

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2786

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arctic Shipping Fed-
5 eral Advisory Committee Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to establish a Federal advi-
8 sory committee to provide policy recommendations to the
9 Secretary of Transportation on positioning the United

1 States to take advantage of emerging opportunities for
2 Arctic maritime transportation.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

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

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

11 (3) **ARCTIC SEA ROUTES.**—The term “Arctic
12 Sea Routes” means the international Northern Sea
13 Route, the Transpolar Sea Route, and the North-
14 west Passage.

15 **SEC. 4. ESTABLISHMENT OF THE ARCTIC SHIPPING FED-
16 ERAL ADVISORY COMMITTEE.**

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

18 (1) **IN GENERAL.**—The Secretary of Transpor-
19 tation, in coordination with the Secretary of State,
20 the Secretary of Defense acting through the Sec-
21 retary of the Army and the Secretary of the Navy,
22 the Secretary of Commerce, and the Secretary of the
23 Department in which the Coast Guard is operating,
24 shall establish an Arctic Shipping Federal Advisory
25 Committee in the Department of Transportation to

1 advise the Secretary of Transportation and the Sec-
2 retary of the Department in which the Coast Guard
3 is operating on matters related to Arctic maritime
4 transportation, including Arctic seaway development.

5 (2) MEETINGS.—The Advisory Committee shall
6 meet at the call of the Chairperson, and at least
7 once annually in Alaska.

8 (b) MEMBERSHIP.—

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

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

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

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

21 (C) 1 designee of the Secretary of Com-
22 merce;

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

24 (E) 1 designee of the Secretary of Trans-
25 portation;

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

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

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

9 (I) 1 Alaska Native Tribal member;

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

13 (K) 1 individual representing coastal com-
14 munities affected by Arctic maritime transpor-
15 tation;

16 (L) 1 individual representing vessels of the
17 United States (as defined in section 116 of title
18 46, United States Code) participating in the
19 shipping industry;

20 (M) 1 individual representing the marine
21 safety community;

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

24 (O) 1 individual representing maritime
25 labor organizations.

1 (3) TERMS.—

2 (A) LIMITATIONS.—Each member of the
3 Advisory Committee described in subparagraphs
4 (G) through (O) of paragraph (2) shall serve
5 for a 2-year term and shall not be eligible for
6 more than 2 consecutive term reappointments.

7 (B) VACANCIES.—Any vacancy in the
8 membership of the Advisory Committee shall
9 not affect its responsibilities, but shall be filled
10 in the same manner as the original appointment
11 and in accordance with the Federal Advisory
12 Committee Act (5 U.S.C. App.).

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

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

1 (A) Construction, operation, and mainte-
2 nance of current and future maritime infra-
3 structure necessary for vessels transiting the
4 Arctic Sea Routes, including potential new deep
5 draft and deepwater ports.

6 (B) Provision of services that are not wide-
7 ly commercially available in the United States
8 Arctic that would—

9 (i) improve Arctic maritime safety and
10 environmental protection;

11 (ii) enhance Arctic maritime domain
12 awareness; and

13 (iii) support navigation and incident
14 response for vessels transiting the Arctic
15 Sea Routes.

16 (C) Establishment of rules of measurement
17 for vessels and cargo for the purposes of levying
18 voluntary rates of charges or fees for services.

19 (2) As an option under paragraph (1), consider
20 establishing a congressionally chartered seaway de-
21 velopment corporation modeled on the St. Lawrence
22 Seaway Development Corporation, and—

23 (A) develop recommendations for estab-
24 lishing such a corporation and a detailed imple-

1 mentation plan for establishing such an entity;

2 or

3 (B) if the Advisory Committee decides
4 against recommending the establishment of
5 such a corporation, provide a written expla-
6 nation as to the rationale for the decision and
7 develop an alternative, as practicable.

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

15 **SEC. 5. REPORT TO CONGRESS.**

16 Not later than 2 years after the date of enactment
17 of this Act, the Advisory Committee shall submit a report
18 with its recommendations under paragraphs (1) and (2)
19 of section 4(c) to the Committee on Commerce, Science,
20 and Transportation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of Rep-
22 resentatives.

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

2 Not later than 8 years after the submission of the
3 report described in section 5, the Secretary of Transpor-
4 tation 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
8 Representative 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
15 to encourage cooperation on Arctic maritime trans-
16 portation.