

104TH CONGRESS
1ST SESSION

S. 395

To authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13 (legislative day, JANUARY 30), 1995

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize and direct the Secretary of Energy to sell the Alaska Power Administration, 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 **TITLE I**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Alaska Power Admin-
6 istration Sale Act”.

7 **SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDRO-** 8 **ELECTRIC PROJECTS.**

9 (a) The Secretary of Energy is authorized and di-
10 rected to sell the Snettisham Hydroelectric Project (re-

1 ferred to in this Act as “Snettisham”) to the State of
2 Alaska in accordance with the terms of this Act and the
3 February 10, 1989, Snettisham Purchase Agreement, as
4 amended, between the Alaska Power Administration of the
5 Department of Energy and the Alaska Power Authority.

6 (b) The Secretary of Energy is authorized and di-
7 rected to sell the Eklutna Hydroelectric Project (referred
8 to in this Act as “Eklutna”) to the Municipality of An-
9 chorage doing business as Municipal Light and Power, the
10 Chugach Electric Association, Inc., and the Matanuska
11 Electric Association, Inc. (referred to in this Act as
12 “Eklutna Purchasers”), in accordance with the terms of
13 this Act and the August 2, 1989, Eklutna Purchase
14 Agreement, as amended, between the Department of En-
15 ergy and the Eklutna Purchasers.

16 (c) The heads of other Federal departments and
17 agencies, including the Secretary of the Interior, shall as-
18 sist the Secretary of Energy in implementing the sales au-
19 thorized and directed by this Act.

20 (d) The Secretary of Energy shall deposit sale pro-
21 ceeds in the Treasury of the United States to the credit
22 of miscellaneous receipts.

23 (e) There are authorized to be appropriated such
24 sums as may be necessary to prepare or acquire Eklutna
25 and Snettisham assets for sale and conveyance. Such prep-

1 arations and acquisitions shall provide sufficient title to
2 ensure the beneficial use, enjoyment, and occupancy to the
3 purchasers of the asset to be sold.

4 **SEC. 103. EXEMPTION.**

5 (a)(1) After the sales authorized by this Act occur,
6 Eklutna and Snettisham, including future modifications,
7 shall continue to be exempt from the requirements of the
8 Federal Power Act (16 U.S.C. 791a et. seq.).

9 (2) The exemption provided by paragraph (1) does
10 not affect the Memorandum of Agreement entered into be-
11 tween the State of Alaska, the Eklutna Purchasers, the
12 Alaska Energy Authority, and Federal fish and wildlife
13 agencies regarding the protection, mitigation of, damages
14 to, and enhancement of fish and wildlife, dated August
15 7, 1991, which remains in full force and effect.

16 (3) Nothing in this Act or the Federal Power Act pre-
17 empts the State of Alaska from carrying out the respon-
18 sibilities and authorities of the Memorandum of Agree-
19 ment.

20 (b)(1) The United States District Court for the Dis-
21 trict of Alaska has jurisdiction to review decisions made
22 under the Memorandum of Agreement and to enforce the
23 provisions of the Memorandum of Agreement, including
24 the remedy of specific performance.

1 (2) An action seeking review of a Fish and Wildlife
2 Program (“Program”) of the Governor of Alaska under
3 the Memorandum of Agreement or challenging actions of
4 any of the parties to the Memorandum of Agreement prior
5 to the adoption of the Program shall be brought not later
6 than ninety days after the date of which the Program is
7 adopted by the Governor of Alaska, or be barred.

8 (3) An action seeking review of implementation of the
9 Program shall be brought not later than ninety days after
10 the challenged act implementing the program, or be
11 barred.

12 (c) With respect to Eklutna lands described in Ex-
13 hibit A of the Eklutna Purchase Agreement:

14 (1) The Secretary of the Interior shall issue
15 rights-of-way to the Alaska Power Administration
16 for subsequent reassignment to the Eklutna Pur-
17 chasers—

18 (A) at no cost to the Eklutna Purchasers;

19 (B) to remain effective for a period equal
20 to the life of Eklutna as extended by improve-
21 ments, repairs, renewals, or replacements; and

22 (C) sufficient for the operation, mainte-
23 nance, repair, and replacement of, and access
24 to, Eklutna facilities located on military lands
25 and lands managed by the Bureau of Land

1 Management, including land selected by the
2 State of Alaska.

3 (2) If the Eklutna Purchasers subsequently sell
4 or transfer Eklutna to private ownership, the Bu-
5 reau of Land Management may assess reasonable
6 and customary fees for continued uses of the rights-
7 of-way on lands managed by the Bureau of Land
8 Management and military lands in accordance with
9 current law.

10 (3) Fee title to lands at Anchorage Substation
11 shall be transferred to Eklutna Purchasers at no ad-
12 ditional cost if the Secretary of the Interior deter-
13 mines that pending claims to, and selection of, those
14 lands are invalid or relinquished.

15 (4) With respect only to approximately eight
16 hundred and fifty-three acres of Eklutna lands iden-
17 tified in paragraphs 1. a., b., and c. of exhibit A of
18 the Eklutna Purchase Agreement, the State of Alas-
19 ka may select, and the Secretary of the Interior shall
20 convey, to the State, improved lands under the selec-
21 tion entitlements in section 6(a) of the Act of July
22 7, 1958 (Public Law 85-508), and the North An-
23 chorage Land Agreement of January 31, 1983. The
24 conveyance is subject to the rights-of-way provided
25 to the Eklutna Purchasers under paragraph (1).

1 (d) With respect to the approximately two thousand
2 six hundred and seventy-one acres of Snettisham lands
3 identified in paragraphs 1. a. and b. of Exhibit A of the
4 Snettisham Purchase Agreement, the State of Alaska may
5 select, and the Secretary of the Interior shall convey to
6 the State, improved lands under the selection entitlement
7 in section 6(a) of the Act of July 7, 1958 (Public Law
8 85-508).

9 (e) Not later than one year after both of the sales
10 authorized in section 2 have occurred, as measured by the
11 transaction dates stipulated in the purchase agreements,
12 the Secretary of Energy shall—

13 (1) complete the business of, and close out, the
14 Alaska Power Administration;

15 (2) prepare and submit to Congress a report
16 documenting the sales; and

17 (3) return unused balances of funds appro-
18 priated for the Alaska Power Administration to the
19 Treasury of the United States.

20 (f) The Act of July 31, 1950 (64 Stat. 382) is re-
21 pealed effective on the date, as determined by the Sec-
22 retary of Energy, when all Eklutna assets have been con-
23 veyed to the Eklutna Purchasers.

24 (g) Section 204 of the Flood Control Act of 1962
25 (Public Law 87-874; 76 Stat. 1193) is repealed effective

1 on the date, as determined by the Secretary of Energy,
2 when all Snettisham assets have been conveyed to the
3 State of Alaska.

4 (h) As of the later of the two dates determined in
5 subsection (f) and (g), section 302(a) of the Department
6 of Energy Organization Act (42 U.S.C. 7152 (a)) is
7 amended—

8 (1) in paragraph (1)—

9 (A) by striking out subparagraph (C); and

10 (B) by redesignating subparagraphs (D),

11 (E) and (F) as subparagraphs (C), (D), and

12 (E) respectively;

13 (2) in paragraph (2), by striking out “the Bon-
14 neville Power Administration, and the Alaska Power
15 Administration” and inserting in lieu thereof “and
16 the Bonneville Power Administration”.

17 (i) The Act of August 9, 1955 (69 Stat. 618), con-
18 cerning water resources investigation in Alaska, is re-
19 pealed.

20 (j) The sales of Eklutna and Snettisham under this
21 Act are not considered a disposal of Federal surplus prop-
22 erty under the following provisions of section 203 of the
23 Federal Property and Administration Services Act of 1949
24 (40 U.S.C. 484) and section 13 of the Surplus Property
25 Act of 1944 (50 U.S.C. app. 1622).

1 **TITLE II**

2 **SEC. 201. SHORT TITLE**

3 This title may be cited as “Trans-Alaska Pipeline
4 Amendment Act of 1995”.

5 **SEC. 202. TAPS ACT AMENDMENTS.**

6 Section 203 of the Act entitled the “Trans-Alaska
7 Pipeline Authorization Act,” as amended (43 U.S.C.
8 1652), is amended by inserting the following new sub-
9 section (f):

10 “(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

11 “(1) Subject to paragraphs (2) and (3), not-
12 withstanding any other provision of law (including
13 any regulation), any oil transported by pipeline over
14 a right-of-way granted pursuant to this section may
15 be exported.

16 “(2) Except in the case of oil exported to a
17 country pursuant to a bilateral international oil sup-
18 ply agreement entered into by the United States
19 with the country before June 25, 1979, or to a coun-
20 try pursuant to the International Emergency Oil
21 Sharing Plan of the International Energy Agency,
22 the oil shall be transported by a vessel documented
23 under the laws of the United States and owned by
24 a citizen of the United States (as determined in ac-

1 cordance with section 2 of the Shipping Act, 1916
2 (46 U.S.C. App. 802)).

3 “(3) Nothing in this subsection shall restrict
4 the authority of the President under the Constitu-
5 tion, the International Emergency Economic Powers
6 Act (50 U.S.C. 1701 et seq.), or the National Emer-
7 gencies Act (50 U.S.C. 1601 et seq.) to prohibit ex-
8 portation of the oil.”.

9 **SEC. 203. SECURITY OF SUPPLY.**

10 Section 410 of the Trans-Alaska Pipeline Authoriza-
11 tion Act (87 Stat. 594) is amended to read as follows:

12 “The Congress reaffirms that the crude oil on the North
13 Slope of Alaska is an important part of the Nation’s oil
14 resources, and that the benefits of such crude oil should
15 be equitably shared, directly or indirectly, by all regions
16 of the country. The President shall use any authority he
17 may have to ensure an equitable allocation of available
18 North Slope and other crude oil resources and petroleum
19 products among all regions and all of the several States.”.

20 **SEC. 204. ANNUAL REPORT.**

21 Section 103(f) of the Energy Policy and Conservation
22 Act (42 U.S.C. 6212(f)) is amended by adding at the end
23 thereof the following: “In the first quarter report for each
24 new calendar year, the President shall indicate whether
25 independent refiners in Petroleum Administration District

1 5 have been unable to secure adequate supplies of crude
2 oil as a result of exports of Alaskan North Slope crude
3 oil in the prior calendar year and shall make such rec-
4 ommendations to the Congress as may be appropriate.”.

5 **SEC. 205. GAO REPORT.**

6 The Comptroller General of the United States shall
7 conduct a review of energy production in California and
8 Alaska and the effects of Alaskan North Slope crude oil
9 exports, if any, on consumers, independent refiners, and
10 shipbuilding and ship repair yards on the West Coast. The
11 Comptroller General shall commence this review four years
12 after the date of enactment of this Act and, within one
13 year after commencing the review, shall provide a report
14 to the Committee on Energy and Natural Resources in
15 the Senate and the Committee on Resources in the House
16 of Representatives. The report shall contain a statement
17 of the principal findings of the review and such rec-
18 ommendations for consideration by the Congress as may
19 be appropriate.

20 **SEC. 206. EFFECTIVE DATE.**

21 This Act and the amendments made by it shall take
22 effect on the date of enactment.

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