

112TH CONGRESS
2D SESSION

S. 3613

To promote research, monitoring, and observation of the Arctic and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2012

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

A BILL

To promote research, monitoring, and observation of 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 Research, Moni-
5 toring, and Observing Act of 2012”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The United States is an Arctic Nation
10 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 is
9 home to an indigenous population that has subsisted
10 for millennia on the abundance in marine mammals,
11 fish, and wildlife, many of which are unique to the
12 region.

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

17 (4) The Arctic ice pack is rapidly diminishing
18 and thinning, and the National Oceanic and Atmos-
19 pheric Administration estimates the Arctic Ocean
20 may be ice free during summer months in as few as
21 30 years.

22 (5) Such changes to the Arctic region are hav-
23 ing a significant impact on the indigenous people of
24 the Arctic, their communities and ecosystems, as

1 well as the marine mammals, fish, and wildlife upon
2 which they depend.

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

7 (7) Existing Federal research and science advi-
8 sory programs focused on the environmental and so-
9 cioeconomic impacts of a changing Arctic lack a co-
10 hesive, coordinated, and integrated approach and are
11 not adequately coordinated with State, local, aca-
12 demic, and private-sector Arctic research programs.

13 (8) The lack of research integration and syn-
14 thesis of findings of Arctic research has impeded the
15 progress of the United States and international com-
16 munity in understanding climate change impacts
17 and feedback mechanisms in the Arctic Ocean.

18 (9) An improved scientific understanding of the
19 changing Arctic is critical to the development of ap-
20 propriate and effective regional, national, and global
21 climate change adaptation strategies.

22 (b) PURPOSE.—The purpose of this Act is to estab-
23 lish a permanent program to conduct research, moni-
24 toring, and observation activities in the Arctic—

1 (1) to promote and sustain a productive and re-
2 silient marine, coastal, and estuarine ecosystem in
3 the Arctic and the human uses of its natural re-
4 sources through greater understanding of how the
5 ecosystem works and monitoring and observation of
6 its vital signs; and

7 (2) to track and evaluate the effectiveness of
8 natural resource management in the Arctic in order
9 to facilitate improved performance and adaptive
10 management.

11 **SEC. 3. ARCTIC RESEARCH COMMISSION.**

12 (a) DUTIES OF THE ARCTIC RESEARCH COMMIS-
13 SION.—Section 104(a) of the Arctic Research and Policy
14 Act of 1984 (15 U.S.C. 4103(a)) is amended—

15 (1) in paragraph (2), by striking “assist in es-
16 tablishing” and inserting “establish”;

17 (2) by redesignating paragraphs (3) through
18 (10) as paragraphs (4) through (11), respectively;
19 and

20 (3) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) provide—

23 “(A) grants to Federal, State, local, or
24 tribal governments and academic and private
25 organizations to conduct research on or related

1 to the Arctic, including to the marine environ-
2 ment of the Arctic Ocean, its adjacent seas or
3 associated lesser bodies of water; and

4 “(B) such grants on the basis of merit in
5 accordance with such national Arctic research
6 program plan;”.

7 (b) ADMINISTRATION OF THE COMMISSION.—Section
8 106 of the Arctic Research and Policy Act of 1984 (15
9 U.S.C. 4105) is amended—

10 (1) in paragraph (4), by striking “and” at the
11 end;

12 (2) in paragraph (5), by striking the period at
13 the end and inserting a semicolon and “and”; and

14 (3) by adding at the end the following:

15 “(6) enter into agreements with appropriate
16 agencies or organizations to administer grants made
17 pursuant to this title for Arctic research including
18 reimbursement from funds of the Commission to ad-
19 minister such grants.”.

20 (c) COMPENSATION OF COMMISSION MEMBERS.—
21 Section 103(d)(1) of the Arctic Research and Policy Act
22 of 1984 (15 U.S.C. 4102(d)(1)) is amended by striking
23 “for compensation” in the second sentence and inserting
24 “by the Federal Government or any State or local govern-
25 ment”.

1 (d) CONFLICTS OF INTEREST.—

2 (1) ARCTIC RESEARCH COMMISSION.—Section
3 103 of the Arctic Research and Policy Act of 1984
4 (15 U.S.C. 4102) is amended by adding at the end
5 the following:

6 “(e) The Commission shall adopt conflict of interest
7 and recusal provisions that apply to any decision by the
8 Commission and to all members of the Commission as if
9 each member of the Commission is an ‘affected individual’
10 within the meaning of section 302(j) of the Magnuson-
11 Stevens Fishery Conservation and Management Act (16
12 U.S.C. 1852(j)), except that in addition to the disclosure
13 requirements of paragraph (2) of such section 302(j), each
14 Commission member shall disclose any financial interest
15 or relationship in an organization or with an individual
16 that is applying for funding from the Commission held by
17 the Commission member, including an interest as an offi-
18 cer, director, trustee, partner, employee, contractor, agent,
19 or other representative.”.

20 (2) NORTH PACIFIC RESEARCH BOARD.—Sub-
21 section (e) of section 401 of the Department of the
22 Interior and Related Agencies Appropriations Act,
23 1998 (43 U.S.C. 1474d) is amended—

24 (A) in paragraph (4)(B), by striking “15
25 percent” and inserting “20 percent”; and

1 (B) by striking paragraph (5) and insert-
 2 ing the following:

3 “(5) The Board shall adopt conflict of interest
 4 and recusal provisions that apply to any decision by
 5 the Board and to all members of the Board as if
 6 each member of the Board is an ‘affected individual’
 7 within the meaning of section 302(j) of the Magnu-
 8 son-Stevens Fishery Conservation and Management
 9 Act (16 U.S.C. 1852(j)), except that in addition to
 10 the disclosure requirements of paragraph (2) of such
 11 section 302(j), each Board member shall disclose
 12 any financial interest or relationship in an organiza-
 13 tion or with an individual that is applying for fund-
 14 ing from the Board, including an interest as an offi-
 15 cer, director, trustee, partner, employee, contractor,
 16 agent, or other representative.”.

17 **SEC. 4. ENVIRONMENTAL IMPROVEMENT AND RESTORA-**
 18 **TION FUND.**

19 (a) **TRANSFER AND AVAILABILITY OF AMOUNTS**
 20 **EARNED.**—Subsection (e) of section 401 of the Depart-
 21 ment of the Interior and Related Agencies Appropriations
 22 Act, 1998 (43 U.S.C. 1474d) is amended—

23 (1) in paragraph (1), by striking “To the extent
 24 provided in the subsequent appropriations Acts, 80
 25 percent of such amounts shall be made available”

1 and inserting “40 percent of such amounts shall be
2 made available without further appropriations”;

3 (2) in paragraph (2), by striking “20 percent”
4 and inserting “25 percent”; and

5 (3) by adding at the end the following:

6 “(3) 25 percent of such amounts shall be made
7 without further appropriation to the United States
8 Arctic Research Commission for the purposes of car-
9 rying out research and monitoring in the Arctic as
10 provided in subsection (f).

11 “(4) 10 percent of such amounts shall be made
12 available without further appropriations to the Sec-
13 retary of Commerce to fund the Alaska Ocean Ob-
14 serving Program as provided in subsection (g).”.

15 (b) USE OF FUNDS.—Section 401 of the Department
16 of the Interior and Related Agencies Appropriations Act,
17 1998 (43 U.S.C. 1474d) is amended by adding at the end
18 the following:

19 “(f) UNITED STATES ARCTIC RESEARCH COMMIS-
20 SION.—Funds available under subsection (c)(3) shall be
21 used by the Arctic Research Commission established by
22 section 103 of the Arctic Research and Policy Act of 1984
23 to provide grants to Federal and State governments and
24 academic and private organizations to conduct research
25 and monitoring, including the identification of Important

1 Ecological Areas, on or related to the Arctic, including the
2 marine environment of the Arctic Ocean, its adjacent seas
3 or associated lesser bodies of water. Not more than 20
4 percent of such funds may be used to provide support for
5 the Arctic Research Commission and administer grants
6 under this subsection.”.

7 “(g) ALASKA OCEAN OBSERVING SYSTEM.—Funds
8 available under subsection (c)(4) shall be used to support
9 the Alaska Ocean Observing System in a manner con-
10 sistent with the Integrated Coastal and Ocean Observation
11 System Act of 2009 (33 U.S.C. 3601 et seq.), for the pur-
12 pose of establishing long-term ocean observing systems
13 and monitoring programs in waters of the United States
14 in the North Pacific, Bering Sea, and Arctic Ocean. Not
15 more than 20 percent of the funds made available pursu-
16 ant to subsection (c)(4) may be used to provide adminis-
17 trative support under this subsection.

18 “(h) DUPLICATION OF EFFORT; REPORT.—Pro-
19 grams and grants funded pursuant to paragraphs (2), (3),
20 and (4) of subsection (c) shall seek to avoid duplicating
21 other research activities. The North Pacific Research
22 Board, the Arctic Research Commission, and the Alaska
23 Ocean Observing System shall—

1 “(1) meet not less than once annually to pro-
2 mote coordination among research programs and
3 projects; and

4 “(2) submit to Congress and the President an
5 annual report on the status of research conducted
6 pursuant to this title.

7 “(i) ARCTIC DEFINED.—In this section, the term
8 ‘Arctic’ has the meaning given that term in section 112
9 of the Arctic Research and Policy Act of 1984 (15 U.S.C.
10 4111).”.

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