termine special expediting procedures necessary to in-
sure the equitable allocation of North Slope crude oil
to the Northern Tier States of Washington, Oregon,
Idaho, Montana, Indiana, and Idaho to carry out the provisions of section 410 of Pub. L. 93–153 [set out above], and to report his findings to Congress, such report to include a statement demonstrating the im-
pact that the delivery system would have on reducing the dependency of New England and the Middle Atlan-
tic States on foreign oil imports.

**Trans-Canada Pipeline Negotiations With Canada; Feasibility Study**

Title III (§§301–303) of Pub. L. 93–153 authorized the President to enter into negotiations with the Govern-
ment of Canada to determine Canadian willingness to permit construction of pipelines or other transpor-
tation systems across its territory to bring gas and oil from Alaska's North Slope to the United States; the need for intergovernmental agreements to protect inter-
ests of any parties involved with construction, opera-
tion, and maintenance of such natural gas or oil transportation systems; terms and conditions for con-
struction across Canadian territory; desirability of joint studies to insure environmental protection, re-
duce regulatory uncertainty, and insure meeting en-
ergy requirements; quantity of oil and gas for which Canada would guarantee transit; and acquisition of other energy sources so as to make unnecessary the shipment of oil from the Alaska pipeline by tanker into the Puget Sound area. The President was to report to Congress on actions taken and recommendations for further action. In addition, the Secretary of the Inter-
ior was to investigate, and to report to Congress with-
in 2 years of Nov. 15, 1973, as to the feasibility of oil or gas pipelines from the North Slope of Alaska to con-
nect with a pipeline through Canada that would deliver oil or gas to United States markets. Nothing in title III was to limit the authority of the Secretary or any other Federal official to grant a gas or oil pipeline right-of-way or permit, which that official was otherwise authorized by law to grant.

**Exclusion of Persons from Trans-Alaska Pipeline Activities on Basis of Race, Creed, Color, Na-
tional Origin, or Sex Prohibited**

Section 403 of Pub. L. 93–153 provided that: "The Sec-
retary of the Interior shall take such affirmative ac-
tion as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national ori-
gin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-
way, public land order, or other Federal authorization grants issued under title II [this chapter]. The Sec-
retary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this sub-
section and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964 [section 2000d et seq. of Title 42, The Public Health and Welfare]."

**Equitable Allocation of North Slope Crude Oil**

Section 410 of Pub. L. 93–153 provided that: "The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil re-
sources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all re-

gions of the country. The President shall use any au-

thority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States."

§ 1652. Authorizations for construction

(a) Congressional declaration of purpose

The purpose of this chapter is to insure that, because of the extensive governmental studies already made of this project and the national in-

terest in early delivery of North Slope oil to do-
mestic markets, the trans-Alaska oil pipeline be constructed promptly without further adminis-
trative or judicial delay or impediment. To ac-

complish this purpose it is the intent of the Con-
gress to exercise its constitutional powers to the fullest extent in the authorizations and direc-
tions herein made and in limiting judicial re-
view of the actions taken pursuant thereto.

(b) Issuance, administration, and enforcement of rights-of-way, permits, leases, and other au-

thorizations

The Congress hereby authorizes and directs the Secretary of the Interior and other appro-
priate Federal officers and agencies to issue and take all necessary action to administer and en-
force rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation, and maintenance of the trans-Alaska oil pipeline system, includ-
ing roads and airstrips, as that system is gener-
ally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipe-
line may be modified by the Secretary to pro-

duce during construction greater environmental protection.

(c) Applicability of statutes governing rights-of-

way for pipelines through Federal lands; other statutory terms and conditions; waiver of procedural requirements; supersede of administrative authorizations for construc-

tion

Rights-of-way, permits, leases, and other au-

thorizations issued pursuant to this chapter by the Secretary shall be subject to the provisions of section 185 of title 30, as amended by Pub. L. 93–153 (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal offi-
cers and agencies pursuant to this chapter shall include the terms and conditions required, and may include the terms and conditions per-
mitted, by the provisions of law that would otherwise be applicable if this chapter had not been enacted, and they may waive any proce-
dural requirements of law or regulation which they deem desirable to waive in order to accom-

plish the purposes of this chapter. The direction contained in subsection (b) of this section shall supersede the provisions of any law or regula-
tion relating to an administrative determina-
tion as to whether the authorizations for con-
struction of the trans-Alaska oil pipeline shall be issued.

(d) National Environmental Policy Act of 1969 bypassed; issuance of authorizations for con-

struction and operation not to be subject to judicial review; time limits on charges of in-

validity or unconstitutionality; jurisdiction; hearings; review

The actions taken pursuant to this chapter which relate to the construction and completion of the pipeline system, and the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as de-

scribed in the Final Environmental Impact Statement of the Department of the Interior,
shall be taken without further action under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.]; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following November 16, 1973, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this chapter, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after November 16, 1973. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. An interlocutory or final judgment, decree, or order of such district court may be reviewed only upon petition for a writ of certiorari to the Supreme Court of the United States.

(e) Amendment or modification of rights-of-way, permits, leases, or other authorizations

The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this chapter.


REFERENCES IN TEXT


AMENDMENTS

1988—Subsec. (d). Pub. L. 100–352 amended last sentence generally. Prior to amendment, last sentence read as follows: "Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States."

1984—Subsec. (d). Pub. L. 98–620 struck out provision that any such proceeding had to be assigned for hearing at the earliest possible date, had to take precedence over all other matters pending on the docket of the district court at that time, and had to be expedited in every way by such court.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–352 effective ninety days after June 27, 1988, except that such amendment not to apply to cases pending in Supreme Court on such effective date or affect right to review or manner of reviewing judgment or decree of court which was entered before such effective date, see section 7 of Pub. L. 100–352, set out as a note under section 1254 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1655 of this title; title 30 section 185; title 50 App. section 2406.

§ 1653. Liability for damages

(a) Activities along or in vicinity of pipeline right-of-way; strict liability; limitation on liability; subrogation; emergency subsistence and other aid; exemption for State of Alaska

(1) Except when the holder of the pipeline right-of-way granted pursuant to this chapter can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaskan pipeline right-of-way were caused solely by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $350,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $350,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaska Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this chapter, the State shall not be subject to the provisions of this subsection, but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to this subsection with respect to facilities constructed or activities conducted