

Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this chapter;

(2) the constitutionality of any provision of this chapter, or any decision made or action taken under this chapter; or

(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 720a of this title, including—

(A) subchapter II of chapter 5, and chapter 7, of title 5 (commonly known as the “Administrative Procedure Act”);

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

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

(D) chapter 2003 of title 54;¹ and

(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

(b) Deadline for filing claim

A claim arising under this chapter may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) Expedited consideration

The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(Pub. L. 108–324, div. C, § 107, Oct. 13, 2004, 118 Stat. 1261; Pub. L. 111–11, title XIII, § 13003, Mar. 30, 2009, 123 Stat. 1448; Pub. L. 113–287, § 5(c), Dec. 19, 2014, 128 Stat. 3264.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this division”, meaning division C of Pub. L. 108–324, Oct. 13, 2004, 118 Stat. 1255, which is classified principally to this chapter. For complete classification of division C to the Code, see Short Title note set out under section 720 of this title and Tables.

The Endangered Species Act of 1973, referred to in subsec. (a)(3)(B), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§ 1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (a)(3)(C), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Alaska National Interest Lands Conservation Act, referred to in subsec. (a)(3)(E), is Pub. L. 96–487, Dec. 2, 1980, 94 Stat. 2371. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 16, Conservation, and Tables.

¹ So in original. Probably should be “division A of subtitle III of title 54.”

CODIFICATION

Section is comprised of section 107 of Pub. L. 108–324. Subsec. (d) of section 107 of Pub. L. 108–324 amended section 719h of this title.

AMENDMENTS

2014—Subsec. (a)(3)(D). Pub. L. 113–287, which directed the substitution of “chapter 2003 of title 54” for “the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)” in section 1072(a)(3)(D) of the Alaska Natural Gas Pipeline Act, was executed to this section, which is section 107 of the Alaska Natural Gas Pipeline Act, to reflect the probable intent of Congress.

2009—Subsec. (a)(3). Pub. L. 111–11 added par. (3) and struck out former par. (3) which read as follows: “the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this chapter.”

§ 720f. State jurisdiction over in-State delivery of natural gas

(a) Local distribution

Any facility receiving natural gas from an Alaska natural gas transportation project for delivery to consumers within the State—

(1) shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)); and

(2) shall not be subject to the jurisdiction of the Commission.

(b) Additional pipelines

Except as provided in section 720a(d) of this title, nothing in this chapter shall preclude or otherwise affect a future natural gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State for consumption within or distribution outside the State.

(c) Rate coordination

(1) In general

In accordance with the Natural Gas Act [15 U.S.C. 717 et seq.], the Commission shall establish rates for the transportation of natural gas on any Alaska natural gas transportation project.

(2) Consultation

In carrying out paragraph (1), the Commission, in accordance with section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall consult with the State regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State.

(Pub. L. 108–324, div. C, § 108, Oct. 13, 2004, 118 Stat. 1261.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this division”, meaning division C of Pub. L. 108–324, Oct. 13, 2004, 118 Stat. 1255, which is classified principally to this chapter. For complete classification of division C to the Code, see Short Title note set out under section 720 of this title and Tables.

The Natural Gas Act, referred to in subsec. (c)(1), is act June 21, 1938, ch. 556, 52 Stat. 821, as amended, which is classified generally to chapter 15B (§ 717 et seq.) of this title. For complete classification of this

Act to the Code, see section 717w of this title and Tables.

§ 720g. Study of alternative means of construction

(a) Requirement of study

If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission by the date that is 18 months after October 13, 2004, the Secretary shall conduct a study of alternative approaches to the construction and operation of such an Alaska natural gas transportation project.

(b) Scope of study

The study under subsection (a) shall take into consideration the feasibility of—

- (1) establishing a Federal Government corporation to construct an Alaska natural gas transportation project; and
- (2) securing alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the Alaska natural gas transportation project.

(c) Consultation

In conducting the study under subsection (a), the Secretary shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Chief of Engineers).

(d) Report

On completion of any study under subsection (a), the Secretary shall submit to Congress a report that describes—

- (1) the results of the study; and
- (2) any recommendations of the Secretary (including proposals for legislation to implement the recommendations).

(Pub. L. 108-324, div. C, § 109, Oct. 13, 2004, 118 Stat. 1262.)

§ 720h. Clarification of ANGTA status and authorities

(a) Savings clause

Nothing in this chapter affects—

- (1) any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g); or
- (2) any Presidential finding or waiver issued in accordance with that Act [15 U.S.C. 719 et seq.].

(b) Clarification of authority to amend terms and conditions to meet current project requirements

Any Federal agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or rescind any term or condition included in the certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), if the addition, amendment, or rescission—

(1) would not compel any change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision; or

(2) would not otherwise prevent or impair in any significant respect the expeditious construction and initial operation of the Alaska natural gas transportation system.

(c) Updated environmental reviews

The Secretary shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

(Pub. L. 108-324, div. C, § 110, Oct. 13, 2004, 118 Stat. 1262.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this division", meaning division C of Pub. L. 108-324, Oct. 13, 2004, 118 Stat. 1255, which is classified principally to this chapter. For complete classification of division C to the Code, see Short Title note set out under section 720 of this title and Tables.

The Alaska Natural Gas Transportation Act of 1976, referred to in subsec. (a)(2), is Pub. L. 94-586, Oct. 22, 1976, 90 Stat. 2903, as amended, which is classified generally to chapter 15C (§ 719 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 719 of this title and Tables.

§ 720i. Sense of Congress concerning use of steel manufactured in North America and negotiation of a project labor agreement

It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should make every effort to—

- (A) use steel that is manufactured in North America; and
- (B) negotiate a project labor agreement to expedite construction of the pipeline.

(Pub. L. 108-324, div. C, § 111, Oct. 13, 2004, 118 Stat. 1263.)

§ 720j. Sense of Congress concerning participation by small business concerns

(a) Definition of small business concern

In this section, the term "small business concern" has the meaning given the term in section 632(a) of this title.

(b) Sense of Congress

It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(Pub. L. 108-324, div. C, § 112, Oct. 13, 2004, 118 Stat. 1263; Pub. L. 111-68, div. A, title I, § 1501(b), Oct. 1, 2009, 123 Stat. 2041.)