount not to exceed \$5,000,000 of which up to \$3,000,000 may be used for the lease payment to the Alaska SeaLife Center under section 2738(b)(2) of this title: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pur-

suant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended [2 U.S.C. 901(b)(2)(A)]: *Provided further*, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(Pub. L. 101-380, title V, § 5006, Aug. 18, 1990, 104 Stat. 554; Pub. L. 104-324, title XI, § 1102(b), Oct. 19, 1996, 110 Stat. 3965; Pub. L. 106-246, div. B, title II, § 2204(2), July 13, 2000, 114 Stat. 547; Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(c)(1)(C)], Dec. 21, 2000, 114 Stat. 2763, 2763A-239; Pub. L. 108-293, title VII, § 704, Aug. 9, 2004, 118 Stat. 1075; Pub. L. 109-58, title III, § 389(2), Aug. 8, 2005, 119 Stat. 747; Pub. L. 109-59, title IV, § 4413, Aug. 10, 2005, 119 Stat. 1779; Pub. L. 109-241, title IX, § 901(j), July 11, 2006, 120 Stat. 564.)

Editorial Notes

REFERENCES IN TEXT

Section 8102(a)(2)(B)(ii), referred to in subsec. (b), is section 8102(a)(2)(B)(ii) of Pub. L. 101-380, title VIII, Aug. 18, 1990, 104 Stat. 565, which is set out as a note under section 1653 of Title 43, Public Lands.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (d), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-241, which directed the insertion of a comma after “October 1, 2012”, could not be executed because “October 1, 2012” did not appear subsequent to amendment by Pub. L. 109-58. See 2005 Amendment note below.

2005—Subsec. (c). Pub. L. 109-58 substituted “1 year after the date on which the Secretary, in consultation with the Secretary of the Interior, determines that oil and gas exploration, development, and production in the State of Alaska have ceased,” for “October 1, 2012”.

Subsec. (d). Pub. L. 109-59, which directed insertion of “annual” before “amount”, was executed by making the insertion before “amount not to exceed”, to reflect the probable intent of Congress.

2004—Subsecs. (c), (d). Pub. L. 108-293 in subsec. (c) relating to section 2712, substituted “October 1, 2012” for “with the eleventh year following October 19, 1996,” and redesignated subsec. (c) relating to section 2738 as (d).

2000—Subsec. (c). Pub. L. 106-554 inserted “of which up to \$3,000,000 may be used for the lease payment to the Alaska SeaLife Center under section 2738(b)(2) of this title” after “\$5,000,000” in subsec. (c) relating to section 2738.

Pub. L. 106-246 added subsec. (c) relating to section 2738.

1996—Subsec. (a). Pub. L. 104-324, § 1102(b)(1)-(3), redesignated subsec. (b) as (a), substituted “2731, 2733,” for “2733” in heading, inserted “to carry out section 2731 of this title in the amount as determined in sub-

section (b), and” after “limitation,” and struck out heading and text of former subsec. (a). Text read as follows: “Amounts in the Fund shall be available, subject to appropriations, and shall remain available until expended, to carry out section 2731 of this title as follows:

“(1) \$5,000,000 shall be available for the first fiscal year beginning after August 18, 1990.

“(2) \$2,000,000 shall be available for each of the 9 fiscal years following the fiscal year described in paragraph (1).”

Subsecs. (b), (c). Pub. L. 104-324, § 1102(b)(4), added subsecs. (b) and (c). Former subsec. (b) redesignated (a).

Statutory Notes and Related Subsidiaries

INVESTMENT AMOUNT

Pub. L. 112-213, title VII, § 710, Dec. 20, 2012, 126 Stat. 1581, provided that: “Not later than 30 days after the date of enactment of this Act [Dec. 20, 2012], the Secretary of the Treasury shall increase the \$22,500,000 invested in income-producing securities for purposes of section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by \$12,851,340.”

§ 2737. Limitation

Notwithstanding any other law, tank vessels that have spilled more than 1,000,000 gallons of oil into the marine environment after March 22, 1989, are prohibited from operating on the navigable waters of Prince William Sound, Alaska.

(Pub. L. 101-380, title V, § 5007, Aug. 18, 1990, 104 Stat. 554.)

§ 2738. North Pacific Marine Research Institute

(a) Institute established

The Secretary of Commerce shall establish a North Pacific Marine Research Institute (hereafter in this section referred to as the “Institute”) to be administered at the Alaska SeaLife Center by the North Pacific Research Board.

(b) Functions

The Institute shall—

(1) conduct research and carry out education and demonstration projects on or relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge; and

(2) lease, maintain, operate, and upgrade the necessary research equipment and related facilities necessary to conduct such research at the Alaska SeaLife Center.

(c) Evaluation and audit

The Secretary of Commerce may periodically evaluate the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section. The Federal Advisory Committee Act [5 U.S.C. App.] shall not apply to the Institute.

(d) Status of employees

Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

(e) Use of funds

No funds made available to carry out this section may be used to initiate litigation, or for