

AMENDMENT TO RULES COMMITTEE PRINT 117-

47

OFFERED BY MR. LARSEN OF WASHINGTON

Add at the end the following:

1 **TITLE IV—MARINE MAMMAL**
2 **PROTECTION**

3 **SEC. 401. MONITORING OCEAN SOUNDSCAPES.**

4 (a) IN GENERAL.—The Administrator shall maintain
5 and expand an ocean soundscape development program
6 that includes the Ocean Noise Reference Station Network
7 of the National Oceanic and Atmospheric Administration
8 and the National Park Service, using and coordinating
9 with the Integrated Ocean Observing System, and may co-
10 ordinate as appropriate with Regional Ocean Partner-
11 ships, the Fish and Wildlife Service, and the Department
12 of Defense to—

13 (1) provide grants to expand the deployment of
14 Federal and non-Federal observing and data man-
15 agement systems capable of collecting measurements
16 of underwater sound in high-priority ocean and
17 coastal locations for purposes of monitoring and
18 analyzing baselines and trends in the underwater
19 soundscape to protect and manage marine life;

1 (2) continue to develop and apply standardized
2 forms of measurements to assess sounds produced
3 by marine animals, physical processes, and anthro-
4 pogenic activities; and

5 (3) after coordinating with the Department of
6 Defense, coordinate and make accessible to the pub-
7 lic the datasets, modeling and analysis, and user-
8 driven products and tools, resulting from observa-
9 tions of underwater sound funded through grants
10 authorized by this section.

11 (b) PRIORITY.—In awarding grants under this sec-
12 tion, the Administrator shall consider the geographic di-
13 versity of the recipients of such grants as much as prac-
14 ticable.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$1,500,000 for each of fiscal years 2023 through 2027.

18 (d) ADMINISTRATOR DEFINED.—In this section, the
19 term “Administrator” means the Secretary of Commerce,
20 acting through the Administrator of the National Oceanic
21 and Atmospheric Administration.

1 **SEC. 402. GRANTS FOR SEAPORTS TO ESTABLISH PRO-**
2 **GRAMS TO REDUCE THE IMPACTS OF VESSEL**
3 **TRAFFIC AND PORT OPERATIONS ON MARINE**
4 **MAMMALS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Administrator, in
7 coordination with the Secretary of the department in
8 which the Coast Guard is operating, shall establish a grant
9 program to provide assistance to seaports to develop and
10 implement mitigation measures that will lead to a quan-
11 tifiable reduction in impacts to marine mammals from ves-
12 sel traffic, including shipping activities and port oper-
13 ations.

14 (b) ELIGIBLE USES.—A grant under this section may
15 be used to develop, assess, and carry out activities that
16 reduce threats and enhance the habitats of marine mam-
17 mals by—

18 (1) reducing underwater stressors related to
19 vessel traffic;

20 (2) reducing vessel strike mortality, serious in-
21 jury, and other physical disturbances;

22 (3) enhancing marine mammal habitat, includ-
23 ing the habitat for prey of marine mammals; or

24 (4) monitoring sound, vessel interactions with
25 marine mammals, or other types of monitoring that

1 are consistent with reducing the threats to and en-
2 hancing the habitats of marine mammals.

3 (c) PRIORITY.—The Administrator shall prioritize as-
4 sistance under this section for projects that—

5 (1) are based on the best available science on
6 methods to reduce threats and enhance habitats of
7 marine mammals, and collect data on the reduction
8 of those threats and the impacts of those activities
9 to assess their effectiveness;

10 (2) assist ports with higher relative threat levels
11 to vulnerable marine mammals from vessel traffic;

12 (3) reduce disturbance from vessel presence,
13 mortality risk, or serious injury from vessel strikes;

14 (4) are in close proximity to Usual and Accus-
15 tomed Fishing Areas, National Marine Sanctuaries,
16 Marine National Monuments, National Parks, Na-
17 tional Wildlife Refuges, and other Federal, State,
18 Tribal, and local marine protected areas; and

19 (5) allow eligible entities to conduct risk assess-
20 ments, and track progress toward threat reduction
21 and habitat enhancement, including protecting coral
22 reefs from encroachment by commerce and shipping
23 lanes.

24 (d) OUTREACH.—The Administrator shall conduct
25 outreach to seaports to provide information on how to

1 apply for assistance under this section, the benefits of the
2 program under this section, and facilitation of adoption
3 of best practices and identification of lessons learned.

4 (e) ELIGIBLE ENTITIES.—An entity shall be eligible
5 for assistance under this section if the entity is—

6 (1) a port authority for a seaport;

7 (2) a State, regional, local, or Tribal govern-
8 ment that has jurisdiction over a maritime port au-
9 thority or a seaport; or

10 (3) a private entity or government entity, apply-
11 ing for a grant awarded under this section in col-
12 laboration with another entity described in para-
13 graph (1) or (2), that owns or operates a maritime
14 terminal.

15 (f) BRIEFING.—The Administrator shall provide to
16 the Committee on Natural Resources of the House of Rep-
17 resentatives and the Committee on Commerce, Science,
18 and Transportation of the Senate, an annual briefing that
19 includes the following:

20 (1) The name and location of each entity receiv-
21 ing a grant under this section.

22 (2) Amount of each such grant.

23 (3) The name and location of the seaport in
24 which activities carried out with such grant took
25 place.

1 (4) A description of the activities carried out
2 with the grant funds.

3 (5) An estimate of the impact of the project to
4 reduce threats or enhance habitat of marine mam-
5 mals.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$5,000,000 for each of fiscal years 2023 through 2027,
9 to remain available until expended.

10 (h) ADMINISTRATOR DEFINED.—In this section, the
11 term “Administrator” means the Secretary of Commerce,
12 acting through the Administrator of the National Oceanic
13 and Atmospheric Administration.

14 **SEC. 403. NEAR REAL-TIME MONITORING AND MITIGATION**
15 **PROGRAM FOR LARGE WHALES.**

16 (a) ESTABLISHMENT.—The Administrator, in coordi-
17 nation with the Secretary of the department in which the
18 Coast Guard is operating, the Secretary of Defense, and
19 the heads of other relevant Federal departments and agen-
20 cies, shall design and deploy a near real-time large whale
21 monitoring and mitigation program (in this section re-
22 ferred to as the “Program”).

23 (b) PURPOSE.—The purpose of the Program is to re-
24 duce the risk to large whales of vessel collisions and to
25 minimize other impacts to such whales.

1 (c) REQUIREMENTS.—The Program shall—

2 (1) prioritize species of large whales for which
3 vessel collision impacts are of particular concern;

4 (2) prioritize areas where vessel impacts are of
5 particular concern;

6 (3) be capable of detecting and alerting ocean
7 users and enforcement agencies of the probable loca-
8 tion of large whales on an actionable real-time basis,
9 including real time data whenever possible;

10 (4) inform sector-specific mitigation protocols
11 to effectively reduce takes of large whales;

12 (5) integrate technology improvements that will
13 improve as appropriate; and

14 (6) be informed by the technologies, monitoring
15 methods, and mitigation protocols developed pursu-
16 ant to the pilot program required in subsection (b).

17 (d) PILOT PROJECT.—

18 (1) ESTABLISHMENT.—In carrying out sub-
19 section (a), the Administrator shall first establish a
20 pilot monitoring and mitigation project for North
21 Atlantic right whales for the purposes of informing
22 a cost-effective, efficient, and results-oriented near
23 real-time monitoring and mitigation program for
24 large whales.

1 (2) PILOT PROJECT REQUIREMENTS.—In de-
2 signing and deploying the pilot project under para-
3 graph (1), the Administrator and the Secretary of
4 the department in which the Coast Guard is oper-
5 ating, in coordination with the heads of other rel-
6 evant Federal departments and agencies, shall, using
7 best available scientific information, identify and en-
8 sure coverage of—

9 (A) core foraging habitats of North Atlan-
10 tic right whales, including—

11 (i) the South of the Islands core for-
12 aging habitat;

13 (ii) the Cape Cod Bay Area core for-
14 aging habitat;

15 (iii) the Great South Channel core
16 foraging habitat; and

17 (iv) the Gulf of Maine; and

18 (B) important feeding, breeding, calving,
19 rearing, or migratory habitats of North Atlantic
20 right whales that co-occur with areas of high
21 risk of mortality, serious injury or other im-
22 pacts to such whales including from vessels or
23 vessel strikes.

24 (3) PILOT PROJECT COMPONENTS.—

1 (A) IN GENERAL.—Not later than 3 years
2 after the date of the enactment of this Act, the
3 Administrator, in consultation with the Sec-
4 retary of the department in which the Coast
5 Guard is operating and with relevant Federal
6 agencies, Tribal governments, and with input
7 from affected stakeholders, shall design and de-
8 ploy a near real-time monitoring system for
9 North Atlantic right whales that—

10 (i) comprises the best available detec-
11 tion power, spatial coverage, and survey ef-
12 fort to detect and localize North Atlantic
13 right whales within core foraging habitats;

14 (ii) is capable of detecting North At-
15 lantic right whales, including visually or
16 acoustically;

17 (iii) uses dynamic habitat suitability
18 models to inform the likelihood of North
19 Atlantic right whale occurrence in core for-
20 aging habitat at any given time;

21 (iv) coordinates with the Integrated
22 Ocean Observing System and Coast Guard
23 vessel traffic service centers, and may co-
24 ordinate with Regional Ocean Partnerships
25 to leverage monitoring assets;

1 (v) integrates historical data;

2 (vi) integrates new near real-time
3 monitoring methods and technologies as
4 they become available;

5 (vii) accurately verifies and rapidly
6 communicates detection data;

7 (viii) creates standards for and allows
8 ocean users to contribute data to the moni-
9 toring system using comparable near real-
10 time monitoring methods and technologies;
11 and

12 (ix) communicates the risks of injury
13 to large whales to ocean users in a way
14 that is most likely to result in informed de-
15 cision making regarding the mitigation of
16 those risks.

17 (B) NATIONAL SECURITY CONSIDER-
18 ATIONS.—All monitoring methods, technologies,
19 and protocols under this section shall be con-
20 sistent with national security considerations and
21 interests.

22 (4) MITIGATION PROTOCOLS.—The Adminis-
23 trator shall, in consultation with the Secretary of the
24 department in which the Coast Guard is operating,
25 the Secretary of Defense, the Secretary of Transpor-

1 tation, and the Secretary of the Interior, and with
2 input from affected stakeholders, develop and deploy
3 mitigation protocols that make use of the near real-
4 time monitoring system to direct sector-specific miti-
5 gation measures that avoid and significantly reduce
6 risk of serious injury and mortality to North Atlan-
7 tic right whales.

8 (5) ACCESS TO DATA.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraph (B), the Administrator shall pro-
11 vide access to data generated by the monitoring
12 system for purposes of scientific research and
13 evaluation, and public awareness and education,
14 including through the NOAA Right Whale
15 Sighting Advisory System and WhaleMap or
16 other successive public web portals.

17 (B) NATIONAL SECURITY RELATED INFOR-
18 MATION.—The Administrator may not provide
19 access to any data under subparagraph (A) that
20 the Secretary of Defense determines should be
21 withheld for national security reasons.

22 (6) PILOT PROGRAM REPORTING.—

23 (A) PRELIMINARY REPORT.—Not later
24 than 2 years after the date of the enactment of
25 this Act, the Administrator, in consultation

1 with the secretary of the department in which
2 the Coast Guard is operating, shall submit to
3 the appropriate congressional committees, and
4 make available to the public, a preliminary re-
5 port on the pilot project established under para-
6 graph (1), which shall include—

7 (i) a description of the monitoring
8 methods and technology in use or planned
9 for deployment;

10 (ii) analyses of the efficacy of the
11 methods and technology in use or planned
12 for deployment for detecting North Atlan-
13 tic right whales;

14 (iii) how the monitoring system is di-
15 rectly informing and improving North
16 American right whale management, health,
17 and survival;

18 (iv) a prioritized identification of tech-
19 nology or research gaps;

20 (v) a plan to communicate the risks of
21 injury to large whales to ocean users in a
22 way that is most likely to result in in-
23 formed decision making regarding the miti-
24 gation of those risks; and

1 (vi) additional information on the po-
2 tential benefits and efficacy of the pro-
3 gram, as appropriate.

4 (B) FINAL REPORT.—Not later than 6
5 years after the date of the enactment of this
6 Act, the Administrator, in coordination with the
7 Secretary of Defense and the heads of other rel-
8 evant Federal departments and agencies, shall
9 submit to the appropriate congressional com-
10 mittees, and make available to the public, a
11 final report on the pilot project established
12 under paragraph (1), that addresses the infor-
13 mation described in subparagraph (A) and in-
14 cludes the following:

15 (i) An assessment of the benefits and
16 efficacy of the near real-time monitoring
17 and mitigation program.

18 (ii) A strategic plan to expand the
19 pilot program to provide near real-time
20 monitoring and mitigation measures to—

21 (I) additional large whale species
22 of concern for which such measures
23 would reduce risk of serious injury or
24 death; and

1 (II) important feeding, breeding,
2 calving, rearing, or migratory habitats
3 of whales that co-occur with areas of
4 high risk of mortality or serious in-
5 jury of such whales from vessel strikes
6 or disturbance.

7 (iii) A prioritized plan for acquisition,
8 deployment, and maintenance of moni-
9 toring technologies.

10 (iv) The locations or species for which
11 such plan would apply.

12 (v) A budget and description of funds
13 necessary to carry out the strategic plan.

14 (e) DEFINITIONS.—In this section:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Secretary of Commerce, acting
17 through the Administrator of the National Oceanic
18 and Atmospheric Administration.

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term “appropriate congressional com-
21 mittees” means the Committees on Natural Re-
22 sources and Transportation and Infrastructure of
23 the House of Representatives and the Committee on
24 Commerce, Science, and Transportation of the Sen-
25 ate.

1 (b) ELIGIBLE USES.—Grants provided under this
2 section may be used to develop, assess, and implement new
3 or improved technologies that materially reduce under-
4 water noise from marine vessels including noise produced
5 incidental to the propulsion of marine vessels.

6 (c) OUTREACH.—The Administrator shall conduct
7 outreach to eligible entities to provide information on how
8 to apply for assistance under this section, the benefits of
9 the program established under this section, and facilita-
10 tion of best practices and lessons learned.

11 (d) ELIGIBLE ENTITIES.—A person shall be eligible
12 for assistance under this section if the person is—

13 (1) an academic or research institution;

14 (2) an individual, partnership, association, or-
15 ganization or any other combination of individuals,
16 provided, however, that each such individual shall be
17 a citizen of the United States, a lawful permanent
18 resident of the United States, or a protected indi-
19 vidual (as such term is defined in section
20 274B(a)(3) of the Immigration and Nationality Act
21 (8 U.S.C. 1324b(a)(3)));

22 (3) a corporation established under the laws of
23 the United States; or

24 (4) a State or Tribal government.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$5,000,000 for each of fiscal years 2023 through 2027,
4 to remain available until expended.

5 **SEC. 405. TECHNOLOGY ASSESSMENT FOR QUIETING**
6 **UNITED STATES GOVERNMENT VESSELS.**

7 (a) IN GENERAL.—Not later than 18 months after
8 the date of enactment of this Act, the Administrator of
9 the Maritime Administration, in consultation with the Ad-
10 ministrator of the National Oceanic and Atmospheric Ad-
11 ministration, Secretary of Defense, and the Secretary of
12 the department in which the Coast Guard is operating,
13 shall submit to the committees identified under subsection
14 (b), and make available to the public, a report—

15 (1) identifying existing, at the time of submis-
16 sion, non-classified naval technologies that reduce
17 underwater noise; and

18 (2) evaluating the effectiveness and feasibility
19 of incorporating such technologies in the design, pro-
20 curement, and construction of non-combatant vessels
21 of the United States.

22 (b) COMMITTEES.—The report required under sub-
23 section (a) shall be submitted to the Committees on Com-
24 merce, Science, and Transportation and Armed Services
25 of the Senate and the Committees on Armed Services,

1 Natural Resources, and Transportation and Infrastruc-
2 ture of the House of Representatives.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$100,000 for fiscal year 2023, to remain available until
6 expended.

