

94TH CONGRESS  
2D SESSION

# H. R. 12983

## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1976

Mr. STAGGERS (for himself and Mr. DEVINE) (by request) introduced the following bill; which was referred jointly to the Committees on Interstate and Foreign Commerce, Interior and Insular Affairs, and Public Works and Transportation

## A BILL

To expedite the delivery of Alaskan 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,*

### SHORT TITLE

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

### 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 can help significantly to alleviate this supply shortage;

(c) the construction of a natural gas pipeline system to transport natural gas from Alaska to the contiguous forty-eight States at the earliest practicable time, is essential to the national interest; and

(d) alternative delivery systems for transporting Alaskan natural gas to the contiguous forty-eight States are available, and the decision as to the selection of a system is one which involves critical questions of national energy policy, international relations, national defense, and economic and environmental considerations, and which 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 the selection and construction of a natural gas transportation system for delivery of Alaskan natural gas to the contiguous forty-eight 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 and in limiting judicial review of the actions taken pursuant thereto.

#### DEFINITIONS

SEC. 4. As used in this Act—

(a) the term "Alaskan 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

SEC. 5. (a) Notwithstanding the provisions of the Natural Gas Act (15 U.S.C. 717-717w), the procedures established by this Act shall govern actions by the Commission with respect to review and approvals of applications for a certificate of public convenience and necessity filed by any person with respect to proposals to transport Alaskan natural gas from the State of Alaska for use within other States in the continental United States. The provisions of the Natural Gas Act shall apply to the extent they are not inconsistent with this Act. Any certificate of public convenience and necessity related to the transportation of Alaskan natural gas



1 from the State of Alaska shall be issued by the Commission  
2 in accordance with section 9 of this Act.

3 (b) The Commission is hereby directed to complete its  
4 proceedings with respect to proposals for the transportation  
5 of Alaskan natural gas from the State of Alaska, which pro-  
6 ceedings are pending on the date of enactment of this Act,  
7 and to transmit a determination thereon to the President by  
8 January 1, 1977.

9 (c) The determination required by subsection (b) of  
10 this section may be in the form of a proposed certificate of  
11 public convenience and necessity, or such other form as the  
12 Commission deems appropriate, and should include such in-  
13 formation as the Commission deems appropriate, including—

14 (i) estimated capital and operating costs, including  
15 analysis of any likely cost overruns;

16 (ii) analysis of construction schedules and possibili-  
17 ties for delay;

18 (iii) extent of reserves, both proven and probable,  
19 and their deliverability into a transportation system;

20 (iv) analysis of environmental considerations, in-  
21 cluding pipeline design criteria, and maintenance and  
22 construction procedures;

23 (v) financing capabilities;

24 (vi) safety in design and operation;

1 (vii) anticipated demand in, and deliverability to  
2 particular markets, including analysis of displacement  
3 questions and substitute fuels; and

4 (viii) anticipated transportation tariffs, both short  
5 term and long term.

#### 6 OTHER AGENCY REPORTS

7 SEC. 6. By February 1, 1977, the President shall require  
8 from such agencies as he deems appropriate the submission  
9 of reports to him with respect to the alternative methods  
10 for delivering Alaskan natural gas to the other States in the  
11 continental United States. Such reports should include infor-  
12 mation with respect to—

13 (a) issues related to national energy policy;

14 (b) environmental considerations, including a de-  
15 tailed study of the air and water quality and noise im-  
16 pacts;

17 (c) issues related to pipeline safety and liquefied nat-  
18 ural gas transportation;

19 (d) foreign policy aspects, including evaluation of  
20 the status of Canadian approvals and plans;

21 (e) national defense, particularly questions of se-  
22 curity of supply;

23 (f) issues relating to natural resources, use of Fed-  
24 eral lands, and fish and wildlife resources; and

25 (g) issues relating to financing.



## PRESIDENTIAL DECISION

SEC. 7. (a) As soon as possible after receipt of the reports required by section 6, but not later than August 1, 1977, the President shall issue a decision as to which system for transportation of Alaskan natural gas, if any, shall be issued the necessary approvals in accordance with sections 9 and 10 of this Act. The Presidential selection of the natural gas transportation system shall be based on the determination as to which system best serves the national interest in bringing Alaskan natural gas to the contiguous forty eight States and shall include such terms and conditions as the President deems appropriate.

(b) The decision of the President made pursuant to subsection (a) of this section, along with a statement of the reasons therefor, shall be transmitted immediately to the Senate and the House of Representatives.

(c) The decision of the President shall become final as provided in section 8.

## CONGRESSIONAL REVIEW

SEC. 8. (a) A Presidential decision issued pursuant to section 7 shall become final after the close of the sixty-day period beginning on the day on which such decision is transmitted to the Senate and to the House of Representatives.

(b) If, because of congressional action, the Presidential decision does not become final, the President may submit the same or a new decision to the Senate and the House of Representatives. Any such new submission may only become final in accordance with the procedures specified in subsection (a) in the same manner as a decision issued pursuant to section 7.

## CERTIFICATION

SEC. 9. (a) The Congress hereby authorizes and directs the Commission, within thirty days after a Presidential decision has become final in accordance with section 8 of this Act, to issue all certificates, permits, and other authorizations necessary for or related to the construction, operation, and maintenance of the transportation system selected in accordance with sections 7 and 8 of this Act. The Commission, in issuing such certificates, permits or authorizations, shall include the terms and conditions set out by the President in his decision pursuant to section 7 of this Act.

(b) No action may be taken by any agency pursuant to this Act until any environmental impact statements considering a system for transportation of natural gas from Alaska to the contiguous forty-eight States, which statements are in draft form on the effective date of this Act, are completed in final form and filed with the Council on Environmental Quality. Section 102 (2) (C) of the National Environmental



1 Policy Act of 1969 shall not be applicable to the Alaskan  
2 Natural Gas transportation system selected in accordance  
3 with this Act, except as provided in this subsection.

#### 4 OTHER ADMINISTRATIVE AUTHORIZATIONS

5 SEC. 10. (a) The Congress hereby authorizes and directs  
6 the Secretary of the Interior, the Secretary of Transporta-  
7 tion, and other appropriate Federal officers and agencies to  
8 issue and take all necessary action to administer and enforce  
9 rights-of-way, permits, leases, and other authorizations that  
10 are necessary for or related to the construction, operation, and  
11 maintenance of the Alaskan natural gas transportation sys-  
12 tem: *Provided*, That nothing in this subsection shall be con-  
13 strued to require the granting of any authorization relating  
14 to Federal financial assistance.

15 (b) Rights-of-way, permits, leases, and other authoriza-  
16 tions issued pursuant to this Act by the Secretary shall be  
17 subject to the provisions of section 28 of the Mineral Leasing  
18 Act of 1920 (30 U.S.C. 185) (except the provisions of  
19 subsections (h) (1), (j), (k), (q), and (w) (2)); all  
20 authorizations issued by the Secretary and other Federal  
21 officers and agencies shall include the terms and conditions  
22 required, and may include the terms and conditions permitted,  
23 by the provisions of law that would otherwise be applicable  
24 if this Act had not been enacted, and they may waive any  
25 procedural requirements of law or regulations which they

1 deem desirable to waive in order to accomplish the purposes  
2 of this Act. The direction contained in subsection (a) of this  
3 section shall supersede the provisions of any law or regula-  
4 tions relating to an administrative determination as to  
5 whether the authorizations for construction of the Alaskan  
6 natural gas transportation system shall be issued.

7 (c) The Secretary of the Interior and the other Fed-  
8 eral officers and agencies are authorized at any time when  
9 necessary to protect the public interest, pursuant to the  
10 authority of this section and in accordance with its provisions,  
11 to amend or modify any right-of-way, permit, lease, or other  
12 authorization issued under this Act.

#### 13 JUDICIAL REVIEW

14 SEC. 11. The actions of the Federal officers concerning  
15 the issuance of the necessary rights-of-way, permits, leases,  
16 and other authorizations for construction, and initial opera-  
17 tion at full capacity of the Alaskan natural gas transporta-  
18 tion system, including the issuance of a certificate of public  
19 convenience and necessity by the Commission, shall not be  
20 subject to judicial review under any law, except that claims  
21 alleging the invalidity of this section may be brought within  
22 sixty days following the date of enactment, and claims al-  
23 leging that an action will deny rights under the Constitu-  
24 tion of the United States, or that the action is beyond the  
25 scope of authority conferred by this Act, may be brought



1 within sixty days following the date of such action. A claim  
2 shall be barred unless a complaint is filed in the United  
3 States District Court for the District of Columbia within such  
4 time limits, and such court shall have exclusive jurisdiction to  
5 determine such proceeding in accordance with the procedures  
6 hereinafter provided, and no other court of the United States,  
7 of any State, territory, or possession of the United States, or  
8 of the District of Columbia, shall have jurisdiction of any  
9 such claim whether in a proceeding instituted prior to or on  
10 or after the date of enactment of this Act. Any such proceed-  
11 ing shall be assigned for hearing at the earliest possible date,  
12 shall take precedence over all other matters pending on  
13 the docket of the district court at that time, and shall be ex-  
14 pedited in every way by such court. Such court shall not  
15 have jurisdiction to grant any injunctive relief against the  
16 issuance of any right-of-way, permit, lease, or other author-  
17 ization pursuant to this section except in conjunction with  
18 a final judgment entered in a case involving a claim filed  
19 pursuant to this section. There shall be no review of an inter-  
20 locutory or final judgment, decree, or order of such district  
21 court except that any party may appeal directly to the  
22 Supreme Court of the United States.

23 **SEPARABILITY**

24 **SEC. 12.** If any provision of this Act, or the applica-  
25 tion thereof, is held invalid, the remainder of this Act shall  
26 not be affected thereby.

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