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Overview of the recent US legislative initiatives for the Arctic development *

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Abstract. In conditions of a significant increase in the world community's attention to the Arctic, as well as intensive development of technologies for its study and development, the low activity of the USA in this area is noteworthy. The article is devoted to a review of some aspects of the US home policy in the Arctic. It also contains an analysis of two bills submitted to the US Congress aimed at increasing the economic presence in the Arctic region. The author notes the increasing scientific and practical interest of the Alaska political elites in the study and development of the Arctic.

Keywords: *Arctic region, the USA, Donald Trump, Lisa Murkovsky, Arctic Executive Steering Committee, US Arctic Sea Infrastructure Development Corporation.*

The ice-free Arctic is creating more and more opportunities for economic activity in the region, attracting more and more attention to circumpolar and extra-regional powers. In recent years, the development of the Arctic is increasingly included in the foreign policy agenda of the leading world powers. In one or another form, Arctic strategies and other legal acts regulating the state policy of states in the Arctic have been adopted by more than 25 countries. It is due to many factors, incl. the ability to develop mineral resources. USGS estimated that almost 22% of the world reserves of oil and gas are in the Arctic¹. Among extra-regional countries, the most significant interest in the region has North-East Asia, esp. China, Japan and the Republic of Korea.

Against this background, the US activity in the region looks unusually low. In particular, the US Arctic strategy has not been updated since 2013. The state has once again postponed the plans to modernize the icebreaker fleet. Washington ceased to participate in the Paris Agreement on climate 2015 (COP21), etc. Despite the missed opportunities for the development of large areas of the continental shelf and the seabed, the United States has not ratified the UN Convention on the Law of the Sea 1982 (UNCLOS).

Since Donald Trump administration, Washington's special passivity in the Arctic is demonstrated. The Arctic executive steering Committee, created by Barack Obama in 2015, was abolished. Funding for Arctic research decreased. Contacts with foreign institutions on the Arctic issues reduced. Adverse changes in the Office of Science and Technology Policy became noticeable, and, finally, the US Environmental Protection Agency lost its scientific advisory board².

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¹US Congressional Hearing: "Strategic Importance of the Arctic in US Policy". URL: https://fas.org/irp/congress/2009_hr/arctic.pdf (accessed 19 July 2019).

²The White House's Science Division Is Now Completely Empty. URL: <https://www.iflscience.com/editors-blog/white-houses-science-division-completely-empty> (accessed 19 July 2019).

In 2018, the House of Representatives forwarded the funds budgeted for the construction of an ice-breaking vessel to the presidential project, i.e., the creation of a wall on the border with Mexico. As a result, in 2019, one of the eight Arctic states has only two icebreakers, while one of them is in dry dock near the Seattle-Tacoma, and the other “Polar Star” is in Antarctica³.

A significant failure of the US policy is the reluctance of the presidential administration to understand the strategic implications of competition between the Arctic powers. Currently, the US national interests in the Arctic are focused, mostly, on the extraction of oil in the northern off-shore of Alaska (Prudhoe Bay). While the White House believes that the Arctic will be of limited strategic value and current minimum presence in the region is enough to protect its interests, its two competitors, Russia and China hold different points of view and gradually expand their capacity in the Arctic.

In an interview with NBC Agency in December 2018, John Garamendi, a Democrat member of the House of Representatives from the state of California, came to a disappointing conclusion: “The reality is that the United States ignored the Arctic. We missed what would become the main sea route between Europe and Asia”⁴.

Also, noteworthy, D. Trump dismissive attitude to the development of the State of Alaska — the only Arctic area of the US. Thus, the state budget for 2020 proposed by the legislature of Alaska, lost nearly 410 million US dollars⁵. One-third of the cuts account for the University of Alaska; public funding is reduced by \$ 130 million (or 41%) compare to 2019⁶.

According to representatives of the political elite of Alaska, the entire country has forgotten that it has ownership of the Arctic, the national interests in the region and that the US is an Arctic Power. The population of the state is concerned with such an attitude of the D. Trump administration to the development and exploration of the Arctic and attempts to legislate the need to develop and implement the Arctic strategy of the USA and increase the participation of Alaska in this process.

³ Floor speech: Unveiling Arctic Legislation to Reinvigorate America’s Arctic Role. URL: <https://www.murkowski.senate.gov/press/speech/floor-speech-unveiling-arctic-legislation-to-reinvigorate-americas-arctic-role> (accessed 19 July 2019).

⁴ The US urgently needs new icebreaker ships to patrol the Arctic. Will Trump's border wall get in the way? URL: <https://www.nbcnews.com/news/us-news/us-urgently-needs-new-icebreaker-ships-patrol-arctic-will-n942236> (accessed 19 July 2019).

⁵ Dunleavy vetoes \$ 409 million in general funds, cuts university by \$ 130 million. URL: http://www.newsminer.com/news/alaska_news/dunleavy-vetoes-million-in-general-funds-cuts-university-by-million/article_f3706a58-99d6-11e9-b799-fbe7e6d26fee.html (accessed 19 July 2019).

⁶ Alaska's governor is trying to destroy its universities. The state may never recover. URL: <https://www.theguardian.com/commentisfree/2019/jul/06/mike-dunleavy-alaska-university-system-budget-cuts> (accessed 19 July 2019).

In this regard, in December 2018, during the 115th session of the US Congress, Senator of Alaska Lisa Murkowski (Republican Party) made just two legislative initiatives aimed at promoting the interests of the United States in the Arctic ⁷.

The first draft bill concerns the reform of the national Arctic policy (Arctic Policy Act, № S.3739) and recreates B. Obama's Arctic Executive Steering Committee (the Arctic Committee) to coordinate the activities of all ministries and agencies to develop and implement the US Arctic policy ⁸.

According to the draft bill, the Arctic should be recognized as one of the main elements of US national security. So, the permanent chairman of the Arctic Committee would be Secretary of Homeland Security and his deputy — head of the Office of Science and Technology Policy. In total, the Arctic Committee would include 25 federal agencies:

- heads of the Council on Environmental Quality, the Domestic Policy Council, National Economic Council, Council of Economic Advisers and the National Security Council under the US administration;
- representatives of the Department of Health and Human Services, the Department of the Interior, the Department of Justice, and the Department of State with a rank not below the Deputy Minister;
- leaders (or their substituents) of the Office of the Director of National Intelligence, the Environmental Protection Agency (EPA), NASA, the National Science Foundation, the Arctic Research Commission and the Office of Management and Budget;
- other representatives of the authorities on the decision of the Chairman of the Arctic Committee.

The Chairman would also appoint the administrator of the Executive Officer of the Steering Committee responsible for meetings and oversees the execution of decisions. The meeting would be planned and scheduled once a quarter. The Chairman would appoint additional meetings if necessary. These meetings are for working out the strategic priorities and direction of the US Arctic policy and assessment of previous recommendations and decisions of the Arctic Committee. The meetings would also contribute to the coordination of the federal authorities' actions in the region.

At the same time, the Arctic Committee would get two advisory groups composed of representatives of the State of Alaska: the Bering Sea Tribal Advisory Group and the Arctic Advisory Committee. The first group would consist of the elders of the native peoples of the coast of the Bering Sea and the Bering Strait. Alaska indigenous communities possess in-depth knowledge of the Arctic and deserve their place in the leadership of the region, said L. Murkowski. According to

⁷ Two US bills could advance American presence in the Arctic. URL: <https://www.arctictoday.com/two-us-bills-could-advance-american-presence-in-the-arctic> (accessed 19 July 2019).

⁸ Arctic Policy Act of 2018, no. S.3739. URL: <https://www.congress.gov/bill/115th-congress/senate-bill/3739/text> (accessed 19 July 2019).

her, “in the Arctic, we have the opportunity to show the world how to integrate the knowledge and capabilities of native peoples in policy and science”⁹.

The second group would include eight representatives of the Alaska authorities: Arctic Slope, North-Western Arctic, Norton Sound, Interior, Yukon-Kuskokwim, Bristol Bay, the Aleutian Islands, and the Pribilof Islands. Arctic Committee will have to consult and coordinate their decisions. The move, due to Lisa Murkowski's idea, would strengthen the influence of Alaska in shaping and implementing the Arctic policy of the USA.

Also, to enhance the role of the state in the development of the Arctic, the draft bill put forward a point providing the expansion of the US Arctic research commission due to the inclusion of two additional commissioners (representatives of the native peoples of Alaska) appointed by the US President.

According to John Farrell, Executive Director of the Research Commission of the Arctic USA, the transfer functions to the Internal Security Minister would make the Arctic Committee independent from the newly elected administration. “It will be a long-term responsibility for its actions, no matter who is the president of the United States”¹⁰.

The second draft bill, “Shipping and Environmental Arctic Leadership Act”, No. S.3740 aims to enhance the US capabilities to regulate marine traffic in the Arctic Ocean¹¹.

The legislative initiative would create the US Arctic Seaway Infrastructure Development Corporation to provide paid services to ensure safe navigation in the Arctic Ocean for various types of vessels. In this regard, its responsibilities would be:

- construction, modernization, and maintenance of the state of deep-sea ports, incl. for bunkering fuel and maintenance icebreakers (with US Army Corps of Engineers) and the authorities of Alaska;
- creation and reconstruction of navigation and other infrastructure for safe shipping, incl. closed harbors (with the US Coast Guard);
- preparedness and competitiveness of US icebreakers to escort cargo ships in the waters of the Arctic seas (with the US Coast Guard).

It is noteworthy, and the draft bill provides for the provision of ice-breaking services not only in the waters of Alaska but also in along the Northern Sea Route and the Northwest Passage. In article 9, section 2 of the draft, the US does not recognize Russian jurisdiction over the NSR beyond the 12-mile zone. Also, the Corporation would authorize charter icebreakers of other countries to provide services for icebreaker assistance.

The governing body of the Corporation would be the Board of Directors of 9 members:

- Chairman (appointed by the President of the USA);

⁹ Two US bills could advance American presence in the Arctic. URL: <https://www.arctictoday.com/two-us-bills-could-advance-american-presence-in-the-arctic> (accessed 19 July 2019).

¹⁰ Two US bills could advance American presence in the Arctic. URL: <https://www.arctictoday.com/two-us-bills-could-advance-american-presence-in-the-arctic> (accessed 19 July 2019).

¹¹ Shipping and Environmental Arctic Leadership Act, no. S. 3740. URL: <https://www.congress.gov/bill/115th-congress/senate-bill/3740/text> (accessed 19 July 2019).

- a representative of the Secretary of State;
- a representative of the Ministry of Transport;
- a representative of the Coast Guard;
- a representative of the National Oceanic and Atmospheric Administration;
- four representatives of the State of Alaska.

The Board of Directors, after consultation with the Minister of Transport, would appoint the corporate executive responsible for the management and developing a structure and staff of the organization. The Board of Directors would address the Chair, but not less than once every 90 days. At these meetings, it is planned to develop the strategy and policy of the organization, incl. tariff calculation rules for services.

The initial capital of the Corporation would be provided through the issuance of revenue bonds of the US Department of Treasury. The amount of funding is to be approved by the Ministry of Transport and the Ministry of Finance. These funds would go to the creation of a structure and first infrastructure projects. It is further assumed that the Corporation will move to self-sufficiency due to services.

The Corporation would be controlled by the US Congress and be required to submit an annual report on its activities for approval. Besides, reports on the activities of the Corporation would be delivered on the request of the President, the Congress, and the Board of Directors.

At the same time, to strengthen the influence of Alaska in the organization, in addition to the introduction of 4 Alaska representatives to the Board of Directors, Murkowski L. included the point on the Corporation must be resident in the State.

Both drafts were discussed in the two hearings in the Senate, and now they are in the US Senate Committee on Commerce, Science, and Transportation.

These drafts let us conclude there is an understanding of the importance of presence in the Arctic in the US. Now, the initiative comes mainly from representatives of the Alaska political establishment. Will the Arctic arena get a new player in the face of the United States? It depends on the federal support of the initiative. It is supported by the US administration and the intention to adopt a new strategy for the Arctic.