

115TH CONGRESS  
1ST SESSION

# H. R. 49

To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science, Space, and Technology, 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

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## A BILL

To direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, 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. SHORT TITLE.**

2       This Act may be cited as the “American Energy Inde-  
3 pendence and Job Creation Act”.

4 **SEC. 2. DEFINITIONS.**

5       In this Act:

6           (1) **COASTAL PLAIN.**—The term “Coastal  
7 Plain” means that area described in appendix I to  
8 part 37 of title 50, Code of Federal Regulations.

9           (2) **SECRETARY.**—The term “Secretary”, except  
10 as otherwise provided, means the Secretary of the  
11 Interior or the Secretary’s designee.

12 **SEC. 3. LEASING PROGRAM FOR LANDS WITHIN THE**  
13 **COASTAL PLAIN.**

14       (a) **IN GENERAL.**—The Secretary shall take such ac-  
15 tions as are necessary—

16           (1) to establish and implement, in accordance  
17 with this Act and acting through the Director of the  
18 Bureau of Land Management in consultation with  
19 the Director of the United States Fish and Wildlife  
20 Service, a competitive oil and gas leasing program  
21 that will result in an environmentally sound program  
22 for the exploration, development, and production of  
23 the oil and gas resources of the Coastal Plain; and

24           (2) to administer the provisions of this Act  
25 through regulations, lease terms, conditions, restric-  
26 tions, prohibitions, stipulations, and other provisions

1       that ensure the oil and gas exploration, development,  
2       and production activities on the Coastal Plain will  
3       result in no significant adverse effect on fish and  
4       wildlife, their habitat, subsistence resources, and the  
5       environment, including, in furtherance of this goal,  
6       by requiring the application of the best commercially  
7       available technology for oil and gas exploration, de-  
8       velopment, and production to all exploration, devel-  
9       opment, and production operations under this Act in  
10      a manner that ensures the receipt of fair market  
11      value by the public for the mineral resources to be  
12      leased.

13      (b) REPEAL.—

14           (1) REPEAL.—Section 1003 of the Alaska Na-  
15      tional Interest Lands Conservation Act of 1980 (16  
16      U.S.C. 3143) is repealed.

17           (2) CONFORMING AMENDMENT.—The table of  
18      contents in section 1 of such Act is amended by  
19      striking the item relating to section 1003.

20      (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-  
21      TAIN OTHER LAWS.—

22           (1) COMPATIBILITY.—For purposes of the Na-  
23      tional Wildlife Refuge System Administration Act of  
24      1966 (16 U.S.C. 668dd et seq.), the oil and gas  
25      leasing program and activities authorized by this

1 section in the Coastal Plain are deemed to be com-  
2 patible with the purposes for which the Arctic Na-  
3 tional Wildlife Refuge was established, and no fur-  
4 ther findings or decisions are required to implement  
5 this determination.

6 (2) ADEQUACY OF THE DEPARTMENT OF THE  
7 INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT  
8 STATEMENT.—The “Final Legislative Environ-  
9 mental Impact Statement” (April 1987) on the  
10 Coastal Plain prepared pursuant to section 1002 of  
11 the Alaska National Interest Lands Conservation  
12 Act of 1980 (16 U.S.C. 3142) and section 102(2)(C)  
13 of the National Environmental Policy Act of 1969  
14 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the re-  
15 quirements under the National Environmental Policy  
16 Act of 1969 that apply with respect to prelease ac-  
17 tivities, including actions authorized to be taken by  
18 the Secretary to develop and promulgate the regula-  
19 tions for the establishment of a leasing program au-  
20 thorized by this Act before the conduct of the first  
21 lease sale.

22 (3) COMPLIANCE WITH NEPA FOR OTHER AC-  
23 TIONS.—Before conducting the first lease sale under  
24 this Act, the Secretary shall prepare an environ-  
25 mental impact statement under the National Envi-

1       ronmental Policy Act of 1969 with respect to the ac-  
2       tions authorized by this Act that are not referred to  
3       in paragraph (2). Notwithstanding any other law,  
4       the Secretary is not required to identify nonleasing  
5       alternative courses of action or to analyze the envi-  
6       ronmental effects of such courses of action. The Sec-  
7       retary shall only identify a preferred action for such  
8       leasing and a single leasing alternative, and analyze  
9       the environmental effects and potential mitigation  
10      measures for those two alternatives. The identifica-  
11      tion of the preferred action and related analysis for  
12      the first lease sale under this Act shall be completed  
13      within 18 months after the date of enactment of this  
14      Act. The Secretary shall only consider public com-  
15      ments that specifically address the Secretary's pre-  
16      ferred action and that are filed within 20 days after  
17      publication of an environmental analysis. Notwith-  
18      standing any other law, compliance with this para-  
19      graph is deemed to satisfy all requirements for the  
20      analysis and consideration of the environmental ef-  
21      fects of proposed leasing under this Act.

22      (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-  
23      ITY.—Nothing in this Act shall be considered to expand  
24      or limit State and local regulatory authority.

25      (e) SPECIAL AREAS.—

1           (1) IN GENERAL.—The Secretary, after con-  
2           sultation with the State of Alaska, the city of  
3           Kaktovik, and the North Slope Borough, may des-  
4           ignate up to a total of 45,000 acres of the Coastal  
5           Plain as a Special Area if the Secretary determines  
6           that the Special Area is of such unique character  
7           and interest so as to require special management  
8           and regulatory protection. The Secretary shall des-  
9           ignate as such a Special Area the Sadlerochit Spring  
10          area, comprising approximately 4,000 acres.

11          (2) MANAGEMENT.—Each such Special Area  
12          shall be managed so as to protect and preserve the  
13          area's unique and diverse character including its  
14          fish, wildlife, and subsistence resource values.

15          (3) EXCLUSION FROM LEASING OR SURFACE  
16          OCCUPANCY.—The Secretary may exclude any Spe-  
17          cial Area from leasing. If the Secretary leases a Spe-  
18          cial Area, or any part thereof, for purposes of oil  
19          and gas exploration, development, production, and  
20          related activities, there shall be no surface occu-  
21          pancy of the lands comprising the Special Area.

22          (4) DIRECTIONAL DRILLING.—Notwithstanding  
23          the other provisions of this subsection, the Secretary  
24          may lease all or a portion of a Special Area under  
25          terms that permit the use of horizontal drilling tech-

1 nology from sites on leases located outside the Spe-  
2 cial Area.

3 (f) LIMITATION ON CLOSED AREAS.—The Sec-  
4 retary's sole authority to close lands within the Coastal  
5 Plain to oil and gas leasing and to exploration, develop-  
6 ment, and production is that set forth in this Act.

7 (g) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary shall pre-  
9 scribe such regulations as may be necessary to carry  
10 out this Act, including rules and regulations relating  
11 to protection of the fish and wildlife, their habitat,  
12 subsistence resources, and environment of the Coast-  
13 al Plain, by no later than 15 months after the date  
14 of enactment of this Act.

15 (2) REVISION OF REGULATIONS.—The Sec-  
16 retary shall periodically review and, if appropriate,  
17 revise the rules and regulations issued under sub-  
18 section (a) to reflect any significant biological, envi-  
19 ronmental, or engineering data that come to the Sec-  
20 retary's attention.

21 **SEC. 4. LEASE SALES.**

22 (a) IN GENERAL.—Lands may be leased pursuant to  
23 this Act to any person qualified to obtain a lease for depos-  
24 its of oil and gas under the Mineral Leasing Act (30  
25 U.S.C. 181 et seq.).

1 (b) PROCEDURES.—The Secretary shall, by regula-  
2 tion, establish procedures for—

3 (1) receipt and consideration of sealed nomina-  
4 tions for any area in the Coastal Plain for inclusion  
5 in, or exclusion (as provided in subsection (c)) from,  
6 a lease sale;

7 (2) the holding of lease sales after such nomina-  
8 tion process; and

9 (3) public notice of and comment on designa-  
10 tion of areas to be included in, or excluded from, a  
11 lease sale.

12 (c) LEASE SALE BIDS.—

13 (1) IN GENERAL.—Bidding for leases under  
14 this Act shall be by sealed competitive cash bonus  
15 bids, except as provided in paragraph (2).

16 (2) LEASE SALE BIDS.—Lease sales under this  
17 Act may be conducted through an Internet leasing  
18 program, if the Secretary determines that such a  
19 system will result in savings to the taxpayer, an in-  
20 crease in the number of bidders participating, and  
21 higher returns than oral bidding or a sealed bidding  
22 system.

23 (d) ACREAGE MINIMUM IN FIRST SALE.—In the first  
24 lease sale under this Act, the Secretary shall offer for lease  
25 those tracts the Secretary considers to have the greatest



1 potential for the discovery of hydrocarbons, taking into  
2 consideration nominations received pursuant to subsection  
3 (b)(1), but in no case less than 200,000 acres.

4 (e) TIMING OF LEASE SALES.—The Secretary  
5 shall—

6 (1) conduct the first lease sale under this Act  
7 within 22 months after the date of the enactment of  
8 this Act;

9 (2) evaluate the bids in such sale and issue  
10 leases resulting from such sale, within 90 days after  
11 the date of the completion of such sale; and

12 (3) conduct additional sales so long as sufficient  
13 interest in development exists to warrant, in the Sec-  
14 retary's judgment, the conduct of such sales.

15 **SEC. 5. GRANT OF LEASES BY THE SECRETARY.**

16 (a) IN GENERAL.—The Secretary may grant to the  
17 highest responsible qualified bidder in a lease sale con-  
18 ducted pursuant to section 4 any lands to be leased on  
19 the Coastal Plain upon payment by the lessee of such  
20 bonus as may be accepted by the Secretary.

21 (b) SUBSEQUENT TRANSFERS.—No lease issued  
22 under this Act may be sold, exchanged, assigned, sublet,  
23 or otherwise transferred except with the approval of the  
24 Secretary. Prior to any such approval the Secretary shall

1 consult with, and give due consideration to the views of,  
2 the Attorney General.

3 **SEC. 6. LEASE TERMS AND CONDITIONS.**

4 (a) IN GENERAL.—An oil or gas lease issued pursu-  
5 ant to this Act shall—

6 (1) provide for the payment of a royalty of not  
7 less than 12½ percent in amount or value of the  
8 production removed or sold from the lease, as deter-  
9 mined by the Secretary under the regulations appli-  
10 cable to other Federal oil and gas leases;

11 (2) provide that the Secretary may close, on a  
12 seasonal basis, portions of the Coastal Plain to ex-  
13 ploratory drilling activities as necessary to protect  
14 caribou calving areas and other species of fish and  
15 wildlife;

16 (3) require that the lessee of lands within the  
17 Coastal Plain shall be fully responsible and liable for  
18 the reclamation of lands within the Coastal Plain  
19 and any other Federal lands that are adversely af-  
20 fected in connection with exploration, development,  
21 production, or transportation activities conducted  
22 under the lease and within the Coastal Plain by the  
23 lessee or by any of the subcontractors or agents of  
24 the lessee;

1           (4) provide that the lessee may not delegate or  
2       convey, by contract or otherwise, the reclamation re-  
3       sponsibility and liability to another person without  
4       the express written approval of the Secretary;

5           (5) provide that the standard of reclamation for  
6       lands required to be reclaimed under this Act shall  
7       be, as nearly as practicable, a condition capable of  
8       supporting the uses which the lands were capable of  
9       supporting prior to any exploration, development, or  
10      production activities, or upon application by the les-  
11      see, to a higher or better use as approved by the  
12      Secretary;

13          (6) contain terms and conditions relating to  
14      protection of fish and wildlife, their habitat, subsist-  
15      ence resources, and the environment as required  
16      pursuant to section 3(a)(2);

17          (7) provide that the lessee, its agents, and its  
18      contractors use best efforts to provide a fair share,  
19      as determined by the level of obligation previously  
20      agreed to in the 1974 agreement implementing sec-  
21      tion 29 of the Federal Agreement and Grant of  
22      Right of Way for the Operation of the Trans-Alaska  
23      Pipeline, of employment and contracting for Alaska  
24      Natives and Alaska Native Corporations from  
25      throughout the State;

1           (8) prohibit the export of oil produced under  
2       the lease; and

3           (9) contain such other provisions as the Sec-  
4       retary determines necessary to ensure compliance  
5       with the provisions of this Act and the regulations  
6       issued under this Act.

7       (b) PROJECT LABOR AGREEMENTS.—The Secretary,  
8       as a term and condition of each lease under this Act and  
9       in recognizing the Government’s proprietary interest in  
10      labor stability and in the ability of construction labor and  
11      management to meet the particular needs and conditions  
12      of projects to be developed under the leases issued pursu-  
13      ant to this Act and the special concerns of the parties to  
14      such leases, shall require that the lessee and its agents  
15      and contractors negotiate to obtain a project labor agree-  
16      ment for the employment of laborers and mechanics on  
17      production, maintenance, and construction under the  
18      lease.

19   **SEC. 7. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

20       (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD  
21      TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—  
22      The Secretary shall, consistent with the requirements of  
23      section 3, administer the provisions of this Act through  
24      regulations, lease terms, conditions, restrictions, prohibi-  
25      tions, stipulations, and other provisions that—

1           (1) ensure the oil and gas exploration, develop-  
2           ment, and production activities on the Coastal Plain  
3           will result in no significant adverse effect on fish  
4           and wildlife, their habitat, and the environment;

5           (2) require the application of the best commer-  
6           cially available technology for oil and gas explo-  
7           ration, development, and production on all new ex-  
8           ploration, development, and production operations;  
9           and

10          (3) ensure that the maximum amount of sur-  
11          face acreage covered by production and support fa-  
12          cilities, including airstrips and any areas covered by  
13          gravel berms or piers for support of pipelines, does  
14          not exceed 2,000 acres on the Coastal Plain.

15          (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—

16          The Secretary shall also require, with respect to any pro-  
17          posed drilling and related activities, that—

18               (1) a site-specific analysis be made of the prob-  
19               able effects, if any, that the drilling or related activi-  
20               ties will have on fish and wildlife, their habitat, sub-  
21               sistence resources, and the environment;

22               (2) a plan be implemented to avoid, minimize,  
23               and mitigate (in that order and to the extent prac-  
24               ticable) any significant adverse effect identified  
25               under paragraph (1); and

1           (3) the development of the plan shall occur  
2           after consultation with the agency or agencies hav-  
3           ing jurisdiction over matters mitigated by the plan.

4           (c) REGULATIONS TO PROTECT COASTAL PLAIN  
5 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,  
6 AND THE ENVIRONMENT.—Before implementing the leas-  
7 ing program authorized by this Act, the Secretary shall  
8 prepare and promulgate regulations, lease terms, condi-  
9 tions, restrictions, prohibitions, stipulations, and other  
10 measures designed to ensure that the activities undertaken  
11 on the Coastal Plain under this Act are conducted in a  
12 manner consistent with the purposes and environmental  
13 requirements of this Act.

14          (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-  
15 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The  
16 proposed regulations, lease terms, conditions, restrictions,  
17 prohibitions, and stipulations for the leasing program  
18 under this Act shall require compliance with all applicable  
19 provisions of Federal and State environmental law, and  
20 shall also require the following:

21           (1) Standards at least as effective as the safety  
22           and environmental mitigation measures set forth in  
23           items 1 through 29 at pages 167 through 169 of the  
24           “Final Legislative Environmental Impact State-  
25           ment” (April 1987) on the Coastal Plain.

1           (2) Seasonal limitations on exploration, develop-  
2           ment, and related activities, where necessary, to  
3           avoid significant adverse effects during periods of  
4           concentrated fish and wildlife breeding, denning,  
5           nesting, spawning, and migration.

6           (3) That exploration activities, except for sur-  
7           face geological studies, be limited to the period be-  
8           tween approximately November 1 and May 1 each  
9           year and that exploration activities shall be sup-  
10          ported, if necessary, by ice roads, winter trails with  
11          adequate snow cover, ice pads, ice airstrips, and air  
12          transport methods, except that such exploration ac-  
13          tivities may occur at other times if the Secretary  
14          finds that such exploration will have no significant  
15          adverse effect on the fish and wildlife, their habitat,  
16          and the environment of the Coastal Plain.

17          (4) Design safety and construction standards  
18          for all pipelines and any access and service roads,  
19          that—

20                 (A) minimize, to the maximum extent pos-  
21                 sible, adverse effects upon the passage of mi-  
22                 gratory species such as caribou; and

23                 (B) minimize adverse effects upon the flow  
24                 of surface water by requiring the use of cul-  
25                 verts, bridges, and other structural devices.

1           (5) Prohibitions on general public access and  
2           use on all pipeline access and service roads.

3           (6) Stringent reclamation and rehabilitation re-  
4           quirements, consistent with the standards set forth  
5           in this Act, requiring the removal from the Coastal  
6           Plain of all oil and gas development and production  
7           facilities, structures, and equipment upon completion  
8           of oil and gas production operations, except that the  
9           Secretary may exempt from the requirements of this  
10          paragraph those facilities, structures, or equipment  
11          that the Secretary determines would assist in the  
12          management of the Arctic National Wildlife Refuge  
13          and that are donated to the United States for that  
14          purpose.

15          (7) Appropriate prohibitions or restrictions on  
16          access by all modes of transportation.

17          (8) Appropriate prohibitions or restrictions on  
18          sand and gravel extraction.

19          (9) Consolidation of facility siting.

20          (10) Appropriate prohibitions or restrictions on  
21          use of explosives.

22          (11) Avoidance, to the extent practicable, of  
23          springs, streams, and river system; the protection of  
24          natural surface drainage patterns, wetlands, and ri-  
25          parian habitats; and the regulation of methods or



1 techniques for developing or transporting adequate  
2 supplies of water for exploratory drilling.

3 (12) Avoidance or minimization of air traffic-re-  
4 lated disturbance to fish and wildlife.

5 (13) Treatment and disposal of hazardous and  
6 toxic wastes, solid wastes, reserve pit fluids, drilling  
7 muds and cuttings, and domestic wastewater, includ-  
8 ing an annual waste management report, a haz-  
9 ardous materials tracking system, and a prohibition  
10 on chlorinated solvents, in accordance with applica-  
11 ble Federal and State environmental law.

12 (14) Fuel storage and oil spill contingency plan-  
13 ning.

14 (15) Research, monitoring, and reporting re-  
15 quirements.

16 (16) Field crew environmental briefings.

17 (17) Avoidance of significant adverse effects  
18 upon subsistence hunting, fishing, and trapping by  
19 subsistence users.

20 (18) Compliance with applicable air and water  
21 quality standards.

22 (19) Appropriate seasonal and safety zone des-  
23 ignations around well sites, within which subsistence  
24 hunting and trapping shall be limited.

1           (20) Reasonable stipulations for protection of  
2           cultural and archeological resources.

3           (21) All other protective environmental stipula-  
4           tions, restrictions, terms, and conditions deemed  
5           necessary by the Secretary.

6           (e) CONSIDERATIONS.—In preparing and promul-  
7           gating regulations, lease terms, conditions, restrictions,  
8           prohibitions, and stipulations under this section, the Sec-  
9           retary shall consider the following:

10           (1) The stipulations and conditions that govern  
11           the National Petroleum Reserve-Alaska leasing pro-  
12           gram, as set forth in the 1999 Northeast National  
13           Petroleum Reserve-Alaska Final Integrated Activity  
14           Plan/Environmental Impact Statement.

15           (2) The environmental protection standards  
16           that governed the initial Coastal Plain seismic explo-  
17           ration program under parts 37.31 to 37.33 of title  
18           50, Code of Federal Regulations.

19           (3) The land use stipulations for exploratory  
20           drilling on the KIC–ASRC private lands that are set  
21           forth in appendix 2 of the August 9, 1983, agree-  
22           ment between Arctic Slope Regional Corporation and  
23           the United States.

24           (f) FACILITY CONSOLIDATION PLANNING.—

1           (1) IN GENERAL.—The Secretary shall, after  
2       providing for public notice and comment, prepare  
3       and update periodically a plan to govern, guide, and  
4       direct the siting and construction of facilities for the  
5       exploration, development, production, and transpor-  
6       tation of Coastal Plain oil and gas resources.

7           (2) OBJECTIVES.—The plan shall have the fol-  
8       lowing objectives:

9                   (A) Avoiding unnecessary duplication of fa-  
10       cilities and activities.

11                   (B) Encouraging consolidation of common  
12       facilities and activities.

13                   (C) Locating or confining facilities and ac-  
14       tivities to areas that will minimize impact on  
15       fish and wildlife, their habitat, and the environ-  
16       ment.

17                   (D) Utilizing existing facilities wherever  
18       practicable.

19                   (E) Enhancing compatibility between wild-  
20       life values and development activities.

21       (g) ACCESS TO PUBLIC LANDS.—The Secretary  
22       shall—

23           (1) manage public lands in the Coastal Plain  
24       subject to subsections (a) and (b) of section 811 of

1 the Alaska National Interest Lands Conservation  
2 Act (16 U.S.C. 3121); and

3 (2) ensure that local residents shall have rea-  
4 sonable access to public lands in the Coastal Plain  
5 for traditional uses.

6 **SEC. 8. EXPEDITED JUDICIAL REVIEW.**

7 (a) FILING OF COMPLAINT.—

8 (1) DEADLINE.—Subject to paragraph (2), any  
9 complaint seeking judicial review of any provision of  
10 this Act or any action of the Secretary under this  
11 Act shall be filed—

12 (A) except as provided in subparagraph  
13 (B), within the 90-day period beginning on the  
14 date of the action being challenged; or

15 (B) in the case of a complaint based solely  
16 on grounds arising after such period, within 90  
17 days after the complainant knew or reasonably  
18 should have known of the grounds for the com-  
19 plaint.

20 (2) VENUE.—Any complaint seeking judicial re-  
21 view of any provision of this Act or any action of the  
22 Secretary under this Act may be filed only in the  
23 United States Court of Appeals for the District of  
24 Columbia.

1           (3) LIMITATION ON SCOPE OF CERTAIN RE-  
2       VIEW.—Judicial review of a Secretarial decision to  
3       conduct a lease sale under this Act, including the en-  
4       vironmental analysis thereof, shall be limited to  
5       whether the Secretary has complied with the terms  
6       of this Act and shall be based upon the administra-  
7       tive record of that decision. The Secretary’s identi-  
8       fication of a preferred course of action to enable  
9       leasing to proceed and the Secretary’s analysis of  
10      environmental effects under this Act shall be pre-  
11      sumed to be correct unless shown otherwise by clear  
12      and convincing evidence to the contrary.

13      (b) LIMITATION ON OTHER REVIEW.—Actions of the  
14      Secretary with respect to which review could have been  
15      obtained under this section shall not be subject to judicial  
16      review in any civil or criminal proceeding for enforcement.

17      **SEC. 9. TREATMENT OF REVENUES.**

18      Notwithstanding any other provision of law, 50 per-  
19      cent of the amount of bonus, rental, and royalty revenues  
20      from Federal oil and gas leasing and operations author-  
21      ized under this Act shall be deposited in the ANWR Alter-  
22      native Energy Trust Fund established by section 12.

1 **SEC. 10. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

2 (a) IN GENERAL.—The Secretary shall issue rights-  
3 of-way and easements across the Coastal Plain for the  
4 transportation of oil and gas—

5 (1) except as provided in paragraph (2), under  
6 section 28 of the Mineral Leasing Act (30 U.S.C.  
7 185), without regard to title XI of the Alaska Na-  
8 tional Interest Lands Conservation Act (16 U.S.C.  
9 3161 et seq.); and

10 (2) under title XI of the Alaska National Inter-  
11 est Lands Conservation Act (16 U.S.C. 3161 et  
12 seq.), for access authorized by sections 1110 and  
13 1111 of that Act (16 U.S.C. 3170 and 3171).

14 (b) TERMS AND CONDITIONS.—The Secretary shall  
15 include in any right-of-way or easement issued under sub-  
16 section (a) such terms and conditions as may be necessary  
17 to ensure that transportation of oil and gas does not result  
18 in a significant adverse effect on the fish and wildlife, sub-  
19 sistence resources, their habitat, and the environment of  
20 the Coastal Plain, including requirements that facilities be  
21 sited or designed so as to avoid unnecessary duplication  
22 of roads and pipelines.

23 (c) REGULATIONS.—The Secretary shall include in  
24 regulations under section 3(g) provisions granting rights-  
25 of-way and easements described in subsection (a) of this  
26 section.

1 **SEC. 11. CONVEYANCE.**

2 In order to maximize Federal revenues by removing  
3 clouds on title to lands and clarifying land ownership pat-  
4 terns within the Coastal Plain, the Secretary, notwith-  
5 standing the provisions of section 1302(h)(2) of the Alas-  
6 ka National Interest Lands Conservation Act (16 U.S.C.  
7 3192(h)(2)), shall convey—

8 (1) to the Kaktovik Inupiat Corporation the  
9 surface estate of the lands described in paragraph 1  
10 of Public Land Order 6959, to the extent necessary  
11 to fulfill the Corporation's entitlement under sec-  
12 tions 12 and 14 of the Alaska Native Claims Settle-  
13 ment Act (43 U.S.C. 1611 and 1613) in accordance  
14 with the terms and conditions of the Agreement be-  
15 tween the Department of the Interior, the United  
16 States Fish and Wildlife Service, the Bureau of  
17 Land Management, and the Kaktovik Inupiat Cor-  
18 poration effective January 22, 1993; and

19 (2) to the Arctic Slope Regional Corporation  
20 the remaining subsurface estate to which it is enti-  
21 tled pursuant to the August 9, 1983, agreement be-  
22 tween the Arctic Slope Regional Corporation and the  
23 United States of America.

24 **SEC. 12. ANWR ALTERNATIVE ENERGY TRUST FUND.**

25 (a) ESTABLISHMENT OF TRUST FUND.—There is es-  
26 tablished in the Treasury of the United States a trust fund

1 to be known as the “ANWR Alternative Energy Trust  
 2 Fund”, consisting of such amounts as may be transferred  
 3 to the ANWR Alternative Energy Trust Fund as provided  
 4 in section 9.

5 (b) EXPENDITURES FROM ANWR ALTERNATIVE  
 6 ENERGY TRUST FUND.—

7 (1) IN GENERAL.—Amounts in the ANWR Al-  
 8 ternative Energy Trust Fund shall be available with-  
 9 out further appropriation to carry out specified pro-  
 10 visions of the Energy Policy Act of 2005 (Public  
 11 Law 109–58; in this section referred to as  
 12 “EPAAct2005”) and the Energy Independence and  
 13 Security Act of 2007 (Public Law 110–140; in this  
 14 section referred to as “EISAct2007”), as follows:

To carry out the provisions of:	The following percentage of annual receipts to the ANWR Alternative Energy Trust Fund, but not to exceed the limit on amount authorized, if any:
EPAAct2005:	
Section 210 .....	1.5 percent
Section 242 .....	1.0 percent
Section 369 .....	2.0 percent
Section 401 .....	6.0 percent
Section 812 .....	6.0 percent
Section 931 .....	19.0 percent
Section 942 .....	1.5 percent
Section 962 .....	3.0 percent
Section 968 .....	1.5 percent
Section 1704 .....	6.0 percent
EISAct2007:	
Section 207 .....	15.0 percent
Section 607 .....	1.5 percent
Title VI, Subtitle B .....	3.0 percent
Title VI, Subtitle C .....	1.5 percent



To carry out the provisions of:	The following percentage of annual receipts to the ANWR Alternative Energy Trust Fund, but not to exceed the limit on amount authorized, if any:
Section 641 .....	9.0 percent
Title VII, Subtitle A .....	15.0 percent
Section 1112 .....	1.5 percent
Section 1304 .....	6.0 percent.

1           (2) APPORTIONMENT OF EXCESS AMOUNT.—  
2       Notwithstanding paragraph (1), any amounts allo-  
3       cated under paragraph (1) that are in excess of the  
4       amounts authorized in the applicable cited section or  
5       subtitle of EPOA2005 and EISA2007 shall be re-  
6       allocated to the remaining sections and subtitles  
7       cited in paragraph (1), up to the amounts otherwise  
8       authorized by law to carry out such sections and  
9       subtitles, in proportion to the amounts authorized by  
10      law to be appropriated for such other sections and  
11      subtitles.

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