AMENDMENT NO._______  Calendar No._______

Purpose: In the nature of a substitute.


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

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Arctic Shipping Federal
Advisory Committee established under section 4(a).

(2) ARCTIC.—The term “Arctic” has the meaning given the term in section 112 of the Arctic Re-

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

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

(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary of Transpor-
tation, in coordination with the Secretary of State,
the Secretary of Defense acting through the Sec-
retary of the Army and the Secretary of the Navy,
the Secretary of Commerce, and the Secretary of the
Department in which the Coast Guard is operating,
shall establish an Arctic Shipping Federal Advisory
Committee in the Department of Transportation to
advise the Secretary of Transportation and the Secretary of the Department in which the Coast Guard is operating on matters related to Arctic maritime transportation, including Arctic seaway development.

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

(b) MEMBERSHIP.—

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

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

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

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

(C) 1 designee of the Secretary of Commerce;

(D) 1 designee of the Secretary of State;

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

(G) 1 designee from the State of Alaska, nominated by the Governor of Alaska and designated by the Secretary of Transportation;

(H) 1 designee from the State of Washington, nominated by the Governor of Washington and designated by the Secretary of Transportation;

(I) 1 Alaska Native Tribal member;

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

(K) 1 individual representing coastal communities affected by Arctic maritime transportation;

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

(M) 1 individual representing the marine safety community;

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

(O) 1 individual representing maritime labor organizations.
(3) TERMS.—

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

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

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

(1) Develop a set of policy recommendations that would enhance the leadership role played by the United States in improving the safety and reliability of Arctic maritime transportation in accordance with customary international maritime law and existing Federal authority. Such policy recommendations shall consider options to establish a United States entity that could perform the following functions in accordance with United States law and customary international maritime law:
(A) Construction, operation, and maintenance of current and future maritime infrastructure necessary for vessels transiting the Arctic Sea Routes, including potential new deep draft and deepwater ports.

(B) Provision of services that are not widely commercially available in the United States Arctic that would—

(i) improve Arctic maritime safety and environmental protection;

(ii) enhance Arctic maritime domain awareness; and

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

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

(2) As an option under paragraph (1), consider establishing a congressionally chartered seaway development corporation modeled on the St. Lawrence Seaway Development Corporation, and—

(A) develop recommendations for establishing such a corporation and a detailed imple-
mentation plan for establishing such an entity;

or

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

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

SEC. 5. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment
of this Act, the Advisory Committee shall submit a report
with its recommendations under paragraphs (1) and (2)
of section 4(c) to the Committee on Commerce, Science,
and Transportation of the Senate and the Committee on
Transportation and Infrastructure of the House of Rep-
resentatives.
SEC. 6. TERMINATION OF THE ADVISORY COMMITTEE.

Not later than 8 years after the submission of the report described in section 5, the Secretary of Transportation shall dissolve the Advisory Committee.

SEC. 7. INTERNATIONAL ENGAGEMENT.

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

(1) coordination of any activities recommended by the implementation plan submitted by the Advisory Committee and approved by the Secretary of Transportation; and

(2) facilitation of multilateral dialogues with member and observer nations of the Arctic Council to encourage cooperation on Arctic maritime transportation.