

September 30, 1976

Dear Colleague:

The Alaska Natural Gas Pipeline Procedural Bill will be acted on by the House today. The rule calls for consideration of the Interior Committee substitute.

Don't be alarmed -- the bill will protect all rights of Members to offer amendments and the ultimate result will be a shortening of the red tape and procedures to deliver both Alaskan natural gas and oil to all areas of the lower '48 that are short of these resources.

Our bill adds three key provisions to the Commerce Committee's draft:

Ruppe, Johnson, Melcher Amendment - Equitable distribution of natural gas to midwest, eastern and western regions of the country

(Page 6, C & D) Requires that all areas of the country receive natural gas.

Young Amendment

(Section 13) Permits Alaska (with its -60 degree temperatures) to use its royalty share of natural gas for its own people.

Seiberling Anti-Trust Amendment

(Sections 14 and 19) Require anti-trust oversight.

Udall, Miller Amendment

(Section 8) Allows for tighter congressional review of the proposed route.

Alaskan Oil Distribution

(Section 18) Requires Presidential report to facilitate equitable distribution of Alaskan oil to crude oil-short areas of the country in the north and midwest, making more oil available also to the northeast.

Each of these proposals can be modified under the rule that I hope you will consider and accept them as equitable and needed.

JOHN MELCHER

## [COMMITTEE PRINT]

SEPTEMBER 29, 1976

### Amendment in the Nature of a Substitute Recommended by the Committee on Interior and Insular Affairs for the Interstate and Foreign Commerce Committee Substitute to S. 3521

1 Strike out all after the enacting clause and insert in lieu  
2 thereof the following:

#### 3 **SHORT TITLE**

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

#### 6 **CONGRESSIONAL FINDINGS**

7 *SEC. 2. The Congress finds and declares that—*

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

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



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

(4) the determinations whether to authorize a transportation system for delivery of Alaska natural gas to the contiguous States and, if so, which system to select, involve questions of the utmost importance respecting national energy policy, international relations, national security, and economic and environmental impact, and therefore should appropriately be addressed by the Congress and the President in addition to those Federal officers and agencies assigned functions under law pertaining to the selection, construction, and initial operation of such a system.

#### STATEMENT OF PURPOSE

SEC. 3. The purpose of this Act is to provide the means for making a sound decision as to the selection of a transportation system for delivery of Alaska natural gas to the contiguous States for construction and initial operation by providing for the participation of the President and the Congress in the selection process, and, if such a system is approved under this Act, to expedite its construction and initial operation by (1) limiting the jurisdiction of the courts to review

the actions of Federal officers or agencies taken pursuant to the direction and authority of this Act, and (2) permitting the limitation of administrative procedures and effecting the limitation of judicial procedures related to such actions. 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, and particularly with respect to the limitation of judicial review of actions of Federal officers or agencies taken pursuant thereto.

#### DEFINITIONS

SEC. 4. As used in this Act:

(1) 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;

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

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

(4) the term "provision of law" means any provision of a Federal statute or rule, regulation, or order issued thereunder; and

(5) the term "approved transportation system" means the system for the transportation of Alaska natural



1 gas designated by the President pursuant to section 7  
 2 (a) or 8(b) and approved by joint resolution of the  
 3 Congress pursuant to section 8.

4 FEDERAL POWER COMMISSION REVIEWS AND REPORTS

5 SEC. 5. (a)(1) Notwithstanding any provision of the  
 6 Natural Gas Act or any other provision of law, the Com-  
 7 mission shall suspend all proceedings pending before the Com-  
 8 mission on the date of enactment of this Act relating to a  
 9 system for the transportation of Alaska natural gas as soon  
 10 as the Commission determines to be practicable after such  
 11 date, and the Commission may refuse to act on any applica-  
 12 tion, amendment thereto, or other requests for action under  
 13 the Natural Gas Act relating to a system for the transporta-  
 14 tion of Alaska natural gas until such time as (A) a decision  
 15 of the President designating such a system for approval takes  
 16 effect pursuant to section 8, (B) no such decision takes effect  
 17 pursuant to section 8, or (C) the President decides not to  
 18 designate such a system for approval under section 8 and  
 19 so advises the Congress pursuant to section 7.

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

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

6 (b)(1) The Commission shall review all applications  
 7 for the issuance of a certificate of public convenience and  
 8 necessity relating to the transportation of Alaska natural gas  
 9 pending on the date of enactment of this Act, and any  
 10 amendments thereto which are timely made, and after  
 11 consideration of any alternative transportation system  
 12 which the Commission determines to be reasonable, submit  
 13 to the President not later than May 1, 1977, a recommenda-  
 14 tion concerning the selection of such a transportation system.  
 15 Such recommendation may be in the form of a proposed  
 16 certificate of public convenience and necessity, or in such  
 17 other form as the Commission determines to be appropriate,  
 18 or may recommend that no decision respecting the selection of  
 19 such a transportation system be made at this time or pur-  
 20 suant to this Act. Any recommendation that the President  
 21 approve a particular transportation system shall (A) include  
 22 a description of the nature and route of the system, (B)  
 23 designate a person to construct and operate the system, which  
 24 person shall be the applicant, if any, which filed for a  
 25 certificate of public convenience and necessity to construct



1 and operate such system, (C) if such recommendation is  
 2 for an all-land pipeline transportation system, include pro-  
 3 vision for new facilities to the extent necessary to assure direct  
 4 pipeline delivery of Alaska natural gas contemporaneously  
 5 to points both east and west of the Rocky Mountains in the  
 6 lower continental United States, and (D) if such recom-  
 7 mendation is for a transportation system involving water  
 8 transportation, include provision for new facilities to the ex-  
 9 tent necessary to assure direct pipeline delivery of Alaska  
 10 natural gas contemporaneously to points both east and west of  
 11 the Rocky Mountains in the lower continental United States.

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

21 (3) The Commission may request such information and  
 22 assistance from any Federal agency as the Commission deter-  
 23 mines to be necessary or appropriate to carry out its responsi-  
 24 bilities under this Act. Any Federal agency requested to sub-  
 25 mit information or provide assistance shall submit such in-

1 formation to the Commission at the earliest practicable time  
 2 after receipt of a Commission request.

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

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

11 (A) volumes of Alaska natural gas which  
 12 would be available to each region of the United States  
 13 directly, or indirectly by displacement or otherwise,  
 14 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 the  
 19 projected natural gas supply and demand for each  
 20 region of the United States and on the projected supplies  
 21 of alternative fuels available by region to offset short-  
 22 ages of natural gas occurring in such region for each  
 23 such year;

24 (3) the impact upon competition;

25 (4) the extent to which the system provides a



means for the transportation to United States markets of natural resources or other commodities from sources in addition to the Prudhoe Bay Reserve;

(5) environmental impacts;

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

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

(8) feasibility of financing;

(9) extent of reserves, both proven and probable and their deliverability by year for each year of the 20-year period which begins with the first year following the date of enactment of this Act;

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

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

(12) an estimate of the capital and operating

costs, including an analysis of the reliability of such estimates and the risk of cost overruns; and

(13) such other factors as the Commission determines to be appropriate.

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

(e) If the Commission recommends the approval of a particular transportation system, it shall submit to the President with such recommendation (1) an identification of those facilities and operations which are proposed to be encompassed within the term "construction and initial operation" in order to define the scope of directions contained in section 9 of this Act and (2) the terms and conditions permitted under the Natural Gas Act, which the Commission determines to be appropriate for inclusion in a certificate of public convenience and necessity to be issued respecting such system. The Commission shall submit to the President contemporaneously with its report an environmental impact statement prepared respecting the recommended system, if any, and each environmental impact statement which may have



1 *been prepared respecting any other system reported on under*  
 2 *this section.*

### 3 *OTHER REPORTS*

4 *SEC. 6. (a) Not later than July 1, 1977, any Federal*  
 5 *officer or agency may submit written comments to the Presi-*  
 6 *dent with respect to the recommendation and report of the*  
 7 *Commission and alternative methods for transportation of*  
 8 *Alaska natural gas for delivery to the contiguous States.*

9 *Such comments shall be made available to the public by the*  
 10 *President when submitted to him, unless expressly exempted*  
 11 *from this requirement in whole or in part by the President,*  
 12 *under section 552(b)(1) of title 5, United States Code. Any*  
 13 *such written comment shall include information within the*  
 14 *competence of such Federal officer or agency with respect to—*

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

17 *(2) the safety of the transportation systems;*

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

21 *(4) national security, particularly security of*  
 22 *supply;*

23 *(5) sources of financing for capital costs;*

24 *(6) the impact upon competition;*

1 *(7) impact on the national economy, including*  
 2 *regional natural gas requirements; and*

3 *(8) relationship of the proposed transportation sys-*  
 4 *tem to other aspects of national energy policy.*

5 *(b) Not later than July 1, 1977, the Governor of any*  
 6 *State, any municipality, State utility commission, and any*  
 7 *other interested person may submit to the President such writ-*  
 8 *ten comments with respect to the recommendation and report*  
 9 *of the Commission and alternative systems for delivering*  
 10 *Alaska natural gas to the contiguous States as they determine*  
 11 *to be appropriate.*

12 *(c) Not later than July 1, 1977, each Federal officer or*  
 13 *agency shall report to the President with respect to actions to*  
 14 *be taken by such officer or agency under section 9(a) relative*  
 15 *to each transportation system reported on by the Commission*  
 16 *under section 5(c) and shall include such officer's or agency's*  
 17 *recommendations with respect to any provision of law to be*  
 18 *waived pursuant to section 8(g) in conjunction with any*  
 19 *decision of the President which designates a system for*  
 20 *approval.*

21 *(d) Following receipt by the President of the Commis-*  
 22 *sion's recommendations, the Council on Environmental Qual-*  
 23 *ity shall afford interested persons an opportunity to present*  
 24 *oral and written data, views, and arguments respecting the*



1 environmental impact statements submitted by the Commission  
 2 under section 5(e). Not later than July 1, 1977, the Council  
 3 on Environmental Quality shall submit to the President a  
 4 report, which shall be contemporaneously made available by  
 5 the Council to the public, summarizing any data, views, and  
 6 arguments received and setting forth the Council's views con-  
 7 cerning the legal and factual sufficiency of each such environ-  
 8 mental impact statement and other matters related to  
 9 environmental impact as the Council considers to be relevant.

#### 10 PRESIDENTIAL DECISION AND REPORT

11 SEC. 7. (a)(1) As soon as practicable after July 1,  
 12 1977, but not later than September 1, 1977, the President  
 13 shall issue a decision as to whether a transportation system for  
 14 delivery of Alaska natural gas should be approved under  
 15 this Act. If he determines such a system should be so  
 16 approved, his decision shall designate such a system for  
 17 approval pursuant to section 8 and shall be consistent with  
 18 section 5(b)(1)(C) and (D) to assure delivery of Alaska  
 19 natural gas to points both east and west of the Rocky Moun-  
 20 tains in the continental United States. The President in mak-  
 21 ing his decision shall take into consideration the Commission's  
 22 recommendation pursuant to section 5, the report under sec-  
 23 tion 5(c), and any comments submitted under section 6;  
 24 and his decision to designate a system for approval shall be

1 based on his determination as to which system, if any, best  
 2 serves the national interest.

3 (2) The President, for a period of up to 90 additional  
 4 calendar days after September 1, 1977, may delay the  
 5 issuance of his decision and transmittal thereof to the House  
 6 of Representatives and the Senate, if he determines (A) that  
 7 there exists no environmental impact statement prepared rela-  
 8 tive to a system he wishes to consider or that any prepared  
 9 environmental impact statement relative to a system he wishes  
 10 to consider is legally or factually insufficient, or (B) that  
 11 the additional time is otherwise necessary to enable him to  
 12 make a sound decision on an Alaska natural gas transporta-  
 13 tion system. The President shall promptly, but in no case any  
 14 later than September 1, 1977, notify the House of Rep-  
 15 resentatives and the Senate if he so delays his decision and  
 16 submit a full explanation of the basis of any such delay.

17 (3) If, on or before May 1, 1977, the President de-  
 18 termines to delay issuance and transmittal of his decision  
 19 to the House of Representatives and the Senate pursuant to  
 20 paragraph (2) of this subsection, he may authorize a delay  
 21 of not more than 90 days in the date of taking of any action  
 22 specified in sections 5 and 6. The President shall promptly  
 23 notify the House of Representatives and the Senate of any



1 such authorization of delay and submit a full explanation  
2 of the basis of any such authorization.

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

6 (A) describe the nature and route of the system  
7 designated for approval;

8 (B) designate a person to construct and operate  
9 such a system, which person shall be the applicant, if  
10 any, which filed for a certificate of public convenience  
11 and necessity to construct and operate such system;

12 (C) identify those facilities, the construction of  
13 which, and those operations, the conduct of which, shall  
14 be encompassed within the term "construction and initial  
15 operation" for purposes of defining the scope of the  
16 directions contained in section 9 of this Act, taking  
17 into consideration any recommendation of the Commis-  
18 sion with respect thereto; and

19 (D) identify those provisions of law, relating to  
20 any determination of a Federal officer or agency as to  
21 whether a certificate, permit, right-of-way, lease, or  
22 other authorization shall be issued or be granted, which  
23 provisions the President finds (i) involve determinations  
24 which are subsumed in his decision and (ii) require  
25 waiver pursuant to section 8(g) in order to permit the

1 expeditious construction and initial operation of the  
2 transportation system.

3 (5) After a decision of the President designating an  
4 Alaska natural gas transportation system takes effect under  
5 section 8, the President shall appoint an officer of the United  
6 States, with the advice and consent of the Senate, or des-  
7 ignate a board (consisting of such an officer, so appointed  
8 with the advice and consent of the Senate, as chairman and  
9 such other individuals as the President determines appro-  
10 priate to serve on such board by reason of background, ex-  
11 perience, or position) to serve as Federal inspector of con-  
12 struction of such transportation system, except that no such  
13 individual or officer may have a financial interest in the  
14 approved transportation system. Upon enactment of a joint  
15 resolution pursuant to section 8 approving such a system the  
16 Federal inspector shall—

17 (A) establish a joint surveillance and monitoring  
18 agreement, approved by the President, with the State  
19 of Alaska similar to that in effect during construction of  
20 the trans-Alaska oil pipeline to monitor the construction  
21 of the approved transportation system within the State  
22 of Alaska;

23 (B) monitor compliance with applicable laws  
24 and the terms and conditions of any applicable certificate,



1 rights-of-way, permit, lease, or other authorization issued  
2 or granted under section 9;

3 (C) monitor actions taken to assure timely com-  
4 pletion of construction schedules and the achievement of  
5 quality of construction, cost control, safety, and environ-  
6 mental protection objectives and the results obtained there-  
7 from;

8 (D) have the power to compel, by subpoena if  
9 necessary, submission of such information as he deems  
10 necessary to carry out his responsibilities; and

11 (E) keep the President and the Congress cur-  
12 rently informed on any significant departures from com-  
13 pliance and issue quarterly reports to the President and  
14 the Congress concerning existing or potential failures to  
15 meet construction schedules or other factors which may  
16 delay the construction and initial operation of the system  
17 and the extent to which quality of construction, cost con-  
18 trol, safety and environmental protection objectives have  
19 been achieved.

20 (6) If the President determines to designate for ap-  
21 proval a transportation system for delivery of Alaska natural  
22 gas to the contiguous States, he may identify in such decision  
23 such terms and conditions permissible under existing law as  
24 he determines appropriate for inclusion with respect to any

1 issuance or authorization directed to be made pursuant to  
2 section 9.

3 (b) The decision of the President made pursuant to sub-  
4 section (a) of this section shall be transmitted to both Houses  
5 of Congress and shall be considered received by such Houses  
6 for the purposes of this section on the first day on which  
7 both are in session occurring after such decision is trans-  
8 mitted. Such decision shall be accompanied by a report ex-  
9 plaining in detail the basis for his decision with specific  
10 reference to the factors set forth in sections 5(c) and 6(a),  
11 and the reasons for any revision, modification of, or sub-  
12 stitution for, the Commission recommendation.

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

23 (d) In making his decision under subsection (a) the  
24 President shall inform himself, through appropriate con-



1 sultation, of the views and objectives of the States, the Gov-  
 2 ernment of Canada, and other governments with respect to  
 3 those aspects of such a decision that may involve intergovern-  
 4 mental and international cooperation among the Government  
 5 of the United States, the States, the Government of Canada,  
 6 and any other government.

7 (e) If the President determines to designate a transporta-  
 8 tion system for approval, the decision of the President shall  
 9 take effect as provided in section 8, except that the approval  
 10 of a decision of the President shall not be construed as  
 11 amending or otherwise effecting the laws of the United States  
 12 so as to grant any new financing authority as may have been  
 13 identified by the President pursuant to subsection (c).

#### 14 CONGRESSIONAL REVIEW

15 SEC. 8. (a) Any decision under section 7(a) or 8(b)  
 16 designating for approval a transportation system for the de-  
 17 livery of Alaska natural gas shall take effect upon enact-  
 18 ment of a joint resolution within the first period of 60 calen-  
 19 dar days of continuous session of Congress beginning on the  
 20 date after the date of receipt by the Senate and House of  
 21 Representatives of a decision transmitted pursuant to section  
 22 7(b) or subsection (b) of this section.

23 (b) If the Congress does not enact such a joint resolu-  
 24 tion within such 60-day period, the President, not later than  
 25 the end of the 30th day following the expiration of the 60-

1 day period, may propose a new decision and shall provide a  
 2 detailed statement concerning the reasons for such proposal.  
 3 The new decision shall be submitted in accordance with sec-  
 4 tion 7(a) and transmitted to the House of Representatives  
 5 and the Senate on the same day while both are in session and  
 6 shall take effect pursuant to subsection (a) of this section.  
 7 In the event that a resolution respecting the President's de-  
 8 cision was defeated by vote of either House, no new decision  
 9 may be transmitted pursuant to this subsection unless such  
 10 decision differs in a material respect from the previous  
 11 decision.

12 (c) For purposes of this section—

13 (1) continuity of session of Congress is broken only  
 14 by an adjournment sine die; and  
 15 (2) the days on which either House is not in session  
 16 because of an adjournment of more than 3 days to a day  
 17 certain are excluded in the computation of the 60-day  
 18 calendar period.

19 (d) (1) This subsection is enacted by Congress—

20 (A) as an exercise of the rulemaking power of  
 21 each House of Congress, respectively, and as such it is  
 22 deemed a part of the rules of each House, respectively,  
 23 but applicable only with respect to the procedure to be  
 24 followed in that House in the case of resolutions described  
 25 by paragraph (2) of this subsection; and it supersedes



1 other rules only to the extent that it is inconsistent there-  
2 with; and

3 (B) with full recognition of the constitutional right  
4 of either House to change the rules (so far as those rules  
5 relate to the procedure of that House) at any time, in the  
6 same manner and to the same extent as in the case of  
7 any other rule of such House.

8 (2) For purposes of this Act, the term "resolution"  
9 means (A) a joint resolution, the resolving clause of which  
10 is as follows: "That the House of Representatives and Senate  
11 approve the Presidential decision on an Alaska natural gas  
12 transportation system submitted to the Congress on , 19 ,  
13 and find that any environmental impact statements prepared  
14 relative to such system and submitted with the President's  
15 decision are in compliance with the National Environmental  
16 Policy Act of 1969."; the blank space therein shall be filled  
17 with the date on which the President submits his decision to  
18 the House of Representatives and the Senate; or (B) a joint  
19 resolution described in subsection (g).

20 (3) A resolution once introduced with respect to a  
21 Presidential decision on an Alaska natural gas transportation  
22 system shall be referred to one or more committees (and all  
23 resolutions with respect to the same Presidential decision on  
24 an Alaska natural gas transportation system shall be referred  
25 to the same committee or committees) by the President of the

1 Senate or the Speaker of the House of Representatives, as  
2 the case may be.

3 (4)(A) If any committee to which a resolution with  
4 respect to a Presidential decision on an Alaska natural gas  
5 transportation system has been referred has not reported it  
6 at the end of 30 calendar days after its referral, it shall be  
7 in order to move either to discharge such committee from fur-  
8 ther consideration of such resolution or to discharge such  
9 committee from consideration of any other resolution with  
10 respect to such Presidential decision on an Alaska natural gas  
11 transportation system which has been referred to such  
12 committee.

13 (B) A motion to discharge may be made only by an  
14 individual favoring the resolution, shall be highly privileged  
15 (except that it may not be made after the committee has re-  
16 ported a resolution with respect to the same Presidential deci-  
17 sion on an Alaska natural gas transportation system), and  
18 debate thereon shall be limited to not more than 1 hour, to be  
19 divided equally between those favoring and those opposing  
20 the resolution. An amendment to the motion shall not be in  
21 order, and it shall not be in order to move to reconsider the  
22 vote by which the motion was agreed to or disagreed to.

23 (C) If the motion to discharge is agreed to or disagreed  
24 to, the motion may not be made with respect to any other



1 resolution with respect to the same Presidential decision on  
2 an Alaska natural gas transportation system.

3 (5)(A) When any committee has reported, or has been  
4 discharged from further consideration of, a resolution, but  
5 in no case earlier than 30 days after the date of receipt  
6 of the President's decision to the Congress, it shall be at  
7 any time thereafter in order (even though a previous  
8 motion to the same effect has been disagreed to) to move  
9 to proceed to the consideration of the resolution. The motion  
10 shall be highly privileged and shall not be debatable. An  
11 amendment to the motion shall not be in order, and it shall  
12 not be in order to move to reconsider the vote by which the  
13 motion was agreed to or disagreed to.

14 (B) Debate on the resolution described in subsection  
15 (d)(2)(A) shall be limited to not more than 10 hours and  
16 on any resolution described in subsection (g) to one hour.  
17 This time shall be divided equally between those favoring  
18 and those opposing such resolution. A motion further to  
19 limit debate shall not be debatable. An amendment to, or  
20 motion to recommit the resolution shall not be in order,  
21 and it shall not be in order to move to reconsider the vote by  
22 which such resolution was agreed to or disagreed to or, there-  
23 after within such 60-day period, to consider any other reso-  
24 lution respecting the same Presidential decision.

25 (6)(A) Motions to postpone, made with respect to the

1 discharge from committee, or the consideration of a resolu-  
2 tion and motions to proceed to the consideration of other  
3 business, shall be decided without debate.

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

8 (e) The President shall find that any required environ-  
9 mental impact statement relative to the Alaska natural gas  
10 transportation system designated for approval by the President  
11 has been prepared and that such statement is in compliance  
12 with the National Environmental Policy Act of 1969. Such  
13 finding shall be set forth in the report of the President sub-  
14 mitted under section 7. The President may supplement or  
15 modify the environmental impact statements prepared by  
16 the Commission or other Federal officers or agencies. Any  
17 such environmental impact statement shall be submitted con-  
18 temporaneously with the transmittal to the Senate and House  
19 of Representatives of the President's decision pursuant to  
20 section 7(b) or subsection (b) of this section.

21 (f) Within 20 days of the transmittal of the President's  
22 decision to the Congress under section 7(b) or under subsec-  
23 tion (b) of this section, (1) the Commission shall submit to  
24 the Congress a report commenting on the decision and includ-  
25 ing any information with regard to that decision which the



1 Commission considers appropriate, and (2) the Council on  
 2 Environmental Quality shall provide an opportunity to any  
 3 interested person to present oral and written data, views,  
 4 and arguments on any environmental impact statement sub-  
 5 mitted by the President relative to any system designated by  
 6 him for approval which is different from any system reported  
 7 on by the Commission under section 5(c), and shall submit  
 8 to the Congress a report summarizing any such views re-  
 9 ceived. The committees in each House of Congress to which  
 10 a resolution has been referred under subsection (d)(3) shall  
 11 conduct hearings on the Council's report and include in any  
 12 report of the committee respecting such resolution the findings  
 13 of the committee on the legal and factual sufficiency of any  
 14 environmental impact statement submitted by the President  
 15 relative to any system designated by him for approval.

16 (g) If a decision of the President designating for ap-  
 17 proval a transportation system takes effect pursuant to this  
 18 section, any provision of law identified pursuant to section  
 19 7(a)(3)(C)(4)(D) in such decision shall be waived with  
 20 respect to actions to be taken under section 9(a).

21 (g)(1) At any time after a decision designating a  
 22 transportation system is submitted to the Congress pursu-  
 23 ant to this section, if the President finds that any provi-  
 24 sion of law applicable to actions to be taken under subsec-  
 25 tion (a) or (c) of section 9 require waiver in order to permit

1 expeditious construction and initial operation of the approved  
 2 transportation system, the President may submit such pro-  
 3 posed waiver to both Houses of Congress.

4 (2) Such provision shall be waived with respect to ac-  
 5 tions to be taken under subsection (a) or (c) of section 9  
 6 upon enactment of a joint resolution pursuant to the proce-  
 7 dures specified in subsections (c) and (d) of this section  
 8 (other than subsection (d)(2) thereof) within the first  
 9 period of 60 calendar days of continuous session of Congress  
 10 beginning on the date after the date of receipt by the Senate  
 11 and House of Representatives of such proposal.

12 (3) The resolving clause of the joint resolution referred  
 13 to in this subsection is as follows: "That the House of Rep-  
 14 resentatives and Senate approve the waiver of the provision  
 15 of law ( ) as proposed by the President, submitted to  
 16 the Congress on , 19 ." The first blank space  
 17 therein being filled with the citation to the provision of law  
 18 and the second blank space therein being filled with the  
 19 date on which the President submits his decision to the House  
 20 of Representatives and the Senate.

21 (4) In the case of action with respect to a joint resolu-  
 22 tion described in this subsection, the phrase "a waiver of  
 23 a provision of law" shall be substituted in subsection (d)  
 24 for the phrase "the Alaska natural gas transportation sys-  
 25 tem."



## AUTHORIZATIONS

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

7 *(1) to the fullest extent permitted by the provisions*  
 8 *of law administered by such officer or agency, but*

9 *(2) without regard to any provision of law which*  
 10 *is waived pursuant to section 8(g) issue or grant such*  
 11 *certificates, permits, rights-of-way, leases, and other*  
 12 *authorizations at the earliest practicable date.*

13 *(b) All actions of a Federal officer or agency with re-*  
 14 *spect to consideration of applications or requests for the iss-*  
 15 *uance or grant of a certificate, right-of-way, permit, lease, or*  
 16 *other authorization to which subsection (a) applies shall be*  
 17 *expedited and any such application or request shall take*  
 18 *precedence over any similar applications or requests of the*  
 19 *Federal officer or agency.*

20 *(c) Any certificate, right-of-way, permit, lease, or other*  
 21 *authorization issued or granted pursuant to the direction*  
 22 *under subsection (a) shall include the terms and conditions*  
 23 *required by law unless waived pursuant to a resolution under*  
 24 *section 8(g), and may include terms and conditions per-*  
 25

1 *mitted by law, except that with respect to terms and condi-*  
 2 *tions permitted but not required, the Federal officer or*  
 3 *agency, notwithstanding any such other provision of law,*  
 4 *shall have no authority to include terms and conditions as*  
 5 *would compel a change in the basic nature and general route*  
 6 *of the approved transportation system or those the inclusion*  
 7 *of which would otherwise prevent or impair in any signifi-*  
 8 *cant respect the expeditious construction and initial opera-*  
 9 *tion of such transportation system.*

10 *(d) Any Federal officer or agency, with respect to any*  
 11 *certificate, permit, right-of-way, lease, or other authoriza-*  
 12 *tion issued or granted by such officer or agency, may, to the*  
 13 *extent permitted under laws administered by such officer or*  
 14 *agency add to, amend or abrogate any term or condition*  
 15 *included in such certificate, permit, right-of-way, lease, or*  
 16 *other authorization except that with respect to any such*  
 17 *action which is permitted but not required by law, such*  
 18 *Federal officer or agency, notwithstanding any such other*  
 19 *provision of law, shall have no authority to take such action*  
 20 *if the terms and conditions to be added, or as amended,*  
 21 *would compel a change in the basic nature and general*  
 22 *route of the approved transportation system or would other-*  
 23 *wise prevent or impair in any significant respect the ex-*  
 24 *peditious construction and initial operation of such transpor-*  
 25 *tation system.*



1 (e) Any Federal officer or agency to which subsection  
 2 (a) applies, to the extent permitted under laws administered  
 3 by such officer or agency, shall include in any certificate,  
 4 permit, right-of-way, lease, or other authorization issued  
 5 or granted those terms and conditions identified in the  
 6 President's decision as appropriate for inclusion except that  
 7 the requirement to include such terms and conditions shall  
 8 not limit the Federal officer or agency's authority under  
 9 subsection (d) of this section.

#### 10 JUDICIAL REVIEW

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

15 (b)(1) Claims alleging the invalidity of this Act may  
 16 be brought not later than the 60th day following the date  
 17 a decision takes effect pursuant to section 8 of this Act.

18 (2) Claims alleging that an action will deny rights under  
 19 the Constitution of the United States, or that an action is  
 20 in excess of statutory jurisdiction, authority, or limitations, or  
 21 short of statutory right may be brought not later than the 60th  
 22 day following the date of such action, except that if a party  
 23 shows that he did not know of the action complained of, and  
 24 a reasonable person acting in the circumstances would not  
 25 have known, he may bring a claim alleging the invalidity

1 of such action on the grounds stated above not later than the  
 2 60th day following the date of his acquiring actual or con-  
 3 structive knowledge of such action.

4 (c)(1) A claim under subsection (b) shall be barred  
 5 unless a complaint is filed prior to the expiration of such  
 6 time limits in the United States Court of Appeals for the  
 7 District of Columbia acting as a Special Court. Such court  
 8 shall have exclusive jurisdiction to determine such proceed-  
 9 ing in accordance with the procedures hereinafter provided,  
 10 and no other court of the United States, of any State, ter-  
 11 ritory, or possession of the United States, or of the District  
 12 of Columbia, shall have jurisdiction of any such claim in  
 13 any proceeding instituted prior to or on or after the date of  
 14 enactment of this Act.

15 (2) Any such proceeding shall be assigned for hearing  
 16 and completed at the earliest possible date, shall, to the  
 17 greatest extent practicable, take precedence over all other  
 18 matters pending on the docket of the court at that time, and  
 19 shall be expedited in every way by such court and such court  
 20 shall render its decision relative to any claim within 90  
 21 days from the date such claim is brought unless such court  
 22 determines that a longer period of time is required to satisfy  
 23 requirements of the United States Constitution.

24 (3) The enactment of a joint resolution under section  
 25 8 approving the decision of the President shall be conclusive



1 as to the legal and factual sufficiency of the environmental  
 2 impact statements submitted by the President relative to  
 3 the approved transportation system and no court shall have  
 4 jurisdiction to consider questions respecting the sufficiency of  
 5 such statements under the National Environmental Policy  
 6 Act of 1969.

#### 7 SUPPLEMENTAL ENFORCEMENT AUTHORITY

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

17 (1) issue a compliance order requiring such person  
 18 to comply with such provision or any rule, regulation, or  
 19 order thereunder, 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

1 or agency, as the case may be, determines is reasonable,  
 2 taking into account the seriousness of the violation and any  
 3 good faith efforts to comply with applicable requirements.

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

#### 15 EXPORT LIMITATIONS

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



## EQUAL ACCESS TO FACILITIES

SEC. 13. (a) There shall be included in the terms of any certificate, permit, right-of-way, lease, or other authorization issued or granted pursuant to the directions contained in section 9 of this Act, a provision that no person seeking to transport natural gas in the Alaska natural gas transportation system shall be prevented from doing so or be discriminated against in the terms and conditions of service on the basis of degree of ownership, or lack thereof, of the Alaska natural gas transportation system.

(b) The State of Alaska is authorized to ship its royalty gas on the approved transportation system for use within Alaska and, to the extent its contracts for the sale of royalty gas so provide, to withdraw such gas from the interstate market for use within Alaska; the Federal Power Commission shall issue all authorizations necessary to effectuate such shipment and withdrawal subject to review by the Commission/only of the justness and reasonableness of the rate charged for such transportation.

## ANTITRUST LAWS

SEC. 14. Nothing in this Act, and no action taken hereunder, shall imply or effect an amendment to, or exemption from, any provision of the antitrust laws.

## AUTHORIZATION

SEC. 15. There is hereby authorized to be appropriated beginning in fiscal year 1978 and each fiscal year thereafter,

such sums as may be necessary to carry out the functions of the Federal inspector appointed by the President with the advice and consent of the Senate under section 7.

## 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 and agencies 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 certificates, permit, right-of-way, lease, or other authorization granted or issued pursuant to this Act. The appropriate Federal officers and agencies shall promulgate such rules as are necessary to carry out the purposes of this section and may enforce this section, and any rules promulgated under this section through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

## REPORT ON THE EQUITABLE ALLOCATION OF NORTH SLOPE

## CRUDE OIL

SEC. 18. Within 6 months of the date of enactment of this Act, the President shall determine what special expediting procedures are necessary to insure the equitable



1 allocation of north slope crude oil to the Northern Tier  
 2 States of Washington, Oregon, Idaho, Montana, North Da-  
 3 kota, Minnesota, Michigan, Wisconsin, Illinois, Indiana, and  
 4 Ohio (hereinafter referred to as the "Northern Tier States")  
 5 to carry out the provisions of section 410 of Public Law  
 6 93-153 and shall report his findings to the Congress. In  
 7 his report, the President shall identify the specific pro-  
 8 visions of law, which relate to any determination of  
 9 a Federal officer or agency as to whether to issue  
 10 or grant a certificate, permit, right-of-way, lease, or other  
 11 authorization in connection with the construction of an oil  
 12 delivery system serving the Northern Tier States and which  
 13 the President finds would inhibit the expeditious construc-  
 14 tion of such a system in the contiguous States of the United  
 15 States. Furthermore, all Federal officers and agencies shall,  
 16 prior to the submission of such report and further congres-  
 17 sional action relating thereto, expedite to the fullest prac-  
 18 ticable extent all applications and requests for action made  
 19 with respect to such an oil delivery system.

#### 20 ANTITRUST STUDY

21 SEC. 19. The Attorney General of the United States is  
 22 authorized and directed to conduct a thorough study of the  
 23 antitrust issues and problems relating to the production  
 24 and transportation of Alaska natural gas and, not later  
 25 than six months following the date of enactment of this Act,

1 to complete such study and submit to the Congress a report  
 2 containing his findings and recommendations with respect  
 3 thereto.

#### 4 EXPIRATION

5 SEC. 20. This Act shall terminate in the event that  
 6 no decision of the President takes effect under section 8 of this  
 7 Act, such termination to occur at the end of the last day on  
 8 which a decision could be, but is not, approved under such  
 9 section.

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