

who obtains access to such data and information from the Secretary or from any person other than a permittee from participation in any lease sale which includes the areas from which the information was obtained and from any commercial use of the information, and that Secretary require that any permittee make available such data to any person at fair cost.

§ 3143. Production of oil and gas from Arctic National Wildlife Refuge prohibited

Production of oil and gas from the Arctic National Wildlife Refuge is prohibited and no leasing or other development leading to production of oil and gas from the range shall be undertaken until authorized by an Act of Congress.

(Pub. L. 96-487, title X, §1003, Dec. 2, 1980, 94 Stat. 2452.)

Statutory Notes and Related Subsidiaries

OIL AND GAS PROGRAM

Pub. L. 115-97, title II, §20001, Dec. 22, 2017, 131 Stat. 2235, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COASTAL PLAIN.—The term ‘Coastal Plain’ means the area identified as the 1002 Area on the plates prepared by the United States Geological Survey entitled ‘ANWR Map – Plate 1’ and ‘ANWR Map – Plate 2’, dated October 24, 2017, and on file with the United States Geological Survey and the Office of the Solicitor of the Department of the Interior.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the Bureau of Land Management.

“(b) OIL AND GAS PROGRAM.—

“(1) IN GENERAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) shall not apply to the Coastal Plain.

“(2) ESTABLISHMENT.—

“(A) IN GENERAL.—The Secretary shall establish and administer a competitive oil and gas program for the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain.

“(B) PURPOSES.—[Amended section 303(2) of Pub. L. 96-487, listed in a table under section 668dd of this title.]

“(3) MANAGEMENT.—Except as otherwise provided in this section, the Secretary shall manage the oil and gas program on the Coastal Plain in a manner similar to the administration of lease sales under the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) (including regulations).

“(4) ROYALTIES.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the royalty rate for leases issued pursuant to this section shall be 16.67 percent.

“(5) RECEIPTS.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), of the amount of adjusted bonus, rental, and royalty receipts derived from the oil and gas program and operations on Federal land authorized under this section—

“(A) 50 percent shall be paid to the State of Alaska; and

“(B) the balance shall be deposited into the Treasury as miscellaneous receipts.

“(c) 2 LEASE SALES WITHIN 10 YEARS.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall conduct not fewer than 2 lease sales area-wide under the oil and gas program under this section by not later than 10 years after the date of enactment of this Act [Dec. 22, 2017].

“(B) SALE ACREAGES; SCHEDULE.—

“(i) ACREAGES.—The Secretary shall offer for lease under the oil and gas program under this section—

“(I) not fewer than 400,000 acres area-wide in each lease sale; and

“(II) those areas that have the highest potential for the discovery of hydrocarbons.

“(ii) SCHEDULE.—The Secretary shall offer—

“(I) the initial lease sale under the oil and gas program under this section not later than 4 years after the date of enactment of this Act; and

“(II) a second lease sale under the oil and gas program under this section not later than 7 years after the date of enactment of this Act.

“(2) RIGHTS-OF-WAY.—The Secretary shall issue any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation necessary to carry out this section.

“(3) SURFACE DEVELOPMENT.—In administering this section, the Secretary shall authorize up to 2,000 surface acres of Federal land on the Coastal Plain to be covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) during the term of the leases under the oil and gas program under this section.”

§ 3144. Wilderness portion of study

(a) Suitability of lands for preservation as wilderness; report to President

As part of the study, the Secretary shall review the suitability or nonsuitability for preservation as wilderness of the Federal lands described in section 3141 of this title and report his findings to the President.

(b) Presidential recommendations to Congress

The President shall advise the Senate and the House of Representatives of his recommendations with respect to the designation of the area or any part thereof as wilderness together with a map thereof and a definition of its boundaries.

(c) Preservation of wilderness character and potential

Subject to valid existing rights and the provisions of section 3142 of this title, the wilderness study area designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Already established uses may be permitted to continue, subject to such restrictions as the Secretary deems desirable, in the manner and degree in which the same were being conducted on December 2, 1980.

(Pub. L. 96-487, title X, §1004, Dec. 2, 1980, 94 Stat. 2452.)

§ 3145. Wildlife resources portion of study and impact of potential oil spills in Arctic Ocean

(a) Wildlife resources

The Secretary shall work closely with the State of Alaska and Native Village and Regional Corporations in evaluating the impact of oil and gas exploration, development, production, and transportation and other human activities on the wildlife resources of these lands, including impacts on the Arctic and Porcupine caribou herds, polar bear, muskox, grizzly bear, wolf, wolverine, seabirds, shore birds, and migratory waterfowl. In addition the Secretary shall consult with the appropriate agencies of the Government of Canada in evaluating such impacts

particularly with respect to the Porcupine caribou herd.

(b) Oil spills

(1) The Congress finds that—

(A) Canada has discovered commercial quantities of oil and gas in the Amalagak region of the Northwest Territory;

(B) Canada is exploring alternatives for transporting the oil from the Amalagak field to markets in Asia and the Far East;

(C) one of the options the Canadian Government is exploring involves transshipment of oil from the Amalagak field across the Beaufort Sea to tankers which would transport the oil overseas;

(D) the tankers would traverse the American Exclusive Economic Zone through the Beaufort Sea into the Chuckchi Sea and then through the Bering Straits;

(E) the Beaufort and Chuckchi Seas are vital to Alaska's Native people, providing them with subsistence in the form of walrus, seals, fish, and whales;

(F) the Secretary of the Interior has conducted Outer Continental Shelf lease sales in the Beaufort and Chuckchi Seas and oil and gas exploration is ongoing;

(G) an oil spill in the Arctic Ocean, if not properly contained and cleaned up, could have significant impacts on the indigenous people of Alaska's North Slope and on the Arctic environment; and

(H) there are no international contingency plans involving our two governments concerning containment and cleanup of an oil spill in the Arctic Ocean.

(2)(A) The Secretary of the Interior, in consultation with the Governor of Alaska, shall conduct a study of the issues of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean.

(B) The Secretary shall, no later than January 31, 1991, transmit a report to the Congress on the findings and conclusions reached as the result of the study carried out under this subsection.

(c) Treaty negotiations

The Congress calls upon the Secretary of State, in consultation with the Secretary of the Interior, the Secretary of Transportation, and the Governor of Alaska, to begin negotiations with the Foreign Minister of Canada regarding a treaty dealing with the complex issues of recovery of damages, contingency plans, and coordinated actions in the event of an oil spill in the Arctic Ocean.

(d) Report to Congress

The Secretary of State shall report to the Congress on the Secretary's efforts pursuant to this section no later than June 1, 1991.

(Pub. L. 96-487, title X, §1005, Dec. 2, 1980, 94 Stat. 2453; Pub. L. 101-380, title VIII, §8302, Aug. 18, 1990, 104 Stat. 572.)

Editorial Notes

AMENDMENTS

1990—Pub. L. 101-380 inserted “and impact of potential oil spills in Arctic Ocean” in section catchline, des-

ignated existing text as subsec. (a), and added subsecs. (b) to (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101-380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

STUDY ON BARREN-GROUND CARIBOU

Pub. L. 96-487, title III, §306, Dec. 2, 1980, 94 Stat. 2396, provided:

“(a) The Congress finds that the barren-ground caribou are a migratory species deserving of careful study and special protection, and that the Western Arctic and the Porcupine herds of such caribou are of national and international significance.

“(b) The Secretary of the Interior shall conduct, and the Governor of Alaska is urged to cooperate with the Secretary in conducting, an ecological study of the barren-ground caribou herds north of the Yukon River and the herds that have been known to migrate between the United States and Canada, including, but not limited to, a determination of the seasonal migration patterns, reproduction and mortality rates, composition and age structure, behavioral characteristics, habitats (including but not limited to calving, feeding, summering and wintering areas, and key migration routes) that are critical to their natural stability and productivity and the effects on the herds of development by man, predation, and disease. In conducting this study the Secretary shall review the experience of other Arctic circumpolar countries with caribou and is authorized to enter into such contracts as he deems necessary to carry out portions or all of this study.”

§ 3146. Transportation alternatives portion of study

In studying oil and gas alternative transportation systems, the Secretary shall consult with the Secretary of Transportation and shall consider—

(1) the extent to which environmentally and economically feasible alternative routes could be established;

(2) the prospective oil and gas production potential of this area of Alaska for each alternative transportation route; and

(3) the environmental and economic costs and other values associated with such alternative routes.

(Pub. L. 96-487, title X, §1006, Dec. 2, 1980, 94 Stat. 2453.)

§ 3147. Arctic research study

(a) Mission, facilities, and administration of Naval Arctic Research Laboratory

The Secretary, the Secretary of Defense, and the Secretary of Energy shall initiate and carry out a study of the mission, facilities and administration of the Naval Arctic Research Laboratory (NARL), at Point Barrow, Alaska. The study shall review the historical responsibilities carried out at NARL and their contribution to applied and basic Arctic research. The study shall specifically address and the Secretary shall make recommendations on the need for redirecting the United States Arctic research policy and the role of the NARL facilities in developing and implementing that policy.

(b) Assessment of future uses of NARL

The Secretaries shall assess the future use of NARL in—