

111TH CONGRESS
2D SESSION

H. R. 5770

To ensure safe, secure, and reliable marine shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2010

Mr. YOUNG of Alaska (for himself and Mr. LARSEN of Washington) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To ensure safe, secure, and reliable marine shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic, 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 Marine Shipping
5 Assessment Implementation Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds and declares the following:

1 (1) The Arctic Ocean and adjacent seas are be-
2 coming increasingly accessible to shipping, due to
3 thinning ice cover, technological improvements allow-
4 ing greater efficiencies in the operation of ice-break-
5 ers and ice-strengthened cargo and passenger ves-
6 sels, satellite support for navigation and real-time
7 ice-charting, and growing demand for Arctic tourism
8 and natural resources.

9 (2) It is in the interests of the United States
10 to work with the State of Alaska and our neighbors
11 in the Arctic to ensure that shipping in the Arctic
12 Ocean and adjacent seas is safe for mariners, pro-
13 tective of the natural environment, including the air,
14 land, water, and wildlife of the Arctic, and mindful
15 of the needs of longstanding subsistence users of
16 Arctic resources.

17 (3) It is further in the interests of the United
18 States to ensure that shipping in the Arctic Ocean
19 and adjacent seas is secure, and that United States
20 sovereign and security interests, including the rights
21 of United States vessels to innocent passage through
22 international straits, are respected and protected,
23 that access is provided throughout the Arctic Ocean
24 for legitimate research vessels of all nations, and
25 that peaceful relations are maintained in the Arctic.

1 (4) It is further in the interests of the United
2 States to see that a system of international coopera-
3 tion is established to support reliable shipping, with
4 methods for joint investment in providing mariners
5 aids to navigation, ports of refuge, vessel-to-shore
6 communication, hydrographic mapping, and search
7 and rescue capability.

8 (5) For nearly 500 years, mariners and sea-
9 faring nations have sought national and global bene-
10 fits from sea routes in the Arctic similar to those
11 provided now by the Panama and Suez canals, but
12 as those benefits may finally be realized, expanded
13 shipping will present risks to residents of the Arctic,
14 and coordinated shipping regulations are needed to
15 protect United States interests even from shipping
16 that may occur in the Arctic outside United States
17 territorial waters.

18 (6) Proven models for international cooperation
19 in management of regional waterways exist, includ-
20 ing United States joint administration of the St.
21 Lawrence Seaway with Canada, and existing co-
22 operation between the Coast Guard and its Russian
23 Federation counterpart for fisheries enforcement in
24 the Bering Sea and North Pacific regions.

1 (7) The United States has continuing research,
2 security, environmental, and commercial interests in
3 the Arctic that rely on the availability of icebreaker
4 platforms of the Coast Guard. The Polar Class ice-
5 breakers commissioned in the 1970s are in need of
6 replacement.

7 (8) Sovereign interests of the United States in
8 the Arctic Ocean and Bering Sea regions may grow
9 with submission of a United States claim for an ex-
10 tended continental shelf.

11 (9) Building new icebreakers, mustering inter-
12 national plans for aids to navigation and other facili-
13 ties, and establishing coordinated shipping regula-
14 tions and oil spill prevention and response capability
15 through international cooperation, including the ap-
16 proval of the International Maritime Organization,
17 requires long lead times. Beginning those efforts
18 now, with the completion of an Arctic Marine Ship-
19 ping Assessment by the eight-nation Arctic Council,
20 is essential to protect United States interests given
21 the extensive current use of the Arctic Ocean and
22 adjacent seas by vessels of many nations.

1 **SEC. 3. ARCTIC MARINE SHIPPING ASSESSMENT IMPLE-**
2 **MENTATION.**

3 (a) PURPOSE.—The purpose of this section is to en-
4 sure safe and secure maritime shipping in the Arctic in-
5 cluding the availability of aids to navigation, vessel es-
6 corts, spill response capability, and maritime search and
7 rescue in the Arctic.

8 (b) INTERNATIONAL MARITIME ORGANIZATION
9 AGREEMENTS.—To carry out the purpose of this section,
10 the Secretary of the department in which the Coast Guard
11 is operating is encouraged to enter into negotiations
12 through the International Maritime Organization to con-
13 clude and execute agreements to promote coordinated ac-
14 tion among the United States, Russia, Canada, Iceland,
15 Norway, and Denmark and other seafaring and Arctic na-
16 tions to ensure, in the Arctic—

17 (1) placement and maintenance of aids to navi-
18 gation;

19 (2) appropriate marine safety, tug, and salvage
20 capabilities;

21 (3) oil spill prevention and response capability;

22 (4) maritime domain awareness, including long-
23 range vessel tracking; and

24 (5) search and rescue.

25 (c) COORDINATION BY COMMITTEE ON THE MARI-
26 TIME TRANSPORTATION SYSTEM.—The Committee on the

1 Maritime Transportation System established under a di-
2 rective of the President in the Ocean Action Plan, issued
3 December 17, 2004, shall coordinate the establishment of
4 domestic transportation policies in the Arctic necessary to
5 carry out the purpose of this section.

6 (d) AGREEMENTS AND CONTRACTS.—The Secretary
7 of the department in which the Coast Guard is operating
8 may, subject to the availability of appropriations, enter
9 into cooperative agreements, contracts, or other agree-
10 ments with, or make grants to individuals and govern-
11 ments to carry out the purpose of this section or any
12 agreements established under subsection (b).

13 (e) ICEBREAKING.—The Secretary of the department
14 in which the Coast Guard is operating shall promote safe
15 maritime navigation by means of icebreaking where need-
16 ed to carry out the purposes of this section.

17 (f) DEMONSTRATION PROJECTS.—The Secretary of
18 Transportation may enter into cooperative agreements,
19 contracts, or other agreements with, or make grants to—

20 (1) individuals to conduct demonstration
21 projects to reduce emissions (including black carbon
22 and other emissions that could contribute to climate
23 change) or discharges from vessels operating in the
24 Arctic; and

1 (2) maritime training institutions to train mari-
2 ners for ice navigation (including navigation in bro-
3 ken ice conditions) and Arctic operations, including
4 the prevention of discharges.

5 (g) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated—

7 (1) to the Secretary of the department in which
8 the Coast Guard is operating—

9 (A) \$5,000,000 for each of fiscal years
10 2011 through 2015 for seasonal operations in
11 the Arctic; and

12 (B) \$10,000,000 for each of fiscal years
13 2012 through 2015 to carry out agreements es-
14 tablished under subsection (d); and

15 (2) to the Secretary of Transportation
16 \$5,000,000 for each of fiscal years 2011 through
17 2015 to conduct demonstration projects under sub-
18 section (f).

19 (h) ICEBREAKERS.—

20 (1) ANALYSES.—Not later than 90 days after
21 the date of enactment of this Act or the date of com-
22 pletion of the ongoing High Latitude Study to assess
23 Arctic polar ice-breaking mission requirements,
24 which ever occurs later, the Commandant of the
25 Coast Guard shall—

1 (A) conduct a comparative cost-benefit
2 analysis of—

3 (i) extending the service life of the ex-
4 isting fleet of icebreakers for operation by
5 the Coast Guard,

6 (ii) constructing new icebreakers for
7 operation by the Coast Guard, and

8 (iii) any combination of the activities
9 described in clauses (i) and (ii) that is nec-
10 essary for the Coast Guard to carry out
11 the Federal icebreaking missions of the
12 United States; and

13 (B) conduct an analysis of the impact on
14 mission capacity and the ability of the United
15 States to maintain a presence in the Arctic re-
16 gions through the year 2020 if recapitalization
17 of the icebreaker fleet, either by constructing
18 new icebreakers or extending the service life of
19 the existing fleet of icebreakers, is not fully
20 funded.

21 (2) REPORTS TO CONGRESS.—

22 (A) Not later than 90 days after the date
23 of enactment of this Act or the date of comple-
24 tion of the ongoing High Latitude Study to as-
25 sess Arctic ice-breaking mission requirements,

1 whichever occurs later, the Commandant of the
2 Coast Guard shall submit a report containing
3 the results of the study, together with rec-
4 ommendations the Commandant deems appro-
5 priate under section 93(a)(24) of title 14,
6 United States Code, to the Senate Committee
7 on Commerce, Science, and Transportation and
8 the House of Representatives Committee on
9 Transportation and Infrastructure.

10 (B) Not later than 1 year after the date of
11 enactment of this Act, the Commandant shall
12 submit reports containing the results of the
13 analyses required under subparagraphs (A) and
14 (B) of paragraph (1), together with rec-
15 ommendations the Commandant deems appro-
16 priate under section 93(a)(24) of title 14,
17 United States Code, to the Senate Committee
18 on Commerce, Science, and Transportation and
19 the House of Representatives Committee on
20 Transportation and Infrastructure.

21 **SEC. 4. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST**
22 **GUARD PRESENCE IN HIGH LATITUDE RE-**
23 **GIONS.**

24 Within 270 days after the date of enactment of this
25 Act, the Secretary of the department in which the Coast

1 Guard is operating shall submit a report to the Committee
2 on Commerce, Science, and Transportation of the Senate
3 and the Committee on Transportation and Infrastructure
4 of the House of Representatives assessing the need for ad-
5 ditional Coast Guard prevention and response capability
6 in the high latitude regions. The assessment shall address
7 needs for all Coast Guard mission areas, including search
8 and rescue, marine pollution response and prevention,
9 fisheries enforcement, and maritime commerce. The Sec-
10 retary shall include in the report—

11 (1) an assessment of the high latitude operating
12 capabilities of all current Coast Guard assets, in-
13 cluding assets acquired under the Deepwater pro-
14 gram;

15 (2) an assessment of projected needs for Coast
16 Guard forward operating bases in the high latitude
17 regions;

18 (3) an assessment of shore infrastructure, per-
19 sonnel, logistics, communications, and resources re-
20 quirements to support Coast Guard forward oper-
21 ating bases in the high latitude regions;

22 (4) an assessment of the need for high latitude
23 icebreaking capability and the capability of the cur-
24 rent high latitude icebreaking assets of the Coast
25 Guard, including—

1 (A) whether the Coast Guard's high lati-
2 tude icebreaking fleet is meeting current mis-
3 sion performance goals;

4 (B) whether the fleet is capable of meeting
5 projected mission performance goals; and

6 (C) an assessment of the material condi-
7 tion, safety, and working conditions aboard
8 high latitude icebreaking assets, including the
9 effect of those conditions on mission perform-
10 ance;

11 (5) a detailed estimate of acquisition costs for
12 each of the assets (including shore infrastructure)
13 necessary for additional prevention and response ca-
14 pability in high latitude regions for all Coast Guard
15 mission areas, and an estimate of operations and
16 maintenance costs for such assets for the initial 10-
17 year period of operations; and

18 (6) detailed cost estimates (including operating
19 and maintenance for a period of 10 years) for high
20 latitude icebreaking capability to ensure current and
21 projected future mission performance goals are met,
22 including estimates of the costs to—

23 (A) renovate and modernize the Coast
24 Guard's existing high latitude icebreaking fleet;
25 and

1 (B) replace the Coast Guard's existing
2 high latitude icebreaking fleet.

3 **SEC. 5. ARCTIC DEFINITION.**

4 In this Act the term "Arctic" has the same meaning
5 as in section 112 of the Arctic Research and Policy Act
6 of 1984 (15 U.S.C. 4111).

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