

Calendar No. 376

110TH CONGRESS
1ST SESSION

S. 1089

[Report No. 110-178]

To amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2007

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

SEPTEMBER 17, 2007

Reported by Mr. BINGAMAN, with an amendment

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

A BILL

To amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, 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,*

1 **SECTION 1. ADMINISTRATION.**

2 Section 106 of the Alaska Natural Gas Pipeline Act
 3 (15 U.S.C. 720d) is amended by adding at the end the
 4 following:

5 “(h) ADMINISTRATION.—

6 “(1) PERSONNEL APPOINTMENTS.—

7 “(A) IN GENERAL.—The Federal Coordi-
 8 nator may appoint and terminate such per-
 9 sonnel as the Federal Coordinator determines
 10 to be appropriate.

11 “(B) AUTHORITY OF FEDERAL COORDI-
 12 NATOR.—Personnel appointed by the Federal
 13 Coordinator under subparagraph (A) shall be
 14 appointed without regard to the provisions of
 15 title 5, United States Code, governing appoint-
 16 ments in the competitive service.

17 “(2) COMPENSATION.—

18 “(A) IN GENERAL.—Subject to subpara-
 19 graph (B), personnel appointed by the Federal
 20 Coordinator under paragraph (1)(A) shall be
 21 paid without regard to the provisions of sub-
 22 chapter III of chapter 53 of title 5, United
 23 States Code (relating to classification and Gen-
 24 eral Schedule pay rates).

25 “(B) MAXIMUM LEVEL OF COMPENSA-
 26 TION.—The rate of pay for personnel appointed

1 by the Federal Coordinator under paragraph
2 (1)(A) shall not exceed the maximum level of
3 rate payable for level III of the Executive
4 Schedule under chapter 11 of title 2, United
5 States Code, as adjusted by section 5318 of
6 title 5, United States Code.

7 “(3) TEMPORARY SERVICES.—

8 “(A) IN GENERAL.—The Federal Coordi-
9 nator may procure temporary and intermittent
10 services in accordance with section 3109(b) of
11 title 5, United States Code.

12 “(B) MAXIMUM LEVEL OF COMPENSA-
13 TION.—The level of compensation of an indi-
14 vidual employed on a temporary or intermittent
15 basis under subparagraph (A) shall not exceed
16 the maximum rate of basic pay authorized for
17 senior-level positions under section 5376 of title
18 5, United States Code.

19 “(4) FEES, CHARGES, AND COMMISSIONS.—

20 “(A) IN GENERAL.—The Federal Coordi-
21 nator may establish and modify reasonable fil-
22 ing and service fees, charges, and commissions,
23 require deposits of payments, and provide re-
24 funds in accordance with section 304 of the
25 Federal Land Policy and Management Act of

1 1976 (~~43~~ U.S.C. 1734), except that, in carrying
 2 out this subparagraph, each reference to the
 3 Secretary of the Interior in that section shall be
 4 considered to be a reference to the Federal Co-
 5 ordinator.

6 “(B) USE OF FUNDS.—The Federal Coor-
 7 dinator shall use amounts collected under sub-
 8 paragraph (A) to carry out this section.”.

9 **SEC. 2. CLARIFICATION OF AUTHORITY.**

10 Section 107(a) of the Alaska Natural Gas Pipeline
 11 Act (~~15~~ U.S.C. 720e(a)) is amended by striking paragraph
 12 (~~3~~) and inserting the following:

13 “(~~3~~) the validity of any determination, permit,
 14 approval, authorization, review, or other related ac-
 15 tion taken under any provision of law relating to a
 16 gas transportation project constructed and operated
 17 in accordance with section ~~103~~, including—

18 “(A) subchapter II of chapter 5, and chap-
 19 ter 7, of title 5, United States Code (commonly
 20 known as the ‘Administrative Procedure Act’);

21 “(B) the Endangered Species Act of 1973
 22 (~~16~~ U.S.C. 1531 et seq.);

23 “(C) the National Environmental Policy
 24 Act of 1969 (~~42~~ U.S.C. 4321 et seq.); and

1 “(D) the National Historic Preservation
2 Act (16 U.S.C. 470 et seq.).”

3 **SEC. 3. CONFORMING AMENDMENTS.**

4 Section 304 of the Federal Land Policy and Manage-
5 ment Act of 1976 (43 U.S.C. 1734) is amended—

6 (1) in subsection (a), by striking “applications
7 and other documents relating to the public lands”
8 and inserting “the duties of the Federal Coordi-
9 nator,”;

10 (2) in subsection (b), in the first sentence, by
11 striking “applications and other documents relating
12 to such lands” and inserting “the duties of the Fed-
13 eral Coordinator”; and

14 (3) in subsection (c), by striking “sale, lease,
15 use, or other disposition of public lands” and insert-
16 ing “duties of the Federal Coordinator”.

17 **SECTION 1. ADMINISTRATION.**

18 Section 106 of the Alaska Natural Gas Pipeline Act
19 (15 U.S.C. 720d) is amended by adding at the end the fol-
20 lowing:

21 “(h) ADMINISTRATION.—

22 “(1) PERSONNEL APPOINTMENTS.—

23 “(A) IN GENERAL.—The Federal Coordi-
24 nator may appoint and terminate such personnel

1 *as the Federal Coordinator determines to be ap-*
2 *propriate.*

3 “(B) *AUTHORITY OF FEDERAL COORDI-*
4 *NATOR.—Personnel appointed by the Federal Co-*
5 *ordinator under subparagraph (A) shall be ap-*
6 *pointed without regard to the provisions of title*
7 *5, United States Code, governing appointments*
8 *in the competitive service.*

9 “(2) *COMPENSATION.—*

10 “(A) *IN GENERAL.—Subject to subpara-*
11 *graph (B), personnel appointed by the Federal*
12 *Coordinator under paragraph (1)(A) shall be*
13 *paid without regard to the provisions of chapter*
14 *51 and subchapter III of chapter 53 of title 5,*
15 *United States Code (relating to classification*
16 *and General Schedule pay rates).*

17 “(B) *MAXIMUM LEVEL OF COMPENSA-*
18 *TION.—The rate of pay for personnel appointed*
19 *by the Federal Coordinator under paragraph*
20 *(1)(A) shall not exceed the maximum level of rate*
21 *payable for level III of the Executive Schedule.*

22 “(C) *APPLICABILITY OF SECTION 5941.—*
23 *Section 5941 of title 5, United States Code, shall*
24 *apply to personnel appointed by the Federal Co-*
25 *ordinator under paragraph (1)(A).*

1 “(3) *TEMPORARY SERVICES.*—

2 “(A) *IN GENERAL.*—*The Federal Coordi-*
3 *nator may procure temporary and intermittent*
4 *services in accordance with section 3109(b) of*
5 *title 5, United States Code.*

6 “(B) *MAXIMUM LEVEL OF COMPENSA-*
7 *TION.*—*The level of compensation of an indi-*
8 *vidual employed on a temporary or intermittent*
9 *basis under subparagraph (A) shall not exceed*
10 *the maximum level of rate payable for level III*
11 *of the Executive Schedule.*

12 “(4) *FEEES, CHARGES, AND COMMISSIONS.*—

13 “(A) *IN GENERAL.*—*The Federal Coordi-*
14 *nator shall have the authority to establish,*
15 *change, and abolish reasonable filing and service*
16 *fees, charges, and commissions, require deposits*
17 *of payments, and provide refunds as provided to*
18 *the Secretary of the Interior in section 304 of the*
19 *Federal Land Policy and Management Act of*
20 *1976 (43 U.S.C. 1734), except that the authority*
21 *shall be with respect to the duties of the Federal*
22 *Coordinator, as described in this Act.*

23 “(B) *AUTHORITY OF SECRETARY OF THE*
24 *INTERIOR.*—*Subparagraph (A) shall not affect*
25 *the authority of the Secretary of the Interior to*

1 *establish, change, and abolish reasonable filing*
2 *and service fees, charges, and commissions, re-*
3 *quire deposits of payments, and provide refunds*
4 *under section 304 of the Federal Land Policy*
5 *and Management Act of 1976 (43 U.S.C. 1734).*

6 “(C) *USE OF FUNDS.—The Federal Coordi-*
7 *nator is authorized to use, without further ap-*
8 *propriation, amounts collected under subpara-*
9 *graph (A) to carry out this section.”.*

10 **SEC. 2. CLARIFICATION OF AUTHORITY.**

11 *Section 107(a) of the Alaska Natural Gas Pipeline Act*
12 *(15 U.S.C. 720e(a)) is amended by striking paragraph (3)*
13 *and inserting the following:*

14 “(3) *the validity of any determination, permit,*
15 *approval, authorization, review, or other related ac-*
16 *tion taken under any provision of law relating to a*
17 *gas transportation project constructed and operated*
18 *in accordance with section 103, including—*

19 “(A) *subchapter II of chapter 5, and chap-*
20 *ter 7, of title 5, United States Code (commonly*
21 *known as the ‘Administrative Procedure Act’);*

22 “(B) *the Endangered Species Act of 1973*
23 *(16 U.S.C. 1531 et seq.);*

24 “(C) *the National Environmental Policy*
25 *Act of 1969 (42 U.S.C. 4321 et seq.);*

1 “(D) *the National Historic Preservation Act*
2 *(16 U.S.C. 470 et seq.); and*
3 “(E) *the Alaska National Interest Lands*
4 *Conservation Act (16 U.S.C. 3101 et seq.).”*

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