

Appendix A – OSRI Grant Policy Manual

PUBLIC LAW 101-380 - AUG. 17, 1990 TITLE V- PRINCE WILLIAM SOUND PROVISIONS Sec. 5001 OIL SPILL RECOVERY INSTITUTE

**NOTE: This includes amendments by Congress in 1996, 2004 and 2005.*

Sec. 5001 OIL SPILL RECOVERY INSTITUTE

a) ESTABLISHMENT OF THE INSTITUTE -

The Secretary of Commerce shall provide for the establishment of a Prince William Sound Oil Spill Recovery Institute (hereinafter in this section referred to as the "Institute") through the Prince William Sound Science Technology Institute located in Cordova, Alaska.

b) FUNCTIONS-

The Institute shall conduct research and carry out educational and demonstration projects designed to-

- 1) identify and develop the best available techniques, equipment, and materials for dealing with oil spills in the Arctic and subarctic marine environment; and
- 2) complement Federal and State damage assessment efforts and determine, document, assess, and understand the long range effects of Arctic or subarctic oil spills on the natural resources of Prince William Sound and its adjacent waters (as generally depicted on the map entitled "Arctic or subarctic oil spills dated March 1990"), and the environment, the economy, and the lifestyle and well-being of the people who are dependent on them, except that the Institute shall not conduct studies or make recommendations on any matter which is not directly related to Arctic or subarctic oil spills or the effects thereof.

c) ADVISORY BOARD-

1) In general - The policies of the Institute shall be determined by an advisory board, composed of 16 members appointed as follows:

A) One representative appointed by each of the Commissioners of Fish and Game, Environmental Conservation, and Natural Resources, of the State of Alaska, all of whom shall be State employees.

B) One representative appointed by each of the Secretaries of Commerce, the Interior, and Transportation, who shall be Federal employees.

C) Two representatives from the fishing industry appointed by the Governor of the State of Alaska from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill, who shall serve terms of 2 years each. Interested organizations from within the fishing industry may submit the names of qualified individuals for consideration by the Governor.

D) Two Alaska Natives who represent Native entities affected by the EXXON VALDEZ oil spill, at least one of whom represents an entity located in Prince William Sound, appointed by the Governor of Alaska from a list of 4 qualified individuals submitted by the Alaska Federation of Natives, who shall serve terms of 2 years each.

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E) Two representatives from the oil and gas industry to be appointed by the Governor of the State of Alaska who shall serve terms of 2 years each. Interested organizations from within the oil and gas industry may submit the names of qualified individuals for consideration by the Governor.

F) Two at-large representatives from among residents of communities in Alaska that were affected by the EXXON VALDEZ oil spill who are knowledgeable about the marine environment and wildlife within Prince William Sound, and who shall serve terms of 2 years each, appointed by the remaining members of the Advisory Board. Interested parties may submit the names of qualified individuals for consideration by the Advisory Board;

G) One nonvoting representative of the Institute of Marine Science.

H) One nonvoting representative appointed by the Prince William Sound Science and Technology Institute.

2) CHAIRMAN -

The representative of the Secretary of Commerce shall serve as Chairman of the Advisory Board.

3) POLICIES -

Policies determined by the Advisory Board under this subsection shall include policies for the conduct and support, through contracts and grants awarded on a nationally competitive basis, of research, projects, and studies to be supported by the Institute in accordance with the purposes of this section.

4) SCIENTIFIC REVIEW -

The Advisory Board may request a scientific review of the research program every five years by the National Academy of Sciences which shall perform the review, if requested, as part of its responsibilities under section 7001 (b) (2).

d) SCIENTIFIC AND TECHNICAL COMMITTEE -

1) IN GENERAL -

The Advisory Board shall establish a scientific and technical committee, composed of specialists in matters relating to oil spill containment and cleanup technology, Arctic and subarctic marine ecology, and the living resources and socioeconomics of Prince William Sound and its adjacent waters, from the University of Alaska, the Institute of Marine Science, the Prince William Sound Science and Technology Institute, and elsewhere in the academic community.

2) FUNCTIONS -

The Scientific and Technical Committee shall provide such advice to the Advisory Board as the Advisory Board shall request, including recommendations regarding the conduct and support of research, projects and studies in accordance with the purposes of this section. The Advisory Board shall not request, and the Committee shall not provide, any advice which is not directly related to Arctic or subarctic oil spills or the effects thereof.

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e) DIRECTOR -

The Institute shall be administered by a Director appointed by the Advisory Board. The Prince William Sound Science and Technology Institute and the Scientific and Technical Committee may each submit independent recommendations for the Advisory Board's consideration for appointment as Director. The Director may hire such staff and incur such expenses on behalf of the Institute as are authorized by the Advisory Board.

f) EVALUATION -

The Secretary of Commerce may conduct an ongoing evaluation of the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section.

g) AUDIT -

The Comptroller General of the United States, and any of his or her duty authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the Institute and its administering agency that are pertinent to the funds received and expended by the Institute and its administering agency.

h) STATUS OF EMPLOYEES -

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

i) TERMINATION-

The authorization in section 5006 (b) providing funding for the Institute shall terminate one 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.

j) USE OF FUNDS -

No funds made available to carry out this section may be used to initiate litigation. No funds made available to carry out this section may be used for the acquisition of real property including buildings) or construction of any building. No more than 20 percent of funds made available to carry out this section may be used to lease necessary facilities and to administer the Institute. The Advisory Board may compensate its Federal representatives for their reasonable travel costs. None of the funds authorized by this section shall be used for any purpose other than the functions specified in subsection (b).

k) RESEARCH -

The Institute shall publish and make available to any person upon request the results of all research, educational, and demonstration projects conducted by the Institute. The Administrator shall provide a copy of all research, educational, and demonstration projects conducted by the Institute to the National Oceanic and Atmospheric Administration.

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1) DEFINITION -

In this section, the term "Prince William Sound and its adjacent waters" means such sound and waters as generally depicted on the map entitled "EXXON VALDEZ" oil spill dated March 1990".