

111TH CONGRESS  
1ST SESSION

# S. 1564

To enhance the readiness of the United States to deal with increased maritime and development activity in the Arctic as a result of climate change, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2009

Mr. BEGICH introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To enhance the readiness of the United States to deal with increased maritime and development activity in the Arctic as a result of climate change, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arctic Oil Spill Re-  
5 search and Prevention Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States is an Arctic nation  
9 with—

1 (A) an approximately 700-mile border with  
2 the Arctic Ocean;

3 (B) more than 100,000,000 acres of land  
4 above the Arctic Circle; and

5 (C) an even broader area defined as Arctic  
6 by temperature which includes the Bering Sea  
7 and Aleutian Islands.

8 (2) The Arctic region of the United States—

9 (A) is home to an indigenous population  
10 which has subsisted for millennia on the abun-  
11 dance in marine mammals, fish, and wildlife,  
12 many of which are unique to the region;

13 (B) is known to the indigenous population  
14 as Inuvikput or the “place where we live”; and

15 (C) has produced more than  
16 16,000,000,000 barrels of oil and, according to  
17 the United States Geological Survey, may hold  
18 an additional 30,000,000,000 barrels of oil and  
19 220,000,000,000,000 cubic feet of natural gas,  
20 making the region of fundamental importance  
21 to the national interest of the United States.

22 (3) Temperatures in the United States Arctic  
23 region have warmed by 3 to 4 degrees Celsius over  
24 the past half-century, a rate of increase that is twice  
25 the global average.

1           (4) The Arctic ice pack is rapidly diminishing  
2           and thinning, and the National Oceanic and Atmos-  
3           pheric Administration estimates the Arctic Ocean  
4           may be ice free during summer months in as few as  
5           30 years.

6           (5) Such changes to the Arctic region are hav-  
7           ing a significant impact on the indigenous people of  
8           the Arctic, their communities and ecosystems, as  
9           well as the marine mammals, fish, and wildlife upon  
10          which they depend.

11          (6) Such changes are opening new portions of  
12          the United States Arctic continental shelf to possible  
13          development for offshore oil and gas, commercial  
14          fishing, marine shipping, and tourism.

15          (7) The dynamic and harsh conditions of work-  
16          ing in the Arctic Ocean could significantly increase  
17          the risk of a maritime accident.

18          (8) The environmental effects of Arctic oil de-  
19          velopment require continued study and technological  
20          improvement, and oil spill response assets in the  
21          United States Arctic are minimal.

22          (9) Research into the recovery of oil in Arctic  
23          waters is essential to United States environmental  
24          preparedness and maritime security.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to enhance the readiness of the United  
4 States to respond to a maritime accident in the Ar-  
5 tic;

6 (2) to enhance the understanding of the behav-  
7 ior of oil in cold water and ice; and

8 (3) to advance the science, technology, and re-  
9 sponse capabilities of preventing, treating, and re-  
10 covering oil spilled in the Arctic waters.

11 **SEC. 4. ARCTIC MARITIME READINESS AND OIL SPILL PRE-**  
12 **VENTION.**

13 The Commandant of the Coast Guard shall assess  
14 and take action to reduce the risk and improve the United  
15 States capability to respond to a maritime disaster in the  
16 United States Beaufort and Chukchi Sea. Such assess-  
17 ment and actions shall include the prioritization of re-  
18 sources to address—

19 (1) oil spill response capabilities and infrastruc-  
20 ture, including oil spill trajectory models;

21 (2) coordinating contingency plans and agree-  
22 ments with other agencies and departments of the  
23 United States, industry, and foreign governments to  
24 respond to an Arctic oil spill;

25 (3) expansion of search and rescue capabilities,  
26 infrastructure, and logistics, including improvements

1 of the Search and Rescue Optimal Planning System  
2 (SAROPS);

3 (4) provisional designation of ports and harbors  
4 of refuge;

5 (5) evaluation and enhancement of navigational  
6 infrastructure;

7 (6) evaluation and enhancement of vessel moni-  
8 toring and communications infrastructure; and

9 (7) integration of local and traditional knowl-  
10 edge and concerns into prevention and response  
11 strategies.

12 **SEC. 5. RESEARCH AND ACTION TO CONDUCT OIL SPILL**  
13 **PREVENTION.**

14 The Secretary of Commerce, acting through the Ad-  
15 ministrator of the National Oceanic and Atmospheric Ad-  
16 ministration and in collaboration with the heads of other  
17 agencies or departments of the United States with appro-  
18 priate Arctic science expertise, shall direct research and  
19 take action to improve the United States ability to conduct  
20 oil spill prevention, response, and recovery in Arctic wa-  
21 ters. Such research and action shall include the  
22 prioritization of resources—

23 (1) to address—

24 (A) ecological baselines and Environmental  
25 Sensitivity Indexes;

1 (B) identification of ecological important  
2 areas, critical habitats, and migratory behav-  
3 iors;

4 (C) improvements in oil technologies for  
5 collecting observational data essential for safe  
6 navigation and response strategies in the event  
7 of an oil spill in both open water and ice-cov-  
8 ered seasons, including data related to currents,  
9 winds, weather, waves, environmental spill mon-  
10 itoring, and ice forecasting;

11 (D) development of a robust operational  
12 monitoring program during the open water and  
13 ice-covered seasons;

14 (E) improvements in technologies and un-  
15 derstanding of cold water oil recovery and res-  
16 toration; and

17 (F) the integration of local and traditional  
18 knowledge into oil recovery research studies;  
19 and

20 (2) to conduct hydrographic and bathymetric  
21 surveys and improve navigational charting of Arctic  
22 waters.

23 **SEC. 6. RISK ASSESSMENT.**

24 (a) REQUIREMENT FOR RISK ASSESSMENT.—Not  
25 later than 120 days after the date of the enactment of

1 this Act, the Secretary of Commerce shall request that the  
2 National Research Council conduct a risk assessment to  
3 identify and evaluate existing spill prevention and re-  
4 sponse standards and develop recommendations that will  
5 enhance safety and lessen the potential adverse environ-  
6 mental impacts of industrial activities in Arctic waters.  
7 Such assessment shall include the recommendations of the  
8 National Research Council to identify a comprehensive  
9 suite of measures, based on the best available technology,  
10 designed to prevent and respond to oil spills in the Arctic.

11 (b) CONSULTATION.—The Secretary of Commerce  
12 shall consult with the Commandant of the Coast Guard,  
13 the Administrator of the Environmental Protection Agen-  
14 cy, the Director of the Minerals Management Service, and  
15 the Director of the United States Fish and Wildlife Serv-  
16 ice in preparing the specifications for the risk assessment  
17 described in subsection (a).

18 (c) SUBMISSION TO CONGRESS.—The National Re-  
19 search Council shall submit to Congress the risk assess-  
20 ment described in subsection (a).

21 **SEC. 7. FUNDING FOR ARCTIC OIL SPILL RESEARCH AND**  
22 **DEVELOPMENT.**

23 (a) OIL POLLUTION ACT OF 1990.—Section 7001 of  
24 the Oil Pollution Act of 1990 (33 U.S.C. 2761) is amend-  
25 ed—

1 (1) in subsection (f)—

2 (A) in the first sentence, by striking “Not”  
3 and inserting “In addition to the amounts made  
4 available pursuant to subsection (g), not”;

5 (B) in the flush text following paragraph  
6 (2), by striking “All” and inserting “Except for  
7 those activities authorized in subsection (g),”;  
8 and

9 (2) by adding at the end the following new sub-  
10 section:

11 “(g) ARCTIC OIL SPILL RESEARCH AND DEVELOP-  
12 MENT.—Not to exceed \$8,150,000 of amounts in the  
13 Fund shall be available annually for Arctic oil spill re-  
14 search and development for fiscal years 2010, 2011, 2012,  
15 2013, and 2014. Of such sums—

16 “(1) \$2,150,000 annually shall be available to  
17 the Coast Guard, of which \$150,000 annually shall  
18 be available to Coast Guard for the expenses of the  
19 Interagency Coordinating Committee in Oil Pollution  
20 Research with regard to activities associated with  
21 Arctic oil spill research and development;

22 “(2) \$2,000,000 annually shall be available to  
23 the National Oceanic and Atmospheric Administra-  
24 tion;

1           “(3) \$2,000,000 annually shall be available to  
2           the Environmental Protection Agency; and

3           “(4) \$2,000,000 annually shall be available to  
4           the Minerals Management Service.”.

5           (b)           CONFORMING            AMENDMENT.—Section  
6           1012(a)(5)(C) of the Oil Pollution Act of 1990 (33 U.S.C.  
7           2712(a)(5)(C)) is amended by striking “\$27,250,000”  
8           and inserting “\$35,400,000”.

9           **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10          There is authorized to be appropriated for fiscal years  
11          2011 through 2015 to carry out this Act—

12                 (1) to the Secretary of the department in which  
13                 the Coast Guard is operating, \$15,000,000 for infra-  
14                 structure and operational activities; and

15                 (2) to the Secretary of Commerce, \$15,000,000.

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