

# Calendar No. 588

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2786

[Report No. 116–295]

To establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2019

Ms. MURKOWSKI (for herself, Mr. WICKER, Mr. SULLIVAN, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 16, 2020

Reported by Mr. WICKER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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## A BILL

To establish a Federal advisory committee to provide policy recommendations to the Secretary of Transportation on positioning the United States to take advantage of emerging opportunities for Arctic maritime transportation.

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 “Arctic Shipping Fed-  
3 eral Advisory Committee Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to establish a Federal advi-  
6 sory committee to provide policy recommendations to the  
7 Secretary of Transportation on positioning the United  
8 States to take advantage of emerging opportunities for  
9 Arctic maritime transportation.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **ADVISORY COMMITTEE.**—The term “Advi-  
13 sory Committee” means the Arctic Shipping Federal  
14 Advisory Committee established under section 4(a).

15 (2) **ARCTIC.**—The term “Arctic” has the mean-  
16 ing given the term in section 112 of the Arctic Re-  
17 search and Policy Act of 1984 (15 U.S.C. 4111).

18 (3) **ARCTIC SEA ROUTES.**—The term “Arctic  
19 Sea Routes” means the international Northern Sea  
20 Route, the Transpolar Sea Route, and the North-  
21 west Passage.

22 **SEC. 4. ESTABLISHMENT OF THE ARCTIC SHIPPING FED-**  
23 **ERAL ADVISORY COMMITTEE.**

24 (a) **IN GENERAL.**—The Secretary of Transportation,  
25 in consultation with the Secretary of State, the Secretary  
26 of Defense acting through the Secretary of the Army, and

1 the Secretary of the Department in which the Coast Guard  
2 is operating, shall establish an Arctic Shipping Federal  
3 Advisory Committee in the Department of Transportation  
4 to advise the Secretary of Transportation on matters re-  
5 lated to Arctic maritime transportation, including Arctic  
6 seaway development.

7 (b) MEMBERSHIP.—

8 (1) IN GENERAL.—The Advisory Committee  
9 shall be composed of 15 members as described in  
10 paragraph (2).

11 (2) COMPOSITION.—The members of the Advi-  
12 sory Committee shall be—

13 (A) 1 individual appointed and designated  
14 by the Secretary of Transportation to serve as  
15 the Chairperson of the Advisory Committee;

16 (B) 1 designee of the Secretary of Com-  
17 merce;

18 (C) 1 designee of the Secretary of State;

19 (D) 1 designee of the Secretary of Trans-  
20 portation;

21 (E) 1 designee of the Secretary of the De-  
22 partment in which the Coast Guard is oper-  
23 ating;

24 (F) 1 designee of the Department of De-  
25 fense;

1           (G) 1 designee from the State of Alaska;  
2           nominated by the Governor of Alaska and des-  
3           ignated by the Secretary of Transportation;

4           (H) 1 designee from the State of Wash-  
5           ington, nominated by the Governor of Wash-  
6           ington and designated by the Secretary of  
7           Transportation;

8           (I) 1 Alaska Native Tribal member;

9           (J) 1 individual representing Alaska Na-  
10          tive subsistence co-management groups affected  
11          by Arctic maritime transportation;

12          (K) 1 individual representing coastal com-  
13          munities affected by Arctic shipping;

14          (L) 1 individual representing the shipping  
15          industry;

16          (M) 1 individual representing the marine  
17          safety community;

18          (N) 1 individual representing the Arctic  
19          business community; and

20          (O) 1 individual representing Alaskan mar-  
21          itime labor organizations.

22          (3) TERMS.—

23          (A) LIMITATIONS.—Each member of the  
24          Advisory Committee described in subparagraphs  
25          (G) through (O) of paragraph (2) shall serve

1 for a 2-year term and shall not be eligible for  
2 more than 2 consecutive term reappointments.

3 (B) VACANCIES.—Any vacancy in the  
4 membership of the Advisory Committee shall  
5 not affect its responsibilities, but shall be filled  
6 in the same manner as the original appoint-  
7 ment.

8 (c) FUNCTIONS.—The Advisory Committee shall  
9 carry out all of the following functions:

10 (1) Develop a set of policy recommendations  
11 that would enhance the leadership role played by the  
12 United States in improving the safety and reliability  
13 of Arctic maritime transportation in accordance with  
14 customary international maritime law, which shall  
15 include options for establishing a United States enti-  
16 ty that could perform the following functions in ac-  
17 cordance with customary international maritime law:

18 (A) Construction, operation, and mainte-  
19 nance of current and future maritime infra-  
20 structure necessary for vessels transiting the  
21 Arctic Sea Routes, including new deepwater  
22 ports.

23 (B) Provision of services that would im-  
24 prove Arctic maritime safety and environmental  
25 protection, including for navigation and incident

1 response for vessels transiting the Arctic Sea  
2 Routes:

3 ~~(C) Establishment of rules of measurement~~  
4 ~~for vessels and cargo for the purposes of levying~~  
5 ~~voluntary rates of charges or fees for services.~~

6 ~~(2) As an option under paragraph (1), consider~~  
7 ~~establishing a congressionally chartered seaway de-~~  
8 ~~velopment corporation modeled on the St. Lawrence~~  
9 ~~Seaway Development Corporation, and—~~

10 ~~(A) develop recommendations for estab-~~  
11 ~~lishing such a corporation and a detailed imple-~~  
12 ~~mentation plan for establishing such an entity;~~  
13 ~~or~~

14 ~~(B) if the Advisory Committee decides~~  
15 ~~against establishing such a corporation, provide~~  
16 ~~a written explanation as to the rationale for the~~  
17 ~~decision and develop an alternative.~~

18 ~~(3) Provide advice and recommendations to the~~  
19 ~~Secretary of Transportation as requested on Arctic~~  
20 ~~marine transportation, including seaway develop-~~  
21 ~~ment.~~

22 **SEC. 5. REPORT TO CONGRESS.**

23 Not later than 2 years after the date of enactment  
24 of this Act, the Advisory Committee shall submit a report  
25 with its recommendations under paragraphs (1) and (2)

1 of section 4(c) to the Committee on Commerce, Science,  
2 and Transportation of the Senate and the Committee on  
3 Transportation and Infrastructure of the House of Rep-  
4 resentatives.

5 **SEC. 6. TERMINATION OF THE ADVISORY COMMITTEE.**

6 Not later than 8 years after the submission of the  
7 report described in section 5, the Secretary of Transpor-  
8 tation shall dissolve the Advisory Committee.

9 **SEC. 7. INTERNATIONAL ENGAGEMENT.**

10 If a Special Representative for the Arctic Region is  
11 appointed by the Secretary of State, the duties of that  
12 Representative shall include—

13 (1) coordination of any activities recommended  
14 by the implementation plan submitted by the Advi-  
15 sory Committee and approved by the Secretary of  
16 Transportation; and

17 (2) facilitation of multilateral dialogues with  
18 member and observer nations of the Arctic Council  
19 to encourage cooperation on Arctic maritime trans-  
20 portation.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Arctic Shipping Federal*  
23 *Advisory Committee Act”.*

1 **SEC. 2. PURPOSE.**

2 *The purpose of this Act is to establish a Federal advi-*  
3 *sory committee to provide policy recommendations to the*  
4 *Secretary of Transportation on positioning the United*  
5 *States to take advantage of emerging opportunities for Arc-*  
6 *tic maritime transportation.*

7 **SEC. 3. DEFINITIONS.**

8 *In this Act:*

9 (1) *ADVISORY COMMITTEE.*—*The term “Advisory*  
10 *Committee” means the Arctic Shipping Federal Advi-*  
11 *sory Committee established under section 4(a).*

12 (2) *ARCTIC.*—*The term “Arctic” has the mean-*  
13 *ing given the term in section 112 of the Arctic Re-*  
14 *search and Policy Act of 1984 (15 U.S.C. 4111).*

15 (3) *ARCTIC SEA ROUTES.*—*The term “Arctic Sea*  
16 *Routes” means the international Northern Sea Route,*  
17 *the Transpolar Sea Route, and the Northwest Pas-*  
18 *sage.*

19 **SEC. 4. ESTABLISHMENT OF THE ARCTIC SHIPPING FED-**  
20 **ERAL ADVISORY COMMITTEE.**

21 (a) *ESTABLISHMENT OF ADVISORY COMMITTEE.*—

22 (1) *IN GENERAL.*—*The Secretary of Transpor-*  
23 *tation, in coordination with the Secretary of State,*  
24 *the Secretary of Defense acting through the Secretary*  
25 *of the Army and the Secretary of the Navy, the Sec-*  
26 *retary of Commerce, and the Secretary of the Depart-*



1 *ment in which the Coast Guard is operating, shall es-*  
2 *tablish an Arctic Shipping Federal Advisory Com-*  
3 *mittee in the Department of Transportation to advise*  
4 *the Secretary of Transportation and the Secretary of*  
5 *the Department in which the Coast Guard is oper-*  
6 *ating on matters related to Arctic maritime transpor-*  
7 *tation, including Arctic seaway development.*

8 (2) *MEETINGS.—The Advisory Committee shall*  
9 *meet at the call of the Chairperson, and at least once*  
10 *annually in Alaska.*

11 (b) *MEMBERSHIP.—*

12 (1) *IN GENERAL.—The Advisory Committee shall*  
13 *be composed of 15 members as described in paragraph*  
14 *(2).*

15 (2) *COMPOSITION.—The members of the Advisory*  
16 *Committee shall be—*

17 (A) *1 individual appointed and designated*  
18 *by the Secretary of Transportation to serve as*  
19 *the Chairperson of the Advisory Committee;*

20 (B) *1 individual appointed and designated*  
21 *by the Secretary of the Department in which the*  
22 *Coast Guard is operating to serve as the Vice*  
23 *Chairperson of the Advisory Committee;*

24 (C) *1 designee of the Secretary of Com-*  
25 *merce;*

1                   (D) 1 designee of the Secretary of State;

2                   (E) 1 designee of the Secretary of Transpor-  
3                   tation;

4                   (F) 1 designee of the Secretary of Defense;

5                   (G) 1 designee from the State of Alaska,  
6                   nominated by the Governor of Alaska and des-  
7                   ignated by the Secretary of Transportation;

8                   (H) 1 designee from the State of Wash-  
9                   ington, nominated by the Governor of Wash-  
10                  ington and designated by the Secretary of Trans-  
11                  portation;

12                  (I) 1 Alaska Native Tribal member;

13                  (J) 1 individual representing Alaska Native  
14                  subsistence co-management groups affected by  
15                  Arctic maritime transportation;

16                  (K) 1 individual representing coastal com-  
17                  munities affected by Arctic maritime transpor-  
18                  tation;

19                  (L) 1 individual representing vessels of the  
20                  United States (as defined in section 116 of title  
21                  46, United States Code) participating in the  
22                  shipping industry;

23                  (M) 1 individual representing the marine  
24                  safety community;

1           (N) 1 individual representing the Arctic  
2           business community; and

3           (O) 1 individual representing maritime  
4           labor organizations.

5           (3) *TERMS.*—

6           (A) *LIMITATIONS.*—Each member of the Ad-  
7           visory Committee described in subparagraphs  
8           (G) through (O) of paragraph (2) shall serve for  
9           a 2-year term and shall not be eligible for more  
10          than 2 consecutive term reappointments.

11          (B) *VACANCIES.*—Any vacancy in the mem-  
12          bership of the Advisory Committee shall not af-  
13          fect its responsibilities, but shall be filled in the  
14          same manner as the original appointment and  
15          in accordance with the Federal Advisory Com-  
16          mittee Act (5 U.S.C. App.).

17          (c) *FUNCTIONS.*—The Advisory Committee shall carry  
18          out all of the following functions:

19               (1) *Develop a set of policy recommendations that*  
20               *would enhance the leadership role played by the*  
21               *United States in improving the safety and reliability*  
22               *of Arctic maritime transportation in accordance with*  
23               *customary international maritime law and existing*  
24               *Federal authority. Such policy recommendations shall*  
25               *consider options to establish a United States entity*

1       *that could perform the following functions in accord-*  
2       *ance with United States law and customary inter-*  
3       *national maritime law:*

4               (A) *Construction, operation, and mainte-*  
5               *nance of current and future maritime infrastruc-*  
6               *ture necessary for vessels transiting the Arctic*  
7               *Sea Routes, including potential new deep draft*  
8               *and deepwater ports.*

9               (B) *Provision of services that are not widely*  
10              *commercially available in the United States Arc-*  
11              *ctic that would—*

12                   (i) *improve Arctic maritime safety and*  
13                   *environmental protection;*

14                   (ii) *enhance Arctic maritime domain*  
15                   *awareness; and*

16                   (iii) *support navigation and incident*  
17                   *response for vessels transiting the Arctic Sea*  
18                   *Routes.*

19               (C) *Establishment of rules of measurement*  
20               *for vessels and cargo for the purposes of levying*  
21               *voluntary rates of charges or fees for services.*

22               (2) *As an option under paragraph (1), consider*  
23               *establishing a congressionally chartered seaway devel-*  
24               *opment corporation modeled on the Saint Lawrence*  
25               *Seaway Development Corporation, and—*

1           (A) *develop recommendations for estab-*  
2           *lishing such a corporation and a detailed imple-*  
3           *mentation plan for establishing such an entity;*  
4           *or*

5           (B) *if the Advisory Committee decides*  
6           *against recommending the establishment of such*  
7           *a corporation, provide a written explanation as*  
8           *to the rationale for the decision and develop an*  
9           *alternative, as practicable.*

10          (3) *Provide advice and recommendations, as re-*  
11          *quested, to the Secretary of Transportation and the*  
12          *Secretary of the Department in which the Coast*  
13          *Guard is operating on Arctic marine transportation,*  
14          *including seaway development, and consider national*  
15          *security interests, where applicable, in such rec-*  
16          *ommendations.*

17 **SEC. 5. REPORT TO CONGRESS.**

18          *Not later than 2 years after the date of enactment of*  
19          *this Act, the Advisory Committee shall submit a report with*  
20          *its recommendations under paragraphs (1) and (2) of sec-*  
21          *tion 4(c) to the Committee on Commerce, Science, and*  
22          *Transportation of the Senate and the Committee on Trans-*  
23          *portation and Infrastructure of the House of Representa-*  
24          *tives.*

1 **SEC. 6. TERMINATION OF THE ADVISORY COMMITTEE.**

2 *Not later than 8 years after the submission of the re-*  
3 *port described in section 5, the Secretary of Transportation*  
4 *shall dissolve the Advisory Committee.*

5 **SEC. 7. INTERNATIONAL ENGAGEMENT.**

6 *If a Special Representative for the Arctic Region is*  
7 *appointed by the Secretary of State, the duties of that Rep-*  
8 *resentative shall include—*

9 *(1) coordination of any activities recommended*  
10 *by the implementation plan submitted by the Advi-*  
11 *sory Committee and approved by the Secretary of*  
12 *Transportation; and*

13 *(2) facilitation of multilateral dialogues with*  
14 *member and observer nations of the Arctic Council to*  
15 *encourage cooperation on Arctic maritime transpor-*  
16 *tation.*



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## **A BILL**

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NOVEMBER 16, 2020

Reported with an amendment