

H. R. 12983  
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CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE  
SUBCOMMITTEE ON ENERGY AND POWER  
WASHINGTON, D.C. 20515

September 15, 1976

SEP 15 1976

*File*M E M O R A N D U M

TO: Members, Subcommittee on Energy and Power

FROM: John D. Dingell

Attached is a Committee Print containing the text of the Alaska natural gas pipeline bill in its current form.

This legislation may be called before the Full Commerce Committee as early as Thursday, September 16.

Attachment

By Page

# [COMMITTEE PRINT]

SEPTEMBER 15, 1976

Showing S. 3521, As Reported by the Subcommittee on Energy  
and Power on September 13, 1976

94TH CONGRESS  
2D SESSION

## S. 3521

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IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1976

Referred jointly to the Committees on Interstate and Foreign Commerce and  
Interior and Insular Affairs

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

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## AN ACT

To expedite a decision on the delivery of Alaska natural gas to  
United States markets, 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 ~~—SHORT TITLE—~~

4 ~~This Act may be cited as the "Alaska Natural Gas~~  
5 ~~Transportation Act of 1976".~~

6 ~~—CONGRESSIONAL FINDINGS—~~

7 ~~Sec. 2. The Congress finds and declares that—~~

8 ~~(a) a natural gas supply shortage exists in the~~  
9 ~~United States;~~



~~(b) large reserves of natural gas in the State of Alaska could help significantly to alleviate this supply shortage;~~

~~(c) the construction of a viable natural gas transportation system for delivery of Alaska natural gas to other States is in the national interest; and~~

~~(d) alternative systems for transporting Alaska natural gas to other States have been proposed, and the selection of a system, if any, involves critical questions of national energy policy, international relations, national security, and economic and environmental impact, and therefore should appropriately be addressed by the Congress of the United States and the executive branch, in addition to the Federal Power Commission.~~

#### ~~STATEMENT OF PURPOSE~~

~~SEC. 3. The purpose of this Act is to expedite a sound decision as to the selection and construction of a natural gas transportation system for delivery of Alaska natural gas to other States through establishment of new administrative and judicial procedures. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made, in limiting judicial review of the actions taken pursuant thereto.~~

#### ~~DEFINITIONS~~

~~SEC. 4. As used in this Act—~~

~~(a) the term "Alaska natural gas" means natural gas derived from the area of the State of Alaska generally known as the North Slope of Alaska, including the Continental Shelf thereof;~~

~~(b) the term "Commission" means the Federal Power Commission; and~~

~~(c) the term "Secretary" means the Secretary of the Interior.~~

#### ~~FEDERAL POWER COMMISSION REVIEW AND REPORTS~~

~~SEC. 5. (a) (1) Notwithstanding the provisions of the Natural Gas Act (15 U.S.C. 717-717w), all pending proceedings before the Commission relating to the transportation of Alaska natural gas shall be governed by this Act, and the procedures established and authorized hereunder shall govern actions by the Commission with respect to review of applications and reasonable alternatives relating to the transportation of Alaska natural gas to other States.~~

~~(2) The Commission, in the exercise of its discretion, shall establish such rules and procedures as it deems appropriate to carry out its responsibilities under this Act with respect to review of applications and reasonable alternatives relating to the transportation of Alaska natural gas to other~~



~~1 States. Such rules and procedures shall supersede rules or~~  
~~2 procedures that would otherwise have obtained under the~~  
~~3 Natural Gas Act (15 U.S.C. 717-717w) and the Adminis-~~  
~~4 trative Procedure Act (5 U.S.C. 522).~~

~~5 (3) Any certificate of public convenience and necessity~~  
~~6 related to the transportation of Alaska natural gas from the~~  
~~7 State of Alaska to other States shall be issued by the Com-~~  
~~8 mission in accordance with section 9 of this Act.~~

~~9 (4) The provisions of the Natural Gas Act shall apply~~  
~~10 to the extent they are not inconsistent, as determined by~~  
~~11 the Commission, with this Act.~~

~~12 (b) The Commission may request such information and~~  
~~13 assistance from any Federal agency as it deems necessary~~  
~~14 and appropriate regarding the transportation of Alaska~~  
~~15 natural gas. All Federal agencies requested to submit~~  
~~16 information shall submit such information to the Commission~~  
~~17 at the earliest possible time after receipt of a Commission~~  
~~18 request.~~

~~19 (c) The Commission, pursuant to rules and procedures~~  
~~20 established under paragraph (2) of subsection (a) of this~~  
~~21 section, is hereby directed to review all applications pending~~  
~~22 on the date of enactment of this Act, and any subsequent~~  
~~23 amendments thereto, as well as other reasonable alternatives,~~  
~~24 as determined by the Commission, for the transportation of~~  
~~25 Alaska natural gas to other States, and to transmit a recom-~~

~~1 mendation concerning an Alaska natural gas transportation~~  
~~2 system to the President by March 1, 1977. Such recommen-~~  
~~3 dation may be in the form of a proposed certificate of public~~  
~~4 convenience and necessity, or such other form as the Com-~~  
~~5 mission deems appropriate, and may include a recommenda-~~  
~~6 tion that approval of a transportation system be delayed. Any~~  
~~7 recommendation for the construction of a system shall: (1)~~  
~~8 include a description of the route and major facilities; and~~  
~~9 (2) designate a party to construct and operate such a system.~~

~~10 (d) In making its recommendation, the Commission~~  
~~11 shall consider, and its report shall include, for each trans-~~  
~~12 portation system under review, a discussion of the following~~  
~~13 factors:~~

~~14 (i) projected natural gas supply and demand for~~  
~~15 all regions of the United States, including an analysis~~  
~~16 of—~~

~~17 (A) the economic deliverability of Alaska nat-~~  
~~18 ural gas directly, by displacement, or otherwise;~~  
~~19 and~~

~~20 (B) the regional availability of alternative fuel~~  
~~21 supplies if adequate supplies of natural gas are not~~  
~~22 available;~~

~~23 (ii) transportation costs over its economic life,~~  
~~24 including an analysis of—~~



- 1 ~~(A) anticipated tariffs, and~~
- 2 ~~(B) delivered prices for Alaska natural gas in~~
- 3 ~~each affected region of the country;~~
- 4 ~~(iii) the extent to which it provides access for the~~
- 5 ~~transportation to the United States of natural resources~~
- 6 ~~or other commodities from sources in addition to the~~
- 7 ~~Prudhoe Bay Reserve;~~
- 8 ~~(iv) environmental impacts;~~
- 9 ~~(v) safety and efficiency in design and operation~~
- 10 ~~and potential for interruption in the supply of natural~~
- 11 ~~gas;~~
- 12 ~~(vi) construction schedules and other possibilities~~
- 13 ~~for delay;~~
- 14 ~~(vii) feasibility of financing;~~
- 15 ~~(viii) extent of reserves, both proven and probable,~~
- 16 ~~and their deliverability;~~
- 17 ~~(ix) the estimate of the total delivered cost to con-~~
- 18 ~~sumers of the natural gas to be transported by the~~
- 19 ~~system;~~
- 20 ~~(x) capability and cost of expanding the system to~~
- 21 ~~transport additional volumes of natural gas in excess of~~
- 22 ~~initial system capacity; and~~
- 23 ~~(xi) such other factors as the Commission deems~~
- 24 ~~appropriate.~~

1 ~~(e) The recommendation by the Commission pursuant~~  
 2 ~~to this section shall not be based upon the fact that the Gov-~~  
 3 ~~ernment of Canada or agencies thereof have not by then~~  
 4 ~~rendered a decision as to authorization of a pipeline system~~  
 5 ~~to transport Alaska natural gas through Canada.~~

6 ~~(f) The Commission's recommendation shall be accom-~~  
 7 ~~panied by a report, which shall be made public, explaining~~  
 8 ~~the basis of its recommendation, including specific reference~~  
 9 ~~to the factors described in subsection (d) of this section.~~

10 ~~(g) Within 20 days of the transmittal of the President's~~  
 11 ~~decision to the Congress pursuant to section 7, the Commis-~~  
 12 ~~sion shall issue a report, which shall be made public, com-~~  
 13 ~~menting on the decision and including any information~~  
 14 ~~with regard to that decision which the Commission deems~~  
 15 ~~appropriate.~~

#### 16 ~~OTHER REPORTS~~

17 ~~SEC. 6. (a) By April 1, 1977, any agency may submit~~  
 18 ~~a report to the President with respect to the recommenda-~~  
 19 ~~tion of the Commission and the alternative methods for~~  
 20 ~~delivering Alaska natural gas to other States. Such reports~~  
 21 ~~shall be made public when submitted to the President, unless~~  
 22 ~~expressly exempted from this requirement by the President,~~  
 23 ~~and shall include information within the competence of such~~  
 24 ~~agency with respect to—~~



~~1. (i) environmental considerations, including air and~~  
~~2. water quality and noise impacts;~~  
~~3. (ii) the safety of the transportation systems;~~  
~~4. (iii) international relations, including the status~~  
~~5. and time schedule for any necessary Canadian ap-~~  
~~6. provals and plans;~~  
~~7. (iv) national security, particularly security of~~  
~~8. supply;~~  
~~9. (v) sources of financing for capital costs;~~  
~~10. (vi) impact on the national economy including~~  
~~11. regional natural gas requirements; and~~  
~~12. (vii) relationship of the proposed transportation~~  
~~13. system to other aspects of national energy policy.~~  
~~14. (b) By April 1, 1977, the Governor of any State, any~~  
~~15. municipality or State utility commission, and any other in-~~  
~~16. terested person may submit to the President such reports,~~  
~~17. recommendations and comments with respect to the recom-~~  
~~18. mendation of the Commission and alternative systems for~~  
~~19. delivering Alaska natural gas to other States as they deem~~  
~~20. appropriate.~~  
~~21. PRESIDENTIAL DECISION AND REPORT~~  
~~22. SEC. 7. (a) (1) As soon as possible after receipt of the~~  
~~23. recommendation, reports, and comments pursuant to sections~~  
~~24. 5 and 6 of this Act, but not later than July 1, 1977, the~~  
~~25. President shall issue a decision as to which system for trans-~~

~~1. portation of Alaska natural gas, if any, shall be approved.~~  
~~2. The President in making his decision on the natural gas~~  
~~3. transportation system shall take into consideration the Com-~~  
~~4. mission's recommendation pursuant to section 5, the factors~~  
~~5. set forth in section 5(d), and the reports provided for in~~  
~~6. section 6, and his decision shall be based on his determina-~~  
~~7. tion as to which system, if any, best serves the national~~  
~~8. interest.~~  
~~9. (2) If the President's decision pursuant to this section~~  
~~10. designates a system for the transportation of Alaska natural~~  
~~11. gas, such decision shall provide for—~~  
~~12. (A) a process by which disputes among agencies~~  
~~13. and by which administrative appeals from agency deci-~~  
~~14. sions may be resolved in an expeditious manner;~~  
~~15. (B) the designation of an official of the United~~  
~~16. States to serve as Federal inspector and coordinator of~~  
~~17. construction of the Alaska natural gas transportation~~  
~~18. system. The Federal inspector shall—~~  
~~19. (i) assure compliance with applicable laws and~~  
~~20. the terms and conditions of any applicable certificate~~  
~~21. of public convenience and necessity, rights-of-way,~~  
~~22. permits, leases or other authorizations in accordance~~  
~~23. with section 11 of this Act;~~  
~~24. (ii) assure adequate control of construction.~~



1 ~~quality of workmanship, environmental impact, and~~  
2 ~~cost;~~

3 ~~(iii) have the power to compel, by subpoena if~~  
4 ~~necessary, submission of such information as he~~  
5 ~~deems necessary to carry out his responsibilities;~~  
6 ~~and~~

7 ~~(iv) keep the President and the Congress cur-~~  
8 ~~rently informed on any significant departures from~~  
9 ~~compliance and issue quarterly reports to the Presi-~~  
10 ~~dent and the Congress concerning existing or po-~~  
11 ~~tential construction difficulties and the extent to~~  
12 ~~which quality control, safety, and environmental~~  
13 ~~protection objectives have been achieved.~~

14 ~~(3) The President's decision pursuant to this section~~  
15 ~~may provide for the establishment of a special administrative~~  
16 ~~review process to assure that the actions of Federal officers~~  
17 ~~under this Act for which judicial review is limited may be~~  
18 ~~reviewed administratively to assure they are reasonable and~~  
19 ~~in the public interest. Any such review under such process~~  
20 ~~shall not exceed 45 days and shall be subject to section 10~~  
21 ~~of this Act.~~

22 ~~(4) For fiscal year 1978 and each succeeding year,~~  
23 ~~there are hereby authorized to be appropriated such sums~~  
24 ~~as may be necessary to carry out the functions delegated to~~  
25 ~~the Federal inspector.~~

1 ~~(5) Consistent with the provisions of this Act, the~~  
2 ~~Natural Gas Act and other applicable law, the President's~~  
3 ~~decision shall contain such terms and conditions as he deems~~  
4 ~~appropriate for inclusion in any certificate issued pursuant~~  
5 ~~to this Act. The President shall identify the legal authority~~  
6 ~~pursuant to which any such term or condition is included.~~  
7 ~~No such term or condition shall be included unless the Presi-~~  
8 ~~dent has identified such legal authority.~~

9 ~~(b) The decision of the President made pursuant to~~  
10 ~~subsection (a) of this section shall be transmitted immedi-~~  
11 ~~ately to the Senate and the House of Representatives on the~~  
12 ~~first day that both are in session, and such decision shall be~~  
13 ~~accompanied by a report explaining in detail the basis for~~  
14 ~~his decision with specific reference to the factors set forth~~  
15 ~~in sections 5 (d) and 6 (a), and the reasons for any revision,~~  
16 ~~modification or substitution of the Commission recommen-~~  
17 ~~dation.~~

18 ~~(c) The report of the President pursuant to subsection~~  
19 ~~(b) of this section shall contain a financial analysis for the~~  
20 ~~transportation system chosen by him. Unless the President~~  
21 ~~states in his findings pursuant to this subsection that he can~~  
22 ~~reasonably anticipate that the system chosen by him can be~~  
23 ~~privately financed, constructed, and operated, his report~~  
24 ~~shall also be accompanied by his recommendation concerning~~



~~1 the use of existing Federal financing authority or the need~~  
~~2 for new Federal financing authority.~~

~~3 (d) In making his decision the President shall inform~~  
~~4 himself, through appropriate consultation, of the views and~~  
~~5 objectives of the several States and the Government of Can-~~  
~~6 ada with respect to those aspects of such a decision that may~~  
~~7 involve intergovernmental and international cooperation be-~~  
~~8 tween the Government of the United States and the Govern-~~  
~~9 ment of Canada.~~

~~10 (e) The decision of the President shall become final as~~  
~~11 provided in section 8.~~

#### ~~12 CONGRESSIONAL REVIEW~~

~~13 SEC. 8. (a) The decision concerning an Alaska natural~~  
~~14 gas transportation system by the President shall become final~~  
~~15 upon enactment of a joint resolution in the form described in~~  
~~16 subsection (d) of this section within the first period of 60~~  
~~17 calendar days of continuous session of Congress after the~~  
~~18 date of receipt by the Senate and House of Representatives.~~

~~19 (b) If the Congress does not enact a joint resolution~~  
~~20 within such 60 day period, the President, within 30 days~~  
~~21 of such failure to enact a joint resolution, may propose a~~  
~~22 new decision and shall provide a detailed statement concern-~~  
~~23 ing the reasons for such proposal. The new decision, together~~  
~~24 with a statement of the reasons therefor, shall be transmitted~~  
~~25 to the House of Representatives and the Senate on the same~~

~~1 day while both are in session and shall become final pur-~~  
~~2 suant to subsection (a) of this section.~~

~~3 (c) For purposes of this section—~~

~~4 (1) continuity of session of Congress is broken only~~  
~~5 by an adjournment sine die; and~~

~~6 (2) the days on which either House is not in session~~  
~~7 because of an adjournment of more than 3 days to a day~~  
~~8 certain are excluded in the computation of the 60-day~~  
~~9 calendar period.~~

~~10 (d) (1) This subsection is enacted by Congress—~~

~~11 (A) as an exercise of the rulemaking power of the~~  
~~12 Senate and the House of Representatives, respectively,~~  
~~13 and as such it is deemed a part of the rules of each~~  
~~14 House, respectively, but applicable only with respect to~~  
~~15 the procedure to be followed in that House in the case~~  
~~16 of resolutions described by paragraph (2) of this sub-~~  
~~17 section; and it supersedes other rules only to the extent~~  
~~18 that it is inconsistent therewith;~~

~~19 (B) with full recognition of the constitutional right~~  
~~20 of either House to change the rules (so far as relating to~~  
~~21 the procedure of that House) at any time, in the same~~  
~~22 manner and to the same extent as in the case of any~~  
~~23 other rule of the House.~~

~~24 (2) For purposes of this subsection, the term "resolu-~~



tion" means only a joint resolution passed by each House, the resolving clause of which is as follows: "That the House and Senate approve the Presidential decision on an Alaska natural gas transportation system submitted to the Congress on \_\_\_\_\_, 19\_\_\_\_, and find that any required final environmental impact statements issued in connection with that decision are in compliance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.)". The blank space therein being filled with the date on which the President transmits his decision to the House and Senate.

(3) A resolution once introduced with respect to a Presidential decision on an Alaska natural gas transportation system shall be referred to a committee (and all resolutions with respect to the same Presidential decision on an Alaska natural gas transportation system shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4) (A) If the committee to which a resolution with respect to a Presidential decision on an Alaska natural gas transportation system has been referred has not reported it at the end of 30 calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to such Presidential decision on an Alaska natural

gas transportation system which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same Presidential decision on an Alaska natural gas transportation system), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential decision on an Alaska natural gas transportation system.

(5) (A) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.



~~1 (B) Debate on the resolution referred to in subpara-~~  
~~2 graph (A) of this paragraph shall be limited to not more~~  
~~3 than 10 hours, which shall be divided equally between those~~  
~~4 favoring and those opposing such resolution. A motion fur-~~  
~~5 ther to limit debate shall not be debatable. An amendment to,~~  
~~6 or motion to recommit the resolution shall not be in order, and~~  
~~7 it shall not be in order to move to reconsider the vote by~~  
~~8 which such resolution was agreed to or disagreed to.~~

~~9 (6) (A) Motions to postpone, made with respect to the~~  
~~10 discharge from committee, or the consideration of a resolu-~~  
~~11 tion and motions to proceed to the consideration of other busi-~~  
~~12 ness, shall be decided without debate.~~

~~13 (B) Appeals from the decision of the Chair relating to~~  
~~14 the application of the rules of the Senate or the House of~~  
~~15 Representatives, as the case may be, to the procedures relat-~~  
~~16 ing to a resolution shall be decided without debate.~~

~~17 (c) Prior to the transmittal to the Senate and House~~  
~~18 of Representatives of the President's decision pursuant to~~  
~~19 section 7 (b) the President must find that all final environ-~~  
~~20 mental impact statements on the Alaska natural gas trans-~~  
~~21 portation system proposed by the President has been pre-~~  
~~22 pared. To meet the requirements of this section the President~~  
~~23 may supplement the impact statements prepared by the Com-~~  
~~24 mission or other appropriate Federal agencies. If the Presi-~~  
~~25 dent selects an Alaska natural gas transportation system for~~

~~1 which no required final environmental impact statement has~~  
~~2 been prepared, the President may delay his transmittal to~~  
~~3 the House and Senate for up to 90 additional days for the~~  
~~4 purpose of supplementing or preparing any required final~~  
~~5 environmental impact statement.~~

~~6 (f) Within 20 days of the transmittal of the President's~~  
~~7 decision to the Congress under section 7 (b) the Council on~~  
~~8 Environmental Quality shall hold public hearings on the~~  
~~9 legal and factual sufficiency of the environmental impact~~  
~~10 statements prepared in connection with the President's deci-~~  
~~11 sion, and shall submit to the Congress a report summarizing~~  
~~12 the testimony received and setting forth the Council's views~~  
~~13 concerning the legal and factual sufficiency of such envi-~~  
~~14 ronmental impact statements. The appropriate committees in~~  
~~15 each House shall conduct hearings on the Council's report~~  
~~16 and shall invite testimony from the Council on Environ-~~  
~~17 mental Quality and representatives of the public.~~

#### ~~18 AUTHORIZATIONS~~

~~19 SEC. 9. (a) The Congress hereby authorizes and directs~~  
~~20 the Commission, the Secretary and other appropriate Federal~~  
~~21 officers and agencies to issue and take all necessary action to~~  
~~22 administer and enforce all certificates, rights-of-way, permits,~~  
~~23 leases, and other authorizations necessary or related to the~~  
~~24 construction and initial commercial operation of the trans-~~  
~~25 portation system selected in the decision, if any, which be-~~



comes final pursuant to section 8 of this Act. All certificates, rights of way, permits, leases, and other authorizations issued pursuant to this subsection shall be issued at the earliest practical date. All agencies shall expedite in every way their consideration of such certificates, rights of way, permits, leases, and other authorizations and such matters shall take precedence over all other similar activities of such agencies. Rights of way, permits, leases, and other authorizations issued pursuant to this Act by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), except the provisions of subsections (h) (1), (j), with respect to initial approvals, (k), (q), and (w) (2) thereof: *Provided, however,* That the submission required by the first sentence of subsection (h) (2) thereof shall be made at the earliest practicable time after the issuance of the rights of way and other authorizations hereunder.

(b) All authorizations issued pursuant to this Act shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this Act had not been enacted, so long as such terms and conditions are not inconsistent with the purposes of this Act and do not change the basic nature and general route of the transportation system designated hereunder, and the Federal officers and agencies

issuing such authorizations may expedite or waive any procedural requirements of law or regulations which they deem necessary to waive in order to accomplish the purposes of this Act. The direction contained in this section shall supersede the provisions of any law or regulations relating to an administrative determination as to whether the authorizations for construction of a system for transportation of Alaska natural gas shall be issued.

(c) The holders of certificates issued by the Commission pursuant to this section 9 shall have all rights, powers, and obligations of holders of a certificate of public convenience and necessity issued pursuant to the Natural Gas Act in addition to any other rights, powers and obligations pursuant to this Act.

(d) Consistent with the purposes of this Act, the Secretary and other Federal officers and agencies are authorized at any time when necessary to protect the public interest, to exercise any authority under existing law to amend or modify any right-of-way, permit, lease, or other authorization issued by such officer or agency pursuant to this Act.

#### JUDICIAL REVIEW

SEC. 10. Notwithstanding any other provisions of law, except the provisions of section 11 of this Act, the actions of Federal officers or agencies taken pursuant to this Act, including the issuance of a certificate of public convenience and ne-



1 ~~cessity by the Commission and actions concerning the issu-~~  
 2 ~~ance of the necessary rights of way, permits, leases, and other~~  
 3 ~~authorizations pursuant to section 9 for construction and~~  
 4 ~~initial commercial operation of a system for the transporta-~~  
 5 ~~tion of Alaska natural gas and the legal or factual sufficiency~~  
 6 ~~of any environmental statement prepared relative to the~~  
 7 ~~Alaska natural gas pipeline pursuant to the National Envi-~~  
 8 ~~ronmental Policy Act (42 U.S.C. 4321 et seq.) shall not be~~  
 9 ~~subject to judicial review under any law, except that claims~~  
 10 ~~alleging the invalidity of this Act may be brought within 60~~  
 11 ~~days following a decision becoming final pursuant to section 8~~  
 12 ~~of this Act, and claims alleging that an action will deny rights~~  
 13 ~~under the Constitution of the United States, or that an action~~  
 14 ~~is beyond the scope of authority conferred by this Act, may be~~  
 15 ~~brought within 60 days following the date of such action. A~~  
 16 ~~claim shall be barred unless a complaint is filed in the United~~  
 17 ~~States Court of Appeals for the District of Columbia acting~~  
 18 ~~as a Special Court within such time limits, and such court~~  
 19 ~~shall have exclusive jurisdiction to determine such proceeding~~  
 20 ~~in accordance with the procedures hereinafter provided, and~~  
 21 ~~no other court of the United States, of any State, territory,~~  
 22 ~~or possession of the United States, or of the District of Co-~~  
 23 ~~lumbia, shall have jurisdiction of any such claim whether in~~  
 24 ~~a proceeding instituted prior to or on or after the date of~~  
 25 ~~enactment of this Act. Any such proceeding shall be assigned~~

1 ~~for hearing and completed at the earliest possible date, shall,~~  
 2 ~~to the greatest extent practicable, take precedence over all~~  
 3 ~~other matters pending on the docket of the court at that time,~~  
 4 ~~and shall be expedited in every way by such court and such~~  
 5 ~~court shall render its decision relative to any claim within 90~~  
 6 ~~days from the date such action is brought unless such court~~  
 7 ~~determines that a longer period of time is required to satisfy~~  
 8 ~~requirements of the United States Constitution. Such court~~  
 9 ~~shall not have jurisdiction to grant any injunctive relief~~  
 10 ~~against the issuance of any certificate, right of way, permit,~~  
 11 ~~lease, or other authorization pursuant to this section except in~~  
 12 ~~conjunction with a final judgment entered in a case involving~~  
 13 ~~a claim filed pursuant to this section. There shall be no review~~  
 14 ~~of an interlocutory, or final judgment, decree, or order of such~~  
 15 ~~court except that any party may file a petition for certiorari~~  
 16 ~~with the Supreme Court of the United States, within 15 days~~  
 17 ~~after the decision of the United States Court of Appeals for~~  
 18 ~~the District of Columbia shall be rendered.~~

#### ~~REMEDIES~~

20 ~~SEC. 11. (a) In addition to remedies available under~~  
 21 ~~other applicable provisions of law, whenever on the basis of~~  
 22 ~~any information available to it the Commission, the Secretary~~  
 23 ~~or other appropriate Federal officer finds that any person is~~  
 24 ~~in violation of any provision of this Act or other applicable~~  
 25 ~~law or any rule, regulation, or order thereof, or condition~~



1 ~~of the certificate, right of way, permit, lease or other author-~~  
 2 ~~ization, the Commission, Secretary, or other appropriate~~  
 3 ~~agency head, as the case may be, in their discretion, may:~~  
 4 ~~(1) issue an order requiring such person to comply with~~  
 5 ~~such provision or requirement or; (2) bring a civil action~~  
 6 ~~in accordance with subsection (c).~~

7 ~~(b) Any order issued under this subsection shall state~~  
 8 ~~with reasonable specificity the nature of the violation and a~~  
 9 ~~time of compliance not to exceed 30 days, which the Com-~~  
 10 ~~mission, the Secretary, or other appropriate agency head,~~  
 11 ~~as the case may be, determines is reasonable, taking into~~  
 12 ~~account the seriousness of the violation and any good faith~~  
 13 ~~efforts to comply with applicable requirements.~~

14 ~~(c) Upon a request by the Commission, the Secretary,~~  
 15 ~~or other appropriate Federal officer, the Attorney General~~  
 16 ~~may commence a civil action for appropriate relief, includ-~~  
 17 ~~ing a permanent or temporary injunction or a civil penalty~~  
 18 ~~not to exceed \$25,000 per day of such violation, for any~~  
 19 ~~violation for which the Commission, the Secretary, or other~~  
 20 ~~appropriate Federal officer is authorized to issue a com-~~  
 21 ~~pliance order under subsection (a) of this section. Any ac-~~  
 22 ~~tion under this subsection may be brought in the district court~~  
 23 ~~of the United States for the district in which the defendant~~

1 ~~is located or resides or is doing business, and such court shall~~  
 2 ~~have jurisdiction to restrain such violation, require com-~~  
 3 ~~pliance, or impose such penalty.~~

#### 4 ~~EXPORT LIMITATIONS~~

5 ~~SEC. 12. Any exports of Alaska natural gas shall be~~  
 6 ~~subject to all of the limitations and approval requirements~~  
 7 ~~of the Natural Gas Act (15 U.S.C. 717 et seq.) and, in~~  
 8 ~~addition, notwithstanding any other provision of law, before~~  
 9 ~~any Alaska natural gas in excess of 1,000 Mcf per day~~  
 10 ~~may be exported to any nation other than Canada or Mexico,~~  
 11 ~~the President must make and publish an express finding that~~  
 12 ~~such exports will not diminish the total quantity or quality~~  
 13 ~~nor increase the total price of energy available to the United~~  
 14 ~~States, and are in the national interest.~~

#### 15 ~~EQUAL ACCESS TO FACILITIES~~

16 ~~SEC. 13. There shall be included in the terms of any~~  
 17 ~~certificate issued pursuant to this Act a provision that no~~  
 18 ~~person seeking to transport natural gas in the Alaska natural~~  
 19 ~~gas transportation system shall be prevented from doing so~~  
 20 ~~or be discriminated against in the terms and conditions of~~  
 21 ~~service on the basis of degree of ownership, or lack thereof,~~  
 22 ~~of the Alaska natural gas transportation system.~~



~~ANTITRUST LAWS~~

~~SEC. 14. The grant of a certificate, right of way, permit, lease, or other authorization pursuant to this Act shall not impair or amend any of the antitrust laws.~~

~~EXPIRATION OF AUTHORITIES~~

~~SEC. 15. The provisions of sections 4 (a), 5, 6, and 8 of this Act shall expire upon the date that a certificate for the Alaska natural gas transportation system becomes final in accordance with the provisions of section 8 of this Act or July 1, 1978, whichever is earlier.~~

~~SEPARABILITY~~

~~SEC. 16. If any provision of this Act, or the application thereof, is held invalid, the remainder of this Act shall not be affected thereby.~~

~~CIVIL RIGHTS~~

~~SEC. 17. All Federal officers shall take such affirmative action as is necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right of way, public land order, or other Federal authorization granted or issued pursuant to this Act. The appropriate Federal officers shall promulgate such rules as are necessary to carry out the pur-~~

~~poses of this subsection and may enforce this subsection, and any rules promulgated under this subsection through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights of 1964.~~

~~SHORT TITLE~~

~~SECTION 1. This Act may be cited as the "Alaska Natural Gas Transportation Act of 1976".~~

~~CONGRESSIONAL FINDINGS~~

~~SEC. 2. The Congress finds and declares that—~~

~~(1) a natural gas supply shortage exists in the contiguous States of the United States;~~

~~(2) large reserves of natural gas in the State of Alaska could help significantly to alleviate this supply shortage;~~

~~(3) the expeditious construction of a viable natural gas transportation system for delivery of Alaska natural gas to the contiguous States of the United States is in the national interest; and~~

~~(4) alternative transportation systems for delivery of Alaska natural gas to the contiguous States have been proposed, and the selection of a system, if any, involves questions of the utmost importance respecting national energy policy, international relations, national security, and economic and environmental impact, and therefore~~



1 should appropriately be addressed by the Congress and  
 2 the President in addition to those Federal officers and  
 3 agencies assigned functions under law pertaining to the  
 4 selection, construction, and initial operation of such a  
 5 system.

#### 6 STATEMENT OF PURPOSE

7 SEC. 3. The purpose of this Act is to provide the means  
 8 for making a sound decision as to the selection, and to  
 9 expedite the construction and initial operation, of a natural  
 10 gas transportation system for delivery of Alaska natural gas  
 11 to the contiguous States which may be approved under this  
 12 Act by (1) providing for the participation of the President  
 13 and the Congress in the selection process, (2) limiting the  
 14 jurisdiction of the courts to review the actions of Federal  
 15 officers or agencies taken pursuant to the direction and  
 16 authority of this Act, and (3) permitting the limitation of  
 17 administrative procedures and effecting the limitation of the  
 18 judicial procedures related to such actions. To accomplish  
 19 this purpose it is the intent of the Congress to exercise its  
 20 constitutional powers to the fullest extent in the authorizations  
 21 and directions herein made, and particularly with respect to  
 22 limiting judicial review of the actions of Federal officers or  
 23 agencies taken pursuant thereto.

#### 24 DEFINITIONS

25 SEC. 4. As used in this Act:

1 (1) the term "Alaska natural gas" means natural  
 2 gas derived from the area of the State of Alaska gener-  
 3 ally known as the North Slope of Alaska, including the  
 4 Continental Shelf thereof;

5 (2) the term "Commission" means the Federal  
 6 Power Commission;

7 (3) the term "Secretary" means the Secretary of  
 8 the Interior;

9 (4) the term "provision of law" means any provi-  
 10 sion of a Federal statute or rule, regulation, or order  
 11 issued thereunder; and

12 (5) the term "approved transportation system"  
 13 means the system for the transportation of Alaska natural  
 14 gas designated by the President pursuant to section 7  
 15 (a) or 8(b) and approved by joint resolution of the  
 16 Congress pursuant to section 8.

#### 17 FEDERAL POWER COMMISSION REVIEWS AND REPORTS

18 SEC. 5. (a) (1) Notwithstanding any provision of the  
 19 Natural Gas Act or any other provision of law, the Com-  
 20 mission shall suspend all proceedings pending before the Com-  
 21 mission on the date of enactment of this Act relating to a  
 22 system for the transportation of Alaska natural gas as soon  
 23 as the Commission determines to be practicable after such  
 24 date, and the Commission may refuse to act on, or hold in  
 25 abeyance, any application, amendment thereto, or other re-



1 quests for action under the Natural Gas Act relating to a  
 2 system for the transportation of Alaska natural gas until such  
 3 time as (A) a decision of the President designating such a  
 4 system for approval takes effect pursuant to section 8, (B)  
 5 no such decision takes effect pursuant to section 8, or (C) the  
 6 President decides not to designate such a system for approval  
 7 under section 8 and so advises the Congress pursuant to  
 8 section 7.

9 (2) In the event a decision of the President designating  
 10 such a system takes effect pursuant to this Act, the Com-  
 11 mission shall forthwith vacate proceedings suspended under  
 12 paragraph (1) and, pursuant to section 9 and in accordance  
 13 with the President's decision, issue a certificate of public  
 14 convenience and necessity respecting such system.

15 (3) In the event such a decision of the President does  
 16 not take effect pursuant to this Act or the President decides  
 17 not to designate such a system and so advises the Congress  
 18 pursuant to section 7, the suspension provided for in para-  
 19 graph (1) of this subsection shall be removed.

20 (b)(1) The Commission shall review all applications  
 21 for the issuance of a certificate of public convenience and  
 22 necessity relating to the transportation of Alaska natural gas  
 23 pending on the date of enactment of this Act, and any sub-  
 24 sequent amendments thereto which are timely made, and  
 25 after consideration of any alternative transportation system

1 as the Commission determines to be reasonable, submit  
 2 to the President not later than May 1, 1977, a recommenda-  
 3 tion concerning the selection of such a transportation system.  
 4 Such recommendation may be in the form of a proposed  
 5 certificate of public convenience and necessity, or in such  
 6 other form as the Commission determines to be appropriate,  
 7 or may recommend that no decision respecting the selection of  
 8 such a transportation system be made at this time or pur-  
 9 suant to this Act. Any recommendation that the President  
 10 approve a particular system shall (A) include a description  
 11 of the nature and route of the system, and (B) designate a  
 12 person to construct and operate the system.

13 (2) The Commission may, by rule, provide for the  
 14 presentation of data, views, and arguments before the Com-  
 15 mission or a delegate of the Commission pursuant to such  
 16 procedures as the Commission determines to be appropriate  
 17 to carry out its responsibilities under paragraph (1) of this  
 18 section. Such a rule shall, to the extent determined by the  
 19 Commission, apply, notwithstanding any provision of law  
 20 that would otherwise have applied to the presentation of  
 21 data, views, and arguments.

22 (3) The Commission may request such information and  
 23 assistance from any Federal agency as it determines to be  
 24 necessary or appropriate to carry out its responsibilities  
 25 under paragraph (1) of this section. Any Federal agency



1 requested to submit information or provide assistance shall  
2 submit such information to the Commission at the earliest  
3 practicable time after receipt of a Commission request.

4 (c) The Commission shall accompany any recom-  
5 mendation under subsection (b)(1) with a report, which  
6 shall be available to the public, explaining the basis for such  
7 recommendation and including for each transportation sys-  
8 tem reviewed or considered a discussion of the following:

9 (1) for each year of the 20-year period which  
10 begins with the first year following the date of enact-  
11 ment of this Act, the estimated—

12 (A) volumes of Alaska natural gas which  
13 would be available to each region of the United  
14 States directly, by displacement or otherwise, and

15 (B) transportation costs and delivered prices  
16 of any such volumes of gas by region;

17 (2) the effects of each of the factors described in  
18 subparagraphs (A) and (B) of paragraph (1) on  
19 the projected natural gas supply and demand for each  
20 region of the United States and on the projected  
21 supplies of alternative fuels available by region to offset  
22 shortages of natural gas occurring in such region for  
23 each such year;

24 (3) the extent to which the system provides a  
25 means for the transportation to United States markets

1 of natural resources or other commodities from sources  
2 in addition to the Prudhoe Bay Reserve;

3 (4) environmental impacts;

4 (5) safety and efficiency in design and operation  
5 and potential for interruption in deliveries of Alaska  
6 natural gas;

7 (6) construction schedules and possibilities for delay  
8 in such schedules or for delay occurring as a result of  
9 other factors;

10 (7) feasibility of financing;

11 (8) extent of reserves, both proven and probable,  
12 and their deliverability by year for each year of the  
13 20-year period which begins with the first year follow-  
14 ing the date of enactment of this Act;

15 (9) the estimate of the total delivered cost to users  
16 of the natural gas to be transported by the system by  
17 year for each year of the 20-year period which begins  
18 with the first year following the date of enactment of  
19 this Act;

20 (10) capability and cost of expanding the system  
21 to transport additional volumes of natural gas in excess  
22 of initial system capacity;

23 (11) an estimate of the capital and operating  
24 costs, including an analysis of the reliability of such  
25 estimates and the risk of cost overruns; and



1 (12) such other factors as the Commission deter-  
 2 mines to be appropriate.

3 (d) The recommendation by the Commission pursuant  
 4 to this section shall not be based upon the fact that the  
 5 Government of Canada or agencies thereof have not by  
 6 then rendered a decision as to authorization of a pipeline  
 7 system to transport Alaska natural gas through Canada.

8 (e) If the Commission recommends the approval of a  
 9 particular transportation system, it shall submit to the Presi-  
 10 dent with such recommendation (1) an identification of those  
 11 facilities and operations which are proposed to be encom-  
 12 passed within the term "construction and initial operation"  
 13 in order to define the scope of directions contained in section  
 14 9 of this Act and (2) an environmental impact statement  
 15 prepared respecting such system and any environmental im-  
 16 pact statements as may have been prepared respecting each  
 17 system reviewed or considered by the Commission and re-  
 18 ported on under this section.

19 (f) Within 20 days after the date of the transmittal of  
 20 the President's decision to the Congress pursuant to section 7,  
 21 the Commission shall issue a report, which shall be made avail-  
 22 able to the public, commenting on the decision and including  
 23 any information with regard to that decision which the  
 24 Commission considers appropriate.

# OTHER REPORTS

1  
 2 SEC. 6. (a) By July 1, 1977, any Federal officer or  
 3 agency may submit written comments to the President with  
 4 respect to the recommendation and report of the Commission  
 5 and alternative methods for transportation of Alaska natural  
 6 gas for delivery to the contiguous States. Such comments  
 7 shall be made available to the public by the President when  
 8 submitted to him, unless expressly exempted from this require-  
 9 ment in whole or in part by the President, on grounds related  
 10 to national defense or foreign policy under section 552  
 11 (b)(1) of title 5, United States Code. Any such written  
 12 comment shall include information within the competence of  
 13 such Federal officer or agency with respect to—

14 (1) environmental considerations, including air and  
 15 water quality and noise impacts;

16 (2) the safety of the transportation systems;

17 (3) international relations, including the status and  
 18 time schedule for any necessary Canadian approvals  
 19 and plans;

20 (4) national security, particularly security of  
 21 supply;

22 (5) sources of financing for capital costs;

23 (6) impact on the national economy, including  
 24 regional natural gas requirements; and



1 (7) relationship of the proposed transportation  
2 system to other aspects of national energy policy.

3 (b) By July 1, 1977, the Governor of any State, any  
4 municipality, State utility commission, and any other inter-  
5 ested person may submit to the President such written com-  
6 ments with respect to the recommendation and report of the  
7 Commission and alternative systems for delivering Alaska  
8 natural gas to the contiguous States as they determine to  
9 be appropriate.

10 (c) By July 1, 1977, each Federal officer or agency  
11 shall report to the President with respect to actions to be  
12 taken by such officer or agency under section 9(a) relative  
13 to each transportation system recommended, reviewed, or  
14 commented on by the Commission and shall include such  
15 officer's or agency's recommendations with respect to the  
16 matters to be included under section 7(a)(2)(C) in any  
17 decision of the President which designates a system for  
18 approval.

19 (d) Following receipt by the President of the Commis-  
20 sion's recommendations, the Council on Environmental Qual-  
21 ity shall afford interested persons an opportunity to present  
22 oral and written views, data, and arguments on the legal and  
23 factual sufficiency of the environmental impact statement  
24 prepared relative to the recommendation of the Commission  
25 and of those environmental impact statements as may have

1 been prepared relative to each system reviewed or consid-  
2 ered by the Commission and reported on under section 5(d).  
3 Not later than July 1, 1977, the Council on Environmental  
4 Quality shall submit to the President a report, which shall be  
5 made available to the public, summarizing any data, views,  
6 and arguments received and setting forth the Council's views  
7 concerning the legal and factual sufficiency of each such  
8 environmental impact statement.

#### 9 PRESIDENTIAL DECISION AND REPORT

10 SEC. 7. (a)(1) As soon as practicable after July 1,  
11 1977, but not later than September 1, 1977, the President  
12 shall issue a decision as to whether a transportation system for  
13 delivery of Alaska natural gas should be approved under  
14 this Act. If he determines such a system should be so  
15 approved, his decision shall designate such a system for  
16 approval pursuant to section 8. The President in making his  
17 decision shall take into consideration the Commission's rec-  
18 ommendation pursuant to section 5, the report under sec-  
19 tion 5(d), and any comments submitted under section 6,  
20 and his decision to designate a system for approval shall be  
21 based on his determination as to which system, if any, best  
22 serves the national interest.

23 (2) The President, for a period of up to 90 additional  
24 calendar days after September 1, 1977, may delay the  
25 issuance of his decision and transmittal thereof to the House



1 of Representatives and the Senate, if he determines (A) that  
 2 there exists no environmental impact statement prepared rela-  
 3 tive to a system he wishes to consider or that any prepared  
 4 environmental impact statement relative to a system he wishes  
 5 to consider is legally or factually insufficient, or (B) that  
 6 the additional time is otherwise necessary to enable him to  
 7 make a sound decision on an Alaska natural gas transporta-  
 8 tion system. The President shall promptly notify the House of  
 9 Representatives and the Senate if he so delays his decision  
 10 and submit a full explanation of the basis of any such delay.

11 (3) If the President determines to designate for ap-  
 12 proval a transportation system for delivery of Alaska natural  
 13 gas to the contiguous States, he shall in such decision—

14 (A) describe the nature and route of the system  
 15 designated for approval;

16 (B) identify those facilities, the construction of  
 17 which, and those operations, the conduct of which, shall  
 18 be encompassed within the term “construction and  
 19 initial operation” for purposes of defining the scope  
 20 of the directions contained in section 9 of this Act, taking  
 21 into consideration any recommendation of the Commis-  
 22 sion with respect thereto;

23 (C) identify those provisions of law, relating to  
 24 any determination of a Federal officer or agency as to  
 25 whether a certificate, permit, right-of-way, lease, or

1 other authorization shall be issued or be granted, which  
 2 provisions the President finds involve determinations  
 3 which are subsumed in his decision and which pro-  
 4 visions the President finds require waiver in order to  
 5 permit the expeditious construction and initial operation  
 6 of the transportation system; and

7 (D) designate an officer of the United States or  
 8 designate a board, consisting of an officer of the United  
 9 States who shall serve as chairman and such other  
 10 persons as the President determines appropriate to serve  
 11 on such board by reason of background, experience, or  
 12 position, whom the President will appoint to serve as  
 13 Federal inspector of construction of the Alaska natural  
 14 gas transportation system, except that no such person  
 15 may have a financial interest in the approved transporta-  
 16 tion system. Upon enactment of a joint resolution pur-  
 17 suant to section 8 approving such a system the Federal  
 18 inspector shall—

19 (i) monitor compliance with applicable laws  
 20 and the terms and conditions of any applicable  
 21 certificate, rights-of-way, permit, lease, or other  
 22 authorization issued or granted under section 9;

23 (ii) monitor actions taken to assure timely  
 24 completion of construction schedules and the  
 25 achievement of quality of construction, cost control,



1 safety; and environmental protection objectives and  
2 the results obtained therefrom;

3 (iii) have the power to compel, by subpoena if  
4 necessary, submission of such information as he  
5 deems necessary to carry out his responsibilities;  
6 and

7 (iv) keep the President and the Congress cur-  
8 rently informed on any significant departures from  
9 compliance and issue quarterly reports to the Presi-  
10 dent and the Congress concerning existing or po-  
11 tential failures to meet construction schedules or  
12 other factors which may delay the construction and  
13 initial operation of the system and the extent to  
14 which quality of construction, cost control, safety  
15 and environmental protection objectives have been  
16 achieved.

17 (4) If the President determines to designate for ap-  
18 proval a transportation system for delivery of Alaska  
19 natural gas to the contiguous States, he may identify in  
20 such decision such terms and conditions as he determines  
21 appropriate for inclusion with respect to any issuance or  
22 authorization directed to be made pursuant to section 9.

23 (b) The decision of the President made pursuant to sub-  
24 section (a) of this section shall be transmitted to both Houses  
25 of Congress and shall be considered received by such Houses

1 for the purposes of this section on the first day after such  
2 decision is transmitted on which both are in session. Such  
3 decision shall be accompanied by all environmental impact  
4 statements prepared relative to any system designated for  
5 approval and a report explaining in detail the basis for his  
6 decision with specific reference to the factors set forth in sec-  
7 tions 5(d) and 6(a), and the reasons for any revision, modi-  
8 fication, or substitution of the Commission recommendation.

9 (c) The report of the President pursuant to subsection  
10 (b) of this section shall contain a financial analysis for the  
11 transportation system designated for approval by him. Unless  
12 the President finds and states in his report submitted pursuant  
13 to this section that he reasonably anticipates that the system  
14 designated by him can be privately financed, constructed,  
15 and operated, his report shall also be accompanied by his  
16 recommendation concerning the use of existing Federal fi-  
17 nancing authority or the need for new Federal financing  
18 authority.

19 (d) In making his decision the President shall inform  
20 himself, through appropriate consultation, of the views and  
21 objectives of the several States and the Government of Can-  
22 ada and other governments with respect to those aspects of  
23 such a decision that may involve intergovernmental and inter-  
24 national cooperation between the Government of the United



1 *States and the Government of Canada and other govern-*  
2 *ments.*

3 *(e) The decision of the President shall take effect as*  
4 *provided in section 8, except that the approval of a decision*  
5 *of the President shall not be construed as effecting an amend-*  
6 *ment to the laws of the United States granting any new*  
7 *financing authority as may have been identified by the Presi-*  
8 *dent pursuant to subsection (c).*

#### 9 CONGRESSIONAL REVIEW

10 *SEC. 8. (a) The decision designating for approval on*  
11 *an Alaska natural gas transportation system shall take effect*  
12 *upon enactment of a joint resolution within the first period of*  
13 *60 calendar days of continuous session of Congress beginning*  
14 *on the date after the date of receipt by the Senate and House*  
15 *of Representatives of a decision pursuant to section 7(b) or*  
16 *subsection (b) of this section.*

17 *(b) If the Congress does not enact such a joint resolu-*  
18 *tion within such 60-day period, the President, within 30 days*  
19 *of such failure to enact such a joint resolution, may propose a*  
20 *new decision and shall provide a detailed statement concern-*  
21 *ing the reasons for such proposal. The new decision shall be*  
22 *submitted in accordance with section 7(a) and transmitted*  
23 *to the House of Representatives and the Senate on the same*  
24 *day while both are in session and shall take effect pur-*  
25 *suant to subsection (a) of this section. No new decision may*

1 *be transmitted pursuant to this subsection unless such deci-*  
2 *sion differs in a material respect from the previous decision.*

3 *(c) For purposes of this section—*

4 *(1) continuity of session of Congress is broken only*  
5 *by an adjournment sine die; and*

6 *(2) the days on which either House is not in session*  
7 *because of an adjournment of more than 3 days to a day*  
8 *certain are excluded in the computation of the 60-day*  
9 *calendar period.*

10 *(d) (1) This subsection is enacted by Congress—*

11 *(A) as an exercise of the rulemaking power of the*  
12 *Senate and the House of Representatives, respectively,*  
13 *and as such it is deemed a part of the rules of each*  
14 *House, respectively, but applicable only with respect to*  
15 *the procedure to be followed in that House in the case*  
16 *of resolutions described by paragraph (2) of this sub-*  
17 *section; and it supersedes other rules only to the extent*  
18 *that it is inconsistent therewith;*

19 *(B) with full recognition of the constitutional right*  
20 *of either House to change the rules (so far as those rules*  
21 *relate to the procedure of that House) at any time, in the*  
22 *same manner and to the same extent as in the case of*  
23 *any other rule of the House.*

24 *(2) For purposes of this Act, the term "resolution"*



1 means a joint resolution passed by each House, the resolving  
 2 clause of which is as follows: "That the House and Senate  
 3 approve the Presidential decision on an Alaska natural gas  
 4 transportation system submitted to the Congress on , 19 ,  
 5 and find that any environmental impact statements prepared  
 6 relative to such system and submitted with the President's  
 7 decision are in compliance with the National Environmental  
 8 Policy Act of 1969". The blank space therein shall be filled  
 9 with the date on which the President submits his decision to  
 10 the House and Senate.

11 (3) A resolution once introduced with respect to a  
 12 Presidential decision on an Alaska natural gas transportation  
 13 system shall be referred to one or more committees (and all  
 14 resolutions with respect to the same Presidential decision on  
 15 an Alaska natural gas transportation system shall be referred  
 16 to the same committee or committees) by the President of the  
 17 Senate or the Speaker of the House of Representatives, as  
 18 the case may be.

19 (4)(A) If a committee to which a resolution with  
 20 respect to a Presidential decision on an Alaska natural gas  
 21 transportation system has been referred has not reported it  
 22 at the end of 30 calendar days after its referral, it shall be  
 23 in order to move either to discharge the committee from fur-  
 24 ther consideration of such resolution or to discharge the  
 25 committee from consideration of any other resolution with

1 respect to such Presidential decision on an Alaska natural gas  
 2 transportation system which has been referred to the committee.

3 (B) A motion to discharge may be made only by an  
 4 individual favoring the resolution, shall be highly privileged  
 5 (except that it may not be made after the committee has re-  
 6 ported a resolution with respect to the same Presidential deci-  
 7 sion on an Alaska natural gas transportation system), and  
 8 debate thereon shall be limited to not more than 1 hour, to be  
 9 divided equally between those favoring and those opposing  
 10 the resolution. An amendment to the motion shall not be in  
 11 order, and it shall not be in order to move to reconsider the  
 12 vote by which the motion was agreed to or disagreed to.

13 (C) If the motion to discharge is agreed to or disagreed  
 14 to, the motion may not be made with respect to any other  
 15 resolution with respect to the same Presidential decision on  
 16 an Alaska natural gas transportation system.

17 (5)(A) When the committee has reported, or has been  
 18 discharged from further consideration of, a resolution, but  
 19 in no case earlier than 30 days after the date of transmittal  
 20 of the President's decision to the Congress, it shall be at  
 21 any time thereafter in order (even though a previous  
 22 motion to the same effect has been disagreed to) to move  
 23 to proceed to the consideration of the resolution. The motion  
 24 shall be highly privileged and shall not be debatable. An  
 25 amendment to the motion shall not be in order, and it shall



1 not be in order to move to reconsider the vote by which the  
2 motion was agreed to or disagreed to.

3 (B) Debate on the resolution referred to in subpara-  
4 graph (A) of this paragraph shall be limited to not more  
5 than 10 hours, which shall be divided equally between those  
6 favoring and those opposing such resolution. A motion fur-  
7 ther to limit debate shall not be debatable. An amendment to,  
8 or motion to recommit the resolution shall not be in order,  
9 and it shall not be in order to move to reconsider the vote by  
10 which such resolution was agreed to or disagreed to.

11 (6)(A) Motions to postpone, made with respect to the  
12 discharge from committee, or the consideration of a resolu-  
13 tion and motions to proceed to the consideration of other  
14 business, shall be decided without debate.

15 (B) Appeals from the decision of the Chair relating to  
16 the application of the rules of the Senate or the House of  
17 Representatives, as the case may be, to the procedures relat-  
18 ing to a resolution shall be decided without debate.

19 (e) Prior to the transmittal to the Senate and House  
20 of Representatives of the President's decision pursuant to  
21 section 7(b) or subsection (b) of this section, the President  
22 must find that any required environmental impact statement  
23 relative to the Alaska natural gas transportation system des-  
24 ignated for approval by the President has been prepared and  
25 that such statement is in compliance with the National En-

1 vironmental Policy Act. The President may supplement or  
2 modify the environmental impact statements prepared by the  
3 Commission or other Federal officers or agencies.

4 (f) Within 20 days of the transmittal of the President's  
5 decision to the Congress under section 7(b) or under subsec-  
6 tion (b) of this section, the Council on Environmental Qual-  
7 ity shall provide an opportunity to any interested person to  
8 present oral and written views, data, and arguments on the  
9 legal and factual sufficiency of any environmental impact  
10 statement submitted by the President relative to any system  
11 designated by him for approval different from any system  
12 recommended, reviewed, considered, and commented on  
13 pursuant to section 5 of this Act, and shall submit to the Con-  
14 gress a report summarizing any such views received. The  
15 committees in each House to which a resolution has been  
16 referred under subsection (d)(3) shall conduct hearings on  
17 the Council's report and include in any report of the commit-  
18 tee respecting such resolution the findings of the committee  
19 relative to the legal and factual sufficiency of any environ-  
20 mental impact statement submitted by the President relative  
21 to any system designated by him for approval.

22 (g) If a decision of the President designating an  
23 Alaska natural gas transportation system takes effect pur-  
24 suant to this section, any provision of law identified pursuant



1 to section 7(a)(3)(C) in such decision shall be waived with  
2 respect to actions to be taken under section 9(a).

3 (h)(1) At any time after a decision designating a trans-  
4 portation system takes effect pursuant to this section, if the  
5 President finds that waiver of additional provisions of law of  
6 the type and on the bases specified in section 7(a)(3)(C) is  
7 necessary, the President may submit such proposed waiver to  
8 both Houses of Congress.

9 (2) Such provisions shall be waived upon enactment of  
10 a joint resolution pursuant to the procedures specified in sub-  
11 sections (c) and (d) of this section (other than subsection  
12 (d)(2) thereof) within the first period of 60 calendar days  
13 of continuous session of Congress beginning on the date after  
14 the date of receipt by the Senate and House of Representa-  
15 tives of such proposal.

16 (3) The resolving clause of the joint resolution referred  
17 to in this subsection is as follows: "That the House and  
18 Senate approve the waiver of the additional provisions of  
19 law as proposed by the President, submitted to the Congress  
20 on \_\_\_\_\_, 19—. The blank space therein being filled  
21 with the date on which the President submits his decision to  
22 the House and Senate.

23 (4) For purposes of this subsection, any reference to  
24 "the Alaska natural gas transportation system" in such  
25 subsections (c) and (d) shall be deemed to refer to "a

1 waiver of additional provisions of law," and any reference  
2 to a joint resolution in such subsections shall be deemed to  
3 be a joint resolution described in this subsection.

#### 4 AUTHORIZATIONS

5 SEC. 9. (a) To the extent that the taking of any action  
6 which is necessary or related to the construction and initial  
7 operation of the approved transportation system requires a  
8 certificate, right-of-way, permit, lease, or other authorization  
9 to be issued or granted by a Federal officer or agency, such  
10 Federal officer or agency shall—

11 (1) to the fullest extent the provisions of law  
12 administered by him or it permit, but

13 (2) without regard to any provision of law which  
14 (A) relates to any determination by a Federal officer  
15 or agency as to whether to issue or grant the certificate,  
16 permit, right-of-way, lease, or other authorization, (B)  
17 has been identified by the President in the decision ap-  
18 proved under section 8, and (C) is waived pursuant  
19 to the approval process under section 8,

20 issue or grant such certificates, permits, rights-of-way, leases  
21 and other authorizations at the earliest practicable date.

22 (b) All actions of a Federal officer or agency with re-  
23 spect to consideration of applications or requests for the issu-  
24 ance or grant of a certificate, right-of-way, permit, lease, or  
25 other authorization to which subsection (a) applies shall be



1 expedited and any such application or request shall take  
 2 precedence over any similar applications or requests of the  
 3 Federal officer or agency. To carry out the directions con-  
 4 tained in this subsection, any Federal officer or agency may  
 5 waive, in whole or in part, any procedural requirements of  
 6 any provision of law applicable to the issuance or grant  
 7 of any certificate, right-of-way, permit, lease, or other au-  
 8 thorization where such officer or agency determines and so  
 9 states with respect to any such issuance or grant that the  
 10 waiver is necessary to permit expeditious and priority consid-  
 11 eration of such application or request.

12 (c) Any certificate, right-of-way, permit, lease, or other  
 13 authorization issued or granted pursuant to the direction  
 14 under subsection (a) shall include the terms and conditions  
 15 required by law, and may include terms and conditions per-  
 16 mitted by law, except that with respect to terms and condi-  
 17 tions permitted but not required, the Federal officer or  
 18 agency, notwithstanding any such other provision of law,  
 19 shall have no authority to include terms and conditions as  
 20 would compel a change in the basic nature and general route  
 21 of the approved transportation system or those the inclusion  
 22 of which would otherwise prevent or impair in any signifi-  
 23 cant respect the expeditious construction and initial opera-  
 24 tion of such transportation system.

25 (d) Any Federal officer or agency, with respect to any

1 certificate, permit, right-of-way, lease, or other authoriza-  
 2 tion issued or granted by such officer or agency, may, to the  
 3 extent permitted under laws administered by such officer or  
 4 agency add to, amend or abrogate any term of condition  
 5 included in such certificate, permit, right-of-way, lease, or  
 6 other authorization except that with respect to any such  
 7 action which is permitted but not required by law, such  
 8 Federal officer or agency, notwithstanding any such other  
 9 provision of law, shall have no authority to take such action  
 10 if the terms and conditions to be added, or as amended,  
 11 would compel a change in the basic nature and general  
 12 route of the approved transportation system or would other-  
 13 wise prevent or impair in any significant respect the ex-  
 14 peditious construction and initial operation of such transpor-  
 15 tation system.

16 (e) Any Federal officer or agency to which subsection  
 17 (a) applies, to the extent permitted under laws administered  
 18 by such officer or agency, shall include in any certificate,  
 19 permit, right-of-way, lease, or other authorization issued  
 20 or granted those terms and conditions identified in the  
 21 President's decision as appropriate for inclusion except that  
 22 the requirement to include such terms and conditions shall  
 23 not limit the Federal officer or agency's authority under  
 24 subsection (d) of this section.



## JUDICIAL REVIEW

1           *SEC. 10. (a) Notwithstanding any other provision of*  
 2 *law, the actions of Federal officers or agencies taken pursu-*  
 3 *ant to section 9 of this Act, shall not be subject to judicial*  
 4 *review except as provided in this section.*

6           *(b) (1) Claims alleging the invalidity of this Act may*  
 7 *be brought within 60 days following a decision becoming*  
 8 *final pursuant to section 8 of this Act.*

9           *(2) Claims alleging that an action will deny rights under*  
 10 *the Constitution of the United States, or that an action is*  
 11 *in excess of statutory jurisdiction, authority, or limitations,*  
 12 *or short of statutory right may be brought within 60*  
 13 *days following the date of such action, except that if a*  
 14 *party shows that he did not know of the action complained*  
 15 *of, and a reasonable person acting in the circumstances*  
 16 *would not have known, he may bring a claim alleging the*  
 17 *invalidity of such action on the grounds stated above within*  
 18 *60 days following his acquiring such actual or constructive*  
 19 *knowledge.*

20           *(c) (1) A claim under subsection (b) shall be barred*  
 21 *unless a complaint is filed in the United States Court of*  
 22 *Appeals for the District of Columbia acting as a Special*  
 23 *Court within such time limits and such court shall have ex-*  
 24 *clusive jurisdiction to determine such proceeding in accord-*  
 25 *ance with the procedures hereinafter provided, and no other*

1   *court of the United States, of any State, territory, or posses-*  
 2 *sion of the United States, or of the District of Columbia,*  
 3 *shall have jurisdiction of any such claim in any proceeding*  
 4 *instituted prior to or on or after the date of enactment of*  
 5 *this Act.*

6           *(2) Any such proceeding shall be assigned for hearing*  
 7 *and completed at the earliest possible date, shall, to the*  
 8 *greatest extent practicable, take precedence over all other*  
 9 *matters pending on the docket of the court at that time,*  
 10 *and shall be expedited in every way by such court and such*  
 11 *court shall render its decision relative to any claim within 90*  
 12 *days from the date such action is brought unless such court*  
 13 *determines that a longer period of time is required to satisfy*  
 14 *requirements of the United States Constitution.*

15           *(3) Such court shall not have jurisdiction to grant any*  
 16 *injunctive relief against the issuance of any certificate, right-*  
 17 *of-way, permit, lease, or other authorization pursuant to this*  
 18 *section except in conjunction with a final judgment entered*  
 19 *in a case involving a claim filed pursuant to this section.*  
 20 *There shall be no review of an interlocutory, or final judg-*  
 21 *ment, decree, or order of such court except that any party*  
 22 *may file a petition for certiorari with the Supreme Court*  
 23 *of the United States, within 15 days after the decision of*  
 24 *the United States Court of Appeals for the District of Co-*  
 25 *lumbia shall be rendered.*



1 (4) The enactment of a joint resolution under section  
 2 8 approving the decision of the President shall be conclusive  
 3 as to the legal and factual sufficiency of the environmental  
 4 impact statements submitted by the President relative to  
 5 the system designated for approval in such decision and  
 6 such Court shall have no jurisdiction to consider questions  
 7 respecting the sufficiency of such statements under the  
 8 National Environmental Policy Act.

#### 9 SUPPLEMENTAL ENFORCEMENT AUTHORITY

10 SEC. 11. (a) In addition to remedies available under  
 11 other applicable provisions of law, whenever any Federal  
 12 officer or agency determines that any person is in violation  
 13 of any applicable provision of law administered or enforce-  
 14 able by such officer or agency or any rule, regulation, or  
 15 order thereunder, including any term or condition of any  
 16 certificate, right-of-way, permit, lease, or other authorization,  
 17 issued or granted by it, such officer, or agency head, may—

18 (1) issue a compliance order requiring such person  
 19 to comply with such provision or requirement, or

20 (2) bring a civil action in accordance with sub-  
 21 section (c).

22 (b) Any order issued under subsection (a) shall state  
 23 with reasonable specificity the nature of the violation and a  
 24 time of compliance not to exceed 30 days, which the officer  
 25 or agency, as the case may be, determines is reasonable,

1 taking into account the seriousness of the violation and any  
 2 good faith efforts to comply with applicable requirements.

3 (c) Upon a request of such officer or agency, as the  
 4 case may be, the Attorney General may commence a civil  
 5 action for appropriate relief, including a permanent or tem-  
 6 porary injunction or a civil penalty not to exceed \$25,000  
 7 per day for violations of the compliance order issued under  
 8 subsection (a). Any action under this subsection may be  
 9 brought in the district court of the United States for the dis-  
 10 trict in which the defendant is located or resides or is doing  
 11 business, and such court shall have jurisdiction to restrain  
 12 such violation, require compliance, or impose such penalty  
 13 or give ancillary relief with respect thereto.

#### 14 EXPORT LIMITATIONS

15 SEC. 12. Any exports of Alaska natural gas shall be sub-  
 16 ject to the requirements of the Natural Gas Act and section  
 17 103 of the Energy Policy and Conservation Act, except that  
 18 in addition to the requirements of such Acts, before any  
 19 Alaska natural gas in excess of 1,000 Mcf per day may be  
 20 exported to any nation other than Canada or Mexico, the  
 21 President must make and publish an express finding that such  
 22 exports will not diminish the total quantity or quality nor in-  
 23 crease the total price of energy available to the United States.

#### 24 EQUAL ACCESS TO FACILITIES

25 SEC. 13. There shall be included in the terms of any cer-



1 tificate, permit, right-of-way, lease, or other authorization  
 2 issued or granted pursuant to the director contained in section  
 3 9 of this Act, a provision that no person seeking to transport  
 4 natural gas in the Alaska natural gas transportation system  
 5 shall be prevented from doing so or be discriminated against  
 6 in the terms and conditions of service on the basis of degree  
 7 of ownership, or lack thereof, of the Alaska natural gas trans-  
 8 portation system.

#### 9 ANTITRUST LAWS

10 SEC. 14. Nothing in this Act, and no action taken here-  
 11 under, shall imply or effect an amendment to, or exemption  
 12 from, any provision of the antitrust laws.

#### 13 AUTHORIZATION

14 SEC. 15. There is hereby authorized to be appropriated  
 15 such sums as may be necessary to carry out the functions of  
 16 the Federal inspector designated by the President under sec-  
 17 tion 7, provided the decision of the President which designates  
 18 such Federal inspector is approved pursuant to section 8.

#### 19 SEPARABILITY

20 SEC. 16. If any provision of this Act, or the application  
 21 thereof, is held invalid, the remainder of this Act shall not  
 22 be affected thereby.

#### 23 CIVIL RIGHTS

24 SEC. 17. All Federal officers shall take such affirmative  
 25 action as is necessary to assure that no person shall, on the

1 grounds of race, creed, color, national origin, or sex, be  
 2 excluded from receiving, or participating in any activity  
 3 conducted under, any permit, right-of-way, public land  
 4 order, or other Federal authorization granted or issued  
 5 pursuant to this Act. The appropriate Federal officers shall  
 6 promulgate such rules as are necessary to carry out the  
 7 purposes of this section and may enforce this section, and  
 8 any rules promulgated under this section through agency  
 9 and department provisions and rules which shall be similar  
 10 to those established and in effect under title VI of the Civil  
 11 Rights of 1964.

#### 12 EXPIRATION

13 SEC. 18. This Act shall terminate in the event that no  
 14 decision of the President takes effect under section 8 of this  
 15 Act, such termination to occur at the end of the last day on  
 16 which a decision could be, but is not, approved under such  
 17 section.

Amend the title so as to read: "An Act to provide for the making of a decision with respect to the selection of a transportation system for the delivery of Alaska natural gas to the contiguous States of the United States, and, with respect to any approved system, to expedite the construction and initial operation of such system, and for other purposes."

Passed the Senate July 1 (legislative day, June 18),  
 1976.

Attest:

FRANCIS R. VALEO,  
 Secretary.



[COMMITTEE PRINT]

SEPTEMBER 15, 1976

Showing S. 3521, As Reported by the Subcommittee on Energy and Power on September 13, 1976

94TH CONGRESS  
2D SESSION

**S. 3521**

**AN ACT**

To expedite a decision on the delivery of Alaska natural gas to United States markets, and for other purposes.

JULY 21, 1976

Referred jointly to the Committees on Interstate and Foreign Commerce and Interior and Insular Affairs