

# THE ARCTIC RESEARCH AND POLICY ACT OF 1984, AS AMMENDED

PUBLIC LAW 98-373 – JULY 31, 1984

AS AMENDED BY:

PUBLIC LAW 101-609 – NOVEMBER 16, 1990

PUBLIC LAW 103-199 – DECEMBER 17, 1993

PUBLIC LAW 109-241 – JULY 11, 2006

## AN ACT

**To provide for a comprehensive national policy dealing with national research needs and objectives in the Arctic, for a National Critical Materials Council, for development of a continuing and comprehensive national materials policy, for programs necessary to carry out that policy, including Federal programs of advanced materials research and technology, and for innovation in basic materials industries, and for other purposes.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

## SECTION 101

This title may be cited as the “Arctic Research and Policy Act of 1984, as amended”.

## SECTION 102. FINDINGS AND PURPOSES

(a) The Congress finds and declares that —

- (1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation’s dependence on foreign oil and improve the national balance of payments;
- (2) the Arctic is critical to national defense;<sup>1</sup>
- (3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation’s greatest commercial assets;
- (4) Arctic conditions directly affect global weather patterns and must be understood in order to promote better agricultural management throughout the United States;

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<sup>1</sup> 1993 – Pub. L. 103-199, § 601(1), struck out “as the Nation’s only common border with the Soviet Union,” before “the Arctic”.

Section 601(1) of Public Law 103-199, the FRIENDSHIP Act, removed the phrase “as the Nation’s only common border with the Soviet Union” from subsection (a)(2). The original subsection read: “as the Nation’s only common border with the Soviet Union, the Arctic is critical to national defense;”.

- (5) industrial pollution not originating in the Arctic region collects in the polar air mass, has the potential to disrupt global weather patterns, and must be controlled through international cooperation and consultation;
- (6) the Arctic is a natural laboratory for research into human health and adaptation, physical and psychological, to climates of extreme cold and isolation and may provide information crucial for future defense needs;
- (7) atmospheric conditions peculiar to the Arctic make the Arctic a unique testing ground for research into high latitude communications, which is likely to be crucial for future defense needs;
- (8) Arctic marine technology is critical to cost-effective recovery, and transportation of energy resources and to the national defense;
- (9) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of the Arctic;
- (10) most Arctic-rim countries possess Arctic technologies far more advanced than those currently available in the United States;<sup>2</sup>
- (11) Federal Arctic research is fragmented and uncoordinated at the present time, leading to the neglect of certain areas of research and to unnecessary duplication of effort in other areas of research;
- (12) improved logistical coordination and support for Arctic research and better dissemination of research data and information is necessary to increase the efficiency and utility of national Arctic research efforts;
- (13) a comprehensive national policy and program plan to organize and fund currently neglected scientific research with respect to the Arctic is necessary to fulfill national objectives in Arctic research;
- (14) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological, materials, geophysical, social, and behavioral phenomena in the Arctic;
- (15) research into the long-range health, environmental, and social effects of development in the Arctic is necessary to mitigate the adverse consequences of that development to the land and its residents;
- (16) Arctic research expands knowledge of the Arctic, which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries, and facilitate the formulation of national policy for the Arctic; and
- (17) the Alaskan Arctic provides an essential habitat for marine mammals, migratory waterfowl, and other forms of wildlife which are important to the Nation and which are essential to Arctic residents.

(b) The purposes of this title are —

- (1) to establish national policy, priorities, and goals and to provide a Federal program plan for basic and applied scientific research with respect to the Arctic, including natural resources and materials, physical, biological and health sciences, and social and behavioral sciences;
- (2) to establish an Arctic Research Commission to promote Arctic research and to recommend Arctic research policy,
- (3) to designate the National Science Foundation as the lead agency responsible for implementing Arctic research policy, and
- (4) to establish an Interagency Arctic Research Policy Committee to develop a national Arctic research policy and a five year plan to implement that policy.

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<sup>2</sup> 1993 – Pub. L. 103-199, § 601(2), struck out “, particularly the Soviet Union,” after “countries”.

Section 601(2) of Public Law 103-199, the FRIENDSHIP Act, removed the phrase “particularly the Soviet Union” from subsection (a)(10). The original subsection read: “most Arctic-rim countries, particularly the Soviet Union, possess Arctic technologies far more advanced than those currently available in the United States;”.

## SECTION 103. ARCTIC RESEARCH COMMISSION

(a) The President shall establish an Arctic Research Commission (hereinafter referred to as the "Commission").

(b)<sup>3</sup>

(1) The Commission shall be composed of seven members appointed by the President, with the Director of the National Science Foundation serving as a nonvoting, ex officio member. The members appointed by the President shall include —

(A) four members appointed from among individuals from academic or other research institutions with expertise in areas of research relating to the Arctic, including the physical, biological, health, environmental, social and behavioral sciences;

(B) one member appointed from among indigenous residents of the Arctic who are representative of the needs and interests of Arctic residents and who live in areas directly affected by Arctic resource development; and

(C) two members appointed from among individuals familiar with the Arctic and representative of the needs and interests of private industry undertaking resource development in the Arctic.

(2) The President shall designate one of the appointed members of the Commission to be chairperson of the Commission.

(c)

(1) Except as provided in paragraph (2) of this subsection, the term of office of each member of the Commission appointed under subsection (b)(1) shall be four years.

(2) Of the members of the Commission originally appointed under subsection (b)(1) —

(A) one shall be appointed for a term of two years;

(B) two shall be appointed for a term of three years; and

(C) two shall be appointed for a term of four years.

(3) Any vacancy occurring in the membership of the Commission shall be filled, after notice of the vacancy is published in the Federal Register, in the manner provided by the preceding provisions of this section, for the remainder of the unexpired term.

(4) A member may serve after the expiration of the member's term of office until the President appoints a successor.

(5) A member may serve consecutive terms beyond the member's original appointment.

(d)

(1) Members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A member of the Commission not presently employed for compensation shall be compensated at a rate equal to the daily equivalent of the rate for GS-18<sup>4</sup> of the General Schedule under section 5332 of title 5, United States Code, for each day the member is

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<sup>3</sup> 1990 – Pub. L. 101-609, § 2, in introductory provisions, substituted "seven" for "five", in subpar. (A), substituted "four" for "three", and in subpar. (C), substituted "two members" for "one member".

Section 2 of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984, increased the number of Commissioners in (b)(1) from five to seven, increased the number of slots for representatives from academic or research institutions in (b)(1)(A) from three to four, and increased the number of slots for representatives of private industry in (b)(1)(C) from one to two.

<sup>4</sup> 1990 – Pub. L. 101-609, § 3, substituted "GS-18" for "GS-16".

Section 3 of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984, replaced grade GS-16 with GS-18. The Federal Employees Pay Comparability Act of 1990 (Public Law 101-509), and Executive Order 12748 abolished grades GS-16, 17, and 18 of the General Schedule. Per regulations published by the Office of Personnel Management (Federal Register, Vol. 57, No. 57, March 24, 1992), Commissioners are compensated at Executive Level IV rates.

engaged in the actual performance of his duties as a member of the Commission, not to exceed 90 days of service each year. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims), a member of the Commission shall not be considered an employee of the United States for any purpose.

(2) The Commission shall meet at the call of its Chairman or a majority of its members.

(3) Each Federal agency referred to in section 107(b) may designate a representative to participate as an observer with the Commission. These representatives shall report to and advise the Commission on the activities relating to Arctic research of their agencies.

(4) The Commission shall conduct at least one public meeting in the State of Alaska annually.

## **SECTION 104. DUTIES OF THE COMMISSION**

(a) The Commission shall —

(1) develop and recommend an integrated national Arctic research policy;

(2) in cooperation with the Interagency Arctic Research Policy Committee established under section 107, assist in establishing a national Arctic research program plan to implement the Arctic research policy;

(3) facilitate cooperation between the Federal Government and State and local governments with respect to Arctic research;

(4) review Federal research programs in the Arctic and recommend<sup>5</sup> improvements in coordination among programs;

(5) recommend methods to improve logistical planning and support for Arctic research as may be appropriate and in accordance with the findings and purposes of this title;

(6) recommend<sup>6</sup> methods for improving efficient sharing and dissemination of data and information on the Arctic among interested public and private institutions;

(7) offer other recommendations and advice to the Interagency Committee established under section 107 as it may find appropriate;

(8) cooperate with the Governor of the State of Alaska and with agencies and organizations of that State which the Governor may designate with respect to the formulation of Arctic research policy;

(9)<sup>7</sup> recommend to the Interagency Committee the means for developing international scientific cooperation in the Arctic; and

(10) not later than January 31, 1991, and every 2 years thereafter, publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 107 in the performance of its duties.

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<sup>5</sup> 1990 – Pub. L. 101-609, § 4(a)(1), substituted “recommend” for “suggest”.

Section 4(a)(1) of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984, replaced the word “suggest” with “recommend”.

<sup>6</sup> 1990 – Pub. L. 101-609, § 4(a)(2), substituted “recommend” for “suggest”.

Section 4(a)(2) of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984, replaced the word “suggest” with “recommend”.

<sup>7</sup> 1990 – Pub. L. 101-609, § 4(a)(3)-(5), added pars. (9) and (10).

Section 4(a)(3)-(5) of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984 added paragraphs 9 and 10.

(b)<sup>8</sup> Not later than January 31 of each year, the Commission shall submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.

## **SECTION 105. COOPERATION WITH THE COMMISSION**

(a)

(1) The Commission may acquire from the head of any Federal agency unclassified data, reports, and other nonproprietary information with respect to Arctic research in the possession of the agency which the Commission considers useful in the discharge of its duties.

(2) Each agency shall cooperate with the Commission and furnish all data, reports, and other information requested by the Commission to the extent permitted by law; except that no agency need furnish any information which it is permitted to withhold under section 522 of title 5, United States Code.

(b) With the consent of the appropriate agency head, the Commission may utilize the facilities and services of any Federal agency to the extent that the facilities and services are needed for the establishment and development of an Arctic research policy, upon reimbursement to be agreed upon by the Commission and the agency head and taking every feasible step to avoid duplication of effort.

(c) All Federal agencies shall consult with the Commission before undertaking major Federal actions relating to Arctic research.

## **SECTION 106. ADMINISTRATION OF THE COMMISSION**

The Commission may —

(1) in accordance with the civil service laws and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and necessary additional staff personnel, but not to exceed a total of seven compensated personnel;

(2) procure temporary and intermittent services as authorized by section 3109 of title 5, United States Code;

(3) enter into contracts and procure supplies, services and personal property;

(4) enter into agreements with the General Services Administration for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in amounts to be agreed upon by the Commission and the Administrator of the General Services Administration; and

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<sup>8</sup> 1990- Pub. L. 101-609, § 4(b), amended subsec. (b) generally.

Section 4(b) of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984, revised subsection (b). Prior to amendment, subsection (b) read:

“Not later than January 31 of each year, the Commission shall—

(1) Publish a statement of goals and objectives with respect to Arctic research to guide the Interagency Committee established under section 4106 of this title in the performance of its duties; and

(2) Submit to the President and to the Congress a report describing the activities and accomplishments of the Commission during the immediately preceding fiscal year.”

Termination of Reporting Requirements: Effective May 15, 2000, the reporting requirements under subsection (b), relating to submitting an annual report to Congress, were terminated. See section 3003 of Public Law 104-66, set out as a note under section 1113 of Title 31, Money and Finance, and page 155 of House Document No. 103-7.

(5)<sup>9</sup> appoint, and accept without compensation the services of, scientists and engineering specialists to be advisors to the Commission. Each advisor may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5 (relating to compensation for work injuries) and chapter 171 of title 28 (relating to tort claims) of the United States Code, an advisor appointed under this paragraph shall not be considered an employee of the United States for any purpose.

## **SECTION 107. LEAD AGENCY AND INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE**

(a) The National Science Foundation is designated as the lead agency responsible for implementing Arctic research policy, and the Director of the National Science Foundation shall insure that the requirements of section 108 are fulfilled.

(b)

(1) The President shall establish an Interagency Arctic Research Policy Committee (hereinafter referred to as the "Interagency Committee").

(2) The Interagency Committee shall be composed of representatives of the following Federal agencies or offices:

- (A) the National Science Foundation;
- (B) the Department of Commerce;
- (C) the Department of Defense;
- (D) the Department of Energy;
- (E) the Department of the Interior;
- (F) the Department of State;
- (G) the Department of Transportation;
- (H) the Department of Health and Human Services;
- (I) the Department of Homeland Security;<sup>10</sup>
- (J) the National Aeronautics and Space Administration;
- (K) the Environmental Protection Agency; and
- (L) any other agency or office deemed appropriate.

(3) The representative of the National Science Foundation shall serve as the Chairperson of the Interagency Committee.

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<sup>9</sup> 1990 – Pub. L. 101-609 added par. (5).

Section 5 of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984, added paragraph (5).

<sup>10</sup> 2006 – Pub. L. 109-241 added subpar (I) and redesignated subpars. (I) to (K) as (J) to (L), respectively.

Title IX, Section 902(g) of Public Law 109-241, the Coast Guard and Maritime Transportation Act of 2006, added the Department of Homeland Security to the list of federal agencies represented on the Interagency Arctic Research Policy Committee.

## SECTION 108. DUTIES OF THE INTERAGENCY COMMITTEE

(a) The Interagency Committee shall —

- (1) survey Arctic research conducted by Federal State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;
- (2) work with the Commission to develop and establish an integrated national Arctic research policy that will guide Federal agencies in developing and implementing their research programs in the Arctic;
- (3) consult with the Commission on —
  - (A) the development of the national Arctic research policy and the 5-year plan implementing the policy;
  - (B) Arctic research programs of Federal agencies;
  - (C) recommendations of the Commission on future Arctic research; and
  - (D) guidelines for Federal agencies for awarding and administering Arctic research grants;
- (4) develop a 5-year plan to implement the national policy, as provided in section 109;
- (5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multiagency budget request for Arctic research as provided for in section 110;
- (6) facilitate cooperation between the Federal Government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research in accordance with the findings and purposes of this title;
- (7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;
- (8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under this title;
- (9) promote Federal interagency coordination of all Arctic research activities, including —
  - (A) logistical planning and coordination; and
  - (B) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code; and
- (10) provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy.

(b) Not later than January 31, 1986, and biennially thereafter<sup>11</sup>, the Interagency Committee shall submit to the Congress through the President, a brief, concise report containing —

- (1) a statement of the activities and accomplishments of the Interagency Committee since its last report; and
- (2)<sup>12</sup> a statement detailing with particularity the recommendations of the Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations.

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<sup>11</sup> Termination of Reporting Requirements: Effective May 15, 2000, the reporting requirements under subparagraph (b), relating to submitting a biennial report to Congress, were terminated. See section 3003 of Public Law 104-66, set out as a note under section 1113 of Title 31, Money and Finance, and page 155 of House Document No. 103-7.

Delegation of Reporting Authority: Effective February 17, 2005, per Presidential Memorandum (70 F.R. 9841), the Director of the National Science Foundation is delegated the functions and authority to provide the specified report and plan to the Congress.

<sup>12</sup> 1990 – Pub. L. 101-609 amended par. (2) generally.

Section 6 of Public Law 101-609, an Act to amend the Arctic Research and Policy Act of 1984, revised paragraph (2). Prior to amendment, paragraph (2) read:

“a description of the activities of the Commission, detailing with particularity the recommendations of the Commission with respect to Federal activities in Arctic research.”

## **SECTION 109. 5-YEAR ARCTIC RESEARCH PLAN**

(a) The Interagency Committee, in consultation with the Commission, the Governor of the State of Alaska, the residents of the Arctic, the private sector, and public interest groups, shall prepare a comprehensive 5-year program plan (hereinafter referred to as the “Plan”) for the overall Federal effort in Arctic research. The Plan shall be prepared and submitted to the President for transmittal to the Congress<sup>13</sup> within one year after the enactment of this Act and shall be revised biennially thereafter.

(b) The Plan shall contain but need not be limited to the following elements:

- (1) an assessment of national needs and problems regarding the Arctic and the research necessary to address those needs or problems;
- (2) a statement of the goals and objectives of the Interagency Committee for national Arctic research;
- (3) a detailed listing of all existing Federal programs relating to Arctic research, including the existing goals, funding levels for each of the 5 following fiscal years, and the funds currently being expended to conduct the programs;
- (4) recommendations for necessary program changes and other proposals to meet the requirements of the policy and goals as set forth by the Commission and in the Plan as currently in effect; and
- (5) a description of the actions taken by the Interagency Committee to coordinate the budget review process in order to ensure interagency coordination and cooperation in:
  - (A) carrying out Federal Arctic research programs, and
  - (B) eliminating unnecessary duplication of effort among these programs.

## **SECTION 110. COORDINATION AND REVIEW OF BUDGET REQUESTS**

(a) The Office of Science and Technology Policy shall —

- (1) review all agency and department budget requests related to the Arctic transmitted pursuant to section 108(a)(5), in accordance with the national Arctic research policy and the 5-year program under section 108(a)(2) and section 109, respectively; and
- (2) consult closely with the Interagency Committee and the Commission to guide the Office of Technology Policy’s efforts.

(b)

- (1) The Office of Management and Budget shall consider all Federal agency requests for research related to the Arctic as one integrated, coherent, and multiagency request, which shall be reviewed by the Office of Management and Budget prior to submission of the President’s annual budget request for its adherence to the Plan. The Commission shall, after submission of the President’s annual budget request, review the request and report to Congress on adherence to the Plan.
- (2) The Office of Management and Budget shall seek to facilitate planning for the design, procurement, maintenance, deployment and operations of icebreakers needed to provide a platform for Arctic research by allocating all funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects, to the Coast Guard.

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<sup>13</sup> Termination of Reporting Requirements: Effective May 15, 2000, the reporting requirements under subparagraph (a), relating to submitting a biennial report to Congress, were terminated. See section 3003 of Public Law 104-66, set out as a note under section 1113 of Title 31, Money and Finance, and page 155 of House Document No. 103-7.

Delegation of Reporting Authority: Effective February 17, 2005, per Presidential Memorandum (70 F.R. 9841), the Director of the National Science Foundation is delegated the functions and authority to provide the specified report and plan to the Congress.



## **SECTION 111. AUTHORIZATION OF APPROPRIATIONS; NEW SPENDING AUTHORITY**

(a) There are authorized to be appropriated such sums as may be necessary for carrying out this title.

(b) Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974) which is provided under this title shall be effective for any fiscal year only to such extent or in such amounts as may be provided in appropriation Acts.

## **SECTION 112. DEFINITION**

As used in this title, the term "Arctic" means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering and Chukchi Seas; and the Aleutian chain.