

104TH CONGRESS
1ST SESSION

H. R. 1122

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources and, in addition, to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 **SEC. 101. SHORT TITLE.**

5 This Act may be cited as the “Alaska Power Adminis-
6 tration Sale Act”.

1 **SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDRO-**
2 **ELECTRIC PROJECTS.**

3 (a) The Secretary of Energy is authorized and di-
4 rected to sell the Snettisham Hydroelectric Project (re-
5 ferred to in this Act as “Snettisham”) to the State of
6 Alaska in accordance with the terms of this Act and the
7 February 10, 1989, Snettisham Purchase Agreement, as
8 amended, between the Alaska Power Administration of the
9 Department of Energy and the Alaska Power Authority.

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

20 (c) The heads of other Federal departments and
21 agencies, including the Secretary of the Interior, shall as-
22 sist the Secretary of Energy in implementing the sales au-
23 thorized and directed by this Act.

24 (d) The Secretary of Energy shall deposit sale pro-
25 ceeds in the Treasury of the United States to the credit
26 of miscellaneous receipts.

1 (e) There are authorized to be appropriated such
2 sums as may be necessary to prepare or acquire Eklutna
3 and Snettisham assets for sale and conveyance. Such prep-
4 arations and acquisitions shall provide sufficient title to
5 ensure the beneficial use, enjoyment, and occupancy to the
6 purchasers of the asset to be sold.

7 **SEC. 103. EXEMPTION.**

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

12 (2) The exemption provided by paragraph (1) does
13 not affect the Memorandum of Agreement entered into be-
14 tween the State of Alaska, the Eklutna Purchasers, the
15 Alaska Energy Authority, and Federal fish and wildlife
16 agencies regarding the protection, mitigation of, damages
17 to, and enhancement of fish and wildlife, dated August
18 7, 1991, which remains in full force and effect.

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

23 (b)(1) The United States District Court for the Dis-
24 trict of Alaska has jurisdiction to review decisions made
25 under the Memorandum of Agreement and to enforce the

1 provisions of the Memorandum of Agreement, including
2 the remedy of specific performance.

3 (2) An action seeking review of a Fish and Wildlife
4 Program (“Program”) of the Governor of Alaska under
5 the Memorandum of Agreement or challenging actions of
6 any of the parties to the Memorandum of Agreement prior
7 to the adoption of the Program shall be brought not later
8 than 90 days after the date of which the Program is
9 adopted by the Governor of Alaska, or be barred.

10 (3) An action seeking review of implementation of the
11 Program shall be brought not later than 90 days after the
12 challenged act implementing the program, or be barred.

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

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

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

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

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

1 and lands managed by the Bureau of Land
2 Management, including land selected by the
3 State of Alaska.

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

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

16 (4) With respect only to approximately 853
17 acres of Eklutna lands identified in paragraphs
18 1. a., b., and c. of Exhibit A of the Eklutna Pur-
19 chaser Agreement, the State of Alaska may select,
20 and the Secretary of the Interior shall convey, to the
21 State, improved lands under the selection entitle-
22 ments in section 6(a) of the Act of July 7, 1958
23 (Public Law 85-508) and the North Anchorage
24 Land Agreement of January 31, 1983. The convey-

1 ance is subject to the rights-of-way provided to the
2 Eklutna Purchasers under paragraph (1).

3 (d) With respect to the approximately 2,671 acres of
4 Snettisham lands identified in paragraphs 1.a. and b. of
5 Exhibit A of the Snettisham Purchase Agreement, the
6 State of Alaska may select, and the Secretary of the Inte-
7 rior shall convey to the State, improved lands under the
8 selection entitlement in section 6(a) of the Act of July 7,
9 1958 (Public Law 85–508).

10 (e) Not later than 1 year after both of the sales au-
11 thorized in section 2 have occurred, as measured by the
12 Transaction Dates stipulated in the Purchase Agreements,
13 the Secretary of Energy shall—

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

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

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

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

1 (g) Section 204 of the Flood Control Act of 1962
2 (Public Law 87–874; 76 Stat. 1193) is repealed effective
3 on the date, as determined by the Secretary of Energy,
4 when all Snettisham assets have been conveyed to the
5 State of Alaska.

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

10 (1) in paragraph (1)—

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

12 (B) by redesignating subparagraphs (D),
13 (E), and (F) as subparagraphs (C), (D), and
14 (E) respectively;

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

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

22 (j) The sales of Eklutna and Snettisham under this
23 Act are not considered a disposal of Federal surplus prop-
24 erty under the following provisions of section 203 of the
25 Federal Property and Administration Services Act of 1949

- 1 (40 U.S.C. 484) and section 13 of the Surplus Property
- 2 Act of 1944 (50 U.S.C. app. 1622).

