

Executive Order --- Enhancing Coordination of National Efforts in the Arctic [\(See our Commentary on the President's similar action to establish a National Ocean Policy at great expense to the government, with huge effect on every American within coastal and areas connected to the oceans and great lakes by rivers and streams. Link here.http://www.whitehouse.gov/administration/eop/ceq/initiatives/oceans/\)](http://www.whitehouse.gov/administration/eop/ceq/initiatives/oceans/)

EXECUTIVE ORDER, [January 21, 2015](#):

ENHANCING COORDINATION OF NATIONAL EFFORTS IN THE ARCTIC [\(We will comment here on comparisons to another of the President's Executive Orders, 13547, which enlarges government control and reduces human activity of the oceans, coasts and Great Lakes...and waters connected to them and lands related thereto. This order, too, was an end-run around Congress, requiring expenditure of millions of dollars taken from authorized activities of various departments of government without Congressional approval to establish a dramatic new national policy affecting every American without approval of the peoples' representatives. Note that the earlier order, 13547, was executed with relatively little Congressional opposition when Senator Reed's party controlled the Senate. Now, with Senate control in Republican hands, the first remark of a Jurisdictional committee chair from Alaska is one of concern, not outrage. We hope that when the full impact of this pattern of overreach is understood, the Congress will take immediate steps to condemn this action for not being more oriented to national defense and jurisdiction over natural resources and for not proposing a bill to Congress that reasonably manages the issue. Congress should act to defund both the ocean policy and the Arctic policy Executive Orders, demanding that the President submit his concepts to Congress for hearing, debate and a vote of America's national legislature.](#)

Formatted: Hyperlink, Font: Bold

By the authority vested in me as President by the Constitution and the laws of the United States of America, [and to prepare the Nation for a changing Arctic and enhance coordination of national efforts in the Arctic](#), it is hereby ordered as follows: [\(There is more rationalization contained in this preamble than in the ocean policy order 13547\)](#)

Formatted: Highlight

Section 1. Policy. The Arctic has critical long-term strategic, ecological, cultural, and economic value, and it is imperative that we continue to protect our national interests in the region, which include: national defense; sovereign rights and responsibilities; maritime safety; energy and economic benefits; environmental stewardship; promotion of science and research; and preservation of the rights, freedoms, and uses of the sea as reflected in international law. [This section has the ring of reasonableness, however...](#)

[...the next two paragraphs make it clear that this E.O. will supplement the ocean policy E.O. 13547 and is justified on a claim of "climate change" threats that will obviously require government management to control.](#)

Over the past 60 years, climate change has caused the Alaskan Arctic to warm twice as rapidly as the rest of the United States, and will continue to transform the Arctic as its consequences grow more severe. Over the past several decades, higher atmospheric temperatures have led to a steady and dramatic reduction in Arctic sea ice, widespread glacier retreat, increasing coastal erosion, more acidic oceans, earlier spring snowmelt, thawing permafrost, drier landscapes, and more extensive insect outbreaks and wildfires, thus changing the accessibility and natural features of this remote region. As a

global leader, the United States has the responsibility to strengthen international cooperation to mitigate the greenhouse gas emissions driving climate change, understand more fully and manage more effectively the adverse effects of climate change, protect life and property, develop and manage resources responsibly, enhance the quality of life of Arctic inhabitants, and serve as stewards for valuable and vulnerable ecosystems. In doing so, we must rely on science-based decisionmaking [\(sic\)](#) and respect the value and utility of the traditional knowledge of Alaska Native peoples. As the United States assumes the Chairmanship of the Arctic Council, it is more important than ever that we have a coordinated national effort that takes advantage of our combined expertise and efforts in the Arctic region to promote our shared values and priorities.

As the Arctic has changed, the number of Federal working groups created [\(reference in part to the web-like network of bureaucrats whose un-Congressionally authorized focus is on increasing government control over human activity and achieving preservationist objectives advocated by activist organizations. See our commentary here\)](#) to address the growing strategic importance and accessibility of this critical region has increased. Although these groups have made significant progress and achieved important milestones, managing the broad range of interagency activity in the Arctic requires coordinated planning by the Federal Government, with input by partners and stakeholders, to facilitate Federal, State, local, and Alaska Native tribal government and similar Alaska Native organization, as well as private and nonprofit sector, efforts in the Arctic.

**Formatted:** Hyperlink, Font: Bold

Sec. 2. Arctic Executive Steering Committee. (a) Establishment. There is established an Arctic Executive Steering Committee (Steering Committee), which shall provide guidance to executive departments and agencies (agencies) and enhance coordination of Federal Arctic policies across agencies and offices, and, where applicable, with State, local, and Alaska Native tribal governments and similar Alaska Native organizations, academic and research institutions, and the private and nonprofit sectors. [\(The ocean policy E.O. 13547, in Sec. 4. Established a "National Ocean Council" consisting of many of the same agencies/positions named in this E.O., as noted below:](#)

(b) Membership. The Steering Committee shall consist of:

(i) the heads, or their designees, of the Office of Science and Technology Policy, the Council on Environmental Quality, the Domestic Policy Council, and the National Security Council;

(ii) the Executive Officer of the Steering Committee, who shall be designated by the Chair of the Steering Committee (Chair); and

(iii) the Deputy Secretary or equivalent officer from the Departments of State, Defense, Justice, the Interior, Agriculture, Commerce, Labor, Health and Human Services, Transportation, Energy, and Homeland Security; the Office of the Director of National Intelligence; the Environmental Protection Agency; the National Aeronautics and Space Administration; the National Science Foundation; the Arctic Research Commission; and the Office of Management and Budget; the Assistant to the President for Public Engagement and Intergovernmental Affairs, or his or her designee; and other agencies or offices as determined appropriate by the Chair. [In E.O. 13547, Sec.4.\(b\)\(ii\)\(iii\)\(iv\)\(v\), are the similar named positions/persons: the Secretaries of State, Defense, the Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, and Homeland Security, the Attorney General, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Under Secretary of Commerce for Oceans and Atmosphere \(Administrator of the National](#)

Oceanic and Atmospheric Administration), the Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, the Director of the National Science Foundation, and the Chairman of the Joint Chiefs of Staff; the National Security Advisor and the Assistants to the President for Homeland Security and Counterterrorism, Domestic Policy, Energy and Climate Change, and Economic Policy; an employee of the Federal Government designated by the Vice President; and such other officers or employees of the Federal Government as the Co-Chairs of the Council may from time to time designate.

(c) Administration.

(i) The Director of the Office of Science and Technology Policy, or his or her designee, shall be the Chair of the Executive Steering Committee. The Assistant to the President for National Security Affairs, or his or her designee, shall be the Vice Chair. Under the leadership of the Chair, the Steering Committee will meet quarterly, or as appropriate, to shape priorities, establish strategic direction, oversee implementation, and ensure coordination of Federal activities in the Arctic. In Sec. 4(b)(i) of 13547, the Chair of the Council on Environmental Quality and the Director of the Office of Science and Technology Policy, who shall be the Co-Chairs of the Council

(ii) The Steering Committee shall coordinate with existing working groups established by Executive Order or statute. (Think of the thousands of non-Congressionally approved hours and treasury required to support meetings, reports, brochures, “listening sessions” and the expensive and intrusive promulgation of regulations based on some loose, alleged association with the CWA, CAA, ESA, and other pre-existing law that was never intended to authorize such overreach.

(iii) As appropriate, the Chair of the Steering Committee may establish subcommittees and working groups, consisting of representatives from relevant agencies, to focus on specific key issues and assist in carrying out its responsibilities. The power of government will be mobilized in unknown ways: it is a blank check for bureaucrats and for beneficiaries of their largess—like complicit college professors receiving grant funding from them.

(iv) Agencies shall provide administrative support and additional resources, as appropriate, to support their participation in the Steering Committee to the extent permitted by law and within existing appropriations. Each agency shall bear its own expenses for supporting its participation in the Steering Committee and associated working groups. 1. This is where Senator Murkowski and her colleagues should be outraged that taxes from citizens authorized for other purposes by Congress are taken away from those purposes and used for this President’s pleasure. 2. Ocean Policy E.O., 13547, Sec. 4(f), says, “Consistent with applicable law and subject to the availability of appropriations, the Office of Science and Technology Policy and the Council on Environmental Quality shall provide the Council with funding, including through the National Science and Technology Council or the Office of Environmental Quality. The Council on Environmental Quality shall, to the extent permitted by law and subject to the availability of appropriations, provide administrative support necessary to implement this order. (g) The day-to-day operations of the Council shall be administered by a Director and a Deputy Director, who shall supervise a full-time staff to assist the Co-Chairs in their implementation of this order.” This similar, 13547 language, by FIAT, authorizes the use of people and funds without Congressional authorization. One can bet that in the drafting stage of these E.O.s, participants said, “Who’s going to challenge us?”

(v) Each member of the Steering Committee shall provide the Executive Officer with a single point of contact for coordinating efforts with interagency partners, collaborating with State, local, and Alaska Native tribal governments and similar Alaska Native organizations, and assisting in carrying out the functions and duties assigned by the Steering Committee. This E.O. gives lofty and equal status to "tribes" along with state and local government. It gives little respect to the ANSCA created Alaska Native Regional and Village Corporations, referring to them as, "similar Alaska Native organizations". Are Regional and Village corporations "similar" to tribes? Really? Your author contracted with Morris Thompson, Area Director of the BIA in 1971, to organize and conduct the worldwide Alaska Native Enrollment Program. I am amazed that in 2015, the Obama Administration would refer to the congressionally created Regional and Village Corporations as "similar Alaska Native organizations to 'tribes'."

Sec. 3. Responsibilities of the Arctic Executive Steering Committee. The Steering Committee, in coordination with the heads of relevant agencies and under the direction of the Chair, shall:

Sec.7 of E.O. 13547 directs that: The Council shall establish a Governance Coordinating Committee that shall consist of 18 officials from State, tribal, and local governments in accordance with the Final Recommendations. The Committee may establish subcommittees chaired by representatives of the Governance Coordinating Committee. These subcommittees may include additional representatives from State, tribal, and local governments, as appropriate to provide for greater collaboration and diversity of views. (The ocean policy E.O.'s 'governance' council makes tribes co-equal with the elected officials of the state, boroughs and cites and leaves out specific reference to Alaska Native Village and Regional corporations.

(a) provide guidance and coordinate efforts to implement the priorities, objectives, activities, and responsibilities identified in National Security Presidential Directive 66/Homeland Security Presidential Directive 25, Arctic Region Policy, the National Strategy for the Arctic Region and its Implementation Plan, and related agency plans;

(b) provide guidance on prioritizing Federal activities, consistent with agency authorities, while the United States is Chair of the Arctic Council, including, where appropriate, recommendations for resources to use in carrying out those activities; and

(c) establish a working group to provide a report to the Steering Committee by May 1, 2015, that:

(i) identifies potential areas of overlap between and within agencies with respect to implementation of Arctic policy and strategic priorities and provides recommendations to increase coordination and reduce any duplication of effort, which may include ways to increase the effectiveness of existing groups; and

(ii) provides recommendations to address any potential gaps in implementation.

Sec. 4. Duties of the Executive Officer. The Executive Officer shall be responsible for facilitating interagency coordination efforts related to implementing the guidance and strategic priorities developed by the Steering Committee. The Executive Officer shall coordinate with the Chair and the Special Advisor on Arctic Science and Policy at the Department of State to provide regular reports to the Steering Committee on agency implementation and planning efforts for the Arctic region.

Sec. 5. Engagement with the State of Alaska, Alaska Native Tribal Governments, as well as other United States Stakeholders. It is clear that the White House believes that if its “engagement” focus is with the State, Tribes and other United States Stakeholders, it will have a fairly compliant group controlled by constituencies friendly to them: tribes (which though proud to be ‘sovereign’ yet receive financial support from government and other United States Stakeholders, which is code for national environmental organizations that are given equal weight with any Alaska stakeholders. -It is in the best interest of the Nation (but no specific orders or requirements) for the Federal Government to maximize transparency and promote collaboration where possible with the State of Alaska, Alaska Native tribal governments and similar Alaska Native organizations, and local, private-sector, and nonprofit-sector stakeholders. To facilitate consultation and partnerships with the State of Alaska and Alaska Native tribal governments and similar Alaska Native organizations, the Steering Committee shall:

Formatted: Font: Bold

Formatted: Font: Bold

- (a) develop a process (the process will control the outcome; i.e. a unique ‘due process’ for this activity can henceforth be created) to improve coordination and the sharing of information and knowledge among Federal, State, local, and Alaska Native tribal governments and similar Alaska Native organizations, and private-sector and nonprofit-sector groups on Arctic issues;
- (b) establish a process (the process will control the outcome; i.e. a unique ‘due process’ for this activity can henceforth be created) to ensure tribal consultation and collaboration, consistent with my memorandum of November 5, 2009 (Tribal Consultation). This process shall ensure meaningful consultation and collaboration with Alaska Native tribal governments and similar Alaska Native organizations in the development of Federal policies that have Alaska Native implications, as applicable, and provide feedback and recommendations to the Steering Committee;
- (c) identify an appropriate Federal entity to be the point of contact for Arctic matters with the State of Alaska and with Alaska Native tribal governments and similar Alaska Native organizations to support collaboration and communication; and
- (d) invite members of State, local, and Alaska Native tribal governments and similar Alaska Native organizations, and academic and research institutions (This is where federal grant money can flow to the University of Alaska and other institutions to do studies that justify the action desired by the White House. What politician, Senator Murkowski, would oppose that? ...although the professors involved in the studies can then be called upon to testify at hearings and otherwise support their studies which, of course, are likely to have supported the agenda. Similarly, the “invite” to tribal governments implies reimbursement for time, travel and expenses, does it not?) to consult on issues or participate in discussions, as appropriate and consistent with applicable law.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals. Sec. 9.(b) of the ocean policy E.O. 13547 states that: “Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.” Of course not! These E.O.s are not ‘intended’ to interfere with Congressionally approved budgets. So if a jurisdictional committee challenges the spending, it can be safely said that, “But we intended that....” Then if the

committee persists, the administration can say, “O.K. tell us how we should proceed,” and, very likely, no one will be reprimanded and no one will be fired and some will receive bonuses—if the past is prologue to the future.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA