

To the office of U.S. Senator Mike Lee

Re: S 4708 (119th Congress), Arctic Security and Diplomacy Act • Latest action (2026-07-27): Placed on Senate Legislative Calendar under General Orders. Calendar No. 516.

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Arctic Security and Diplomacy Alignment Act of 2025

The measure, as described from the official record: Enhance United States national security and diplomatic presence in the Arctic region, including military readiness, search and rescue, environmental protection, and engagement with Arctic nations and indigenous communities.

THE PROPOSAL

This Act authorizes the Secretary of Defense, in coordination with the Secretary of State and the Commandant of the Coast Guard, to establish a streamlined Arctic Security and Diplomacy Program within existing appropriations. The program shall focus on three objectives: (1) enhancing U.S. military readiness and infrastructure in Alaska consistent with Article I, Section 8, Clauses 11-14, including icebreaker procurement and port upgrades; (2) supporting diplomatic engagement and multilateral agreements with Arctic nations and indigenous groups through the State Department’s existing diplomatic missions; and (3) funding scientific research and environmental monitoring conducted by federal agencies such as NOAA and the National Science Foundation, using the Commerce Clause (Article I, Section 8, Clause 3) as authority for activities affecting interstate and foreign commerce and climate data. No new regulatory authority over state or local governments is created. All funding must be drawn from reallocated unobligated balances in the Defense and State Department budgets, capped at \$500 million per fiscal year for five years. The program sunsets on September 30, 2030, unless reauthorized by Congress. The Government Accountability Office shall report annually on program effectiveness and constitutional compliance. Enforcement is limited to internal audit and recoupment of improperly spent funds; no private right of action is created.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Reallocation of unobligated balances from the Defense and State Department budgets, subject to the Pay-As-You-Go Act of 2010.
Funding Amount	\$500 million per fiscal year, total cap of \$2.5 billion over five years.
Sunset Years	5 years
Oversight Body	Government Accountability Office (GAO) to conduct annual audits and submit a compliance report to the House and Senate Foreign Relations and Armed Services Committees.
Enforcement Mechanism	The Secretary of Defense and Secretary of State shall jointly issue regulations to ensure funds are used only for the stated purposes. Any funds determined by GAO

to be improperly spent shall be recouped and returned to the Treasury.

Effective Date October 1, 2025

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (taxing and spending for general welfare and common defense)
- Article I, Section 8, Clause 3 (commerce with foreign nations and Indian tribes)
- Article I, Section 8, Clauses 11–14 (war powers, army, navy, coast guard)
- Article II, Section 2, Clause 2 (treaty power, requiring Senate advice and consent)
- Tenth Amendment (powers reserved to the states and the people)
- Fifth Amendment Due Process Clause (ensuring no private right of action without clear statutory authority)

Concerns with the measure as written:

- Original bill may have created new federal regulatory mandates that infringe on state sovereignty over Arctic lands and waters (Tenth Amendment).
 - Potential delegation of treaty-making or foreign policy authority to executive agencies without Senate ratification (Article II, Section 2, Clause 2).
 - Unfunded mandates on state and local governments without clear Article I commerce power nexus.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: robust funding for climate science and indigenous consultation, diplomatic engagement, and environmental monitoring. Republican priorities: national security, military readiness, no new taxes or regulatory burdens, state sovereignty preserved, and sunset to prevent permanent bureaucracy. Both parties can support a targeted, fiscally responsible program that respects constitutional limits.

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