



September 29, 2000

The Honorable John McCain
Chairman, Committee on Commerce,
Science and Transportation
United States Senate
Washington, D.C. 20510-6125

Dear Senator McCain:

This provides the views of the Department of Commerce on H.R. 3417, the "Pribilof Islands Transition Act" (the Act), as passed by the House. The Department had previously expressed several major concerns about the Act as reported by the Committee on Resources on March 15, 2000.

The bill as passed by the House addresses and resolves many of these substantive concerns. The Department appreciates the Committee's cooperation in continuing to work to address its concerns, is encouraged by the progress made, and looks forward to seeking additional improvements as the bill moves through the legislative process. We also look forward to working with you to resolve a few remaining policy issues. I have included our suggested language changes in an enclosure.

Thank you for your consideration. The Office of Management and Budget has advised that there is no objection to transmittal of this letter from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Dorskind".

James A. Dorskind
Acting General Counsel

Enclosure

cc: The Honorable Ernest F. Hollings

SUGGESTED CHANGES TO H.R. 3417, THE "PRIBILOF ISLANDS
TRANSITION ACT"

Amend Paragraph 206(b)(2) -- Transfer of Funds

As currently drafted, section 206(b)(2) would require the Secretary of Commerce to transfer funds appropriated for solid waste facilities to Alaska using the statutory authority in section 303 of the Safe Drinking Water Act Amendments of 1996. Section 303 provides for building public water systems and wastewater treatment facilities, not solid waste facilities. Consequently, Alaska would not be able to use the funds for solid waste facilities. Section 206(b)(1) of the bill gives the Department of Commerce adequate authority to award grants to Alaska for solid waste facilities. There is no discernable reason for Congress to appropriate funds for solid waste and give the Department of Commerce the authority toward those funds to Alaska for that purpose and simultaneously require the Department of Commerce to transfer all of the funds to the Environmental Protection Agency for a wholly different purpose under the Safe Drinking Water Act Amendment of 1996 (PL 104-182). Therefore, we recommend amending paragraph (2) of subsection 206(b) as follows:

206(b)(2) TRANSFER. The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for ~~obligation award~~ under section 303 of Public Law 104-182, except that, the transferred appropriations may be used for making grants for municipal solid waste facilities, and subsection (b) of ~~that~~ section 303 shall not apply to those funds.

Amend Subsections 206(b) and (e) to Clarify the Nature of Federal Financial Assistance and to Clarify that Immunity Applies only to the Provision of Such Financial Assistance

To clarify that the grant of immunity in subsection 206(e) applies to the Department of Commerce's provision of financial assistance under this section, in subsection 206(e), insert "solely" before the phrase "as a consequence" and insert "financial" before the word "assistance", so that the subsection would read as follows:

(e) IMMUNITY FROM LIABILITY. -- Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands solely as a consequence of having provided financial assistance to the state of Alaska under subsection (b).

Similarly, in paragraph (1) of subsection (b), insert "financial" before the word "assistance", so that paragraph (b)(1) would read as follows:

(b)(1) IN GENERAL. -- Subject to the availability of appropriations, the Secretary shall provide financial assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.