AMENDMENT TO RULES COMMITTEE PRINT 117–47

OFFERED BY MR. LARSEN OF WASHINGTON

Add at the end the following:

TITLE IV—MARINE MAMMAL PROTECTION

SEC. 401. MONITORING OCEAN SOUNDSCAPES.

(a) IN GENERAL.—The Administrator shall maintain and expand an ocean soundscape development program that includes the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service, using and coordinating with the Integrated Ocean Observing System, and may coordinate as appropriate with Regional Ocean Partnerships, the Fish and Wildlife Service, and the Department of Defense to—

(1) provide grants to expand the deployment of Federal and non-Federal observing and data management systems capable of collecting measurements of underwater sound in high-priority ocean and coastal locations for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life;
(2) continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

(3) after coordinating with the Department of Defense, coordinate and make accessible to the public the datasets, modeling and analysis, and user-driven products and tools, resulting from observations of underwater sound funded through grants authorized by this section.

(b) PRIORITY.—In awarding grants under this section, the Administrator shall consider the geographic diversity of the recipients of such grants as much as practicable.

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

(d) ADMINISTRATOR DEFINED.—In this section, the term “Administrator” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.
SEC. 402. GRANTS FOR SEAPORTS TO ESTABLISH PROGRAMS TO REDUCE THE IMPACTS OF VESSEL TRAFFIC AND PORT OPERATIONS ON MARINE MAMMALS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretary of the department in which the Coast Guard is operating, shall establish a grant program to provide assistance to seaports to develop and implement mitigation measures that will lead to a quantifiable reduction in impacts to marine mammals from vessel traffic, including shipping activities and port operations.

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

(1) reducing underwater stressors related to vessel traffic;

(2) reducing vessel strike mortality, serious injury, and other physical disturbances;

(3) enhancing marine mammal habitat, including the habitat for prey of marine mammals; or

(4) monitoring sound, vessel interactions with marine mammals, or other types of monitoring that
are consistent with reducing the threats to and enhancing the habitats of marine mammals.

(c) PRIORITY.—The Administrator shall prioritize assistance under this section for projects that—

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

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

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

(4) are in close proximity to Usual and Accustomed Fishing Areas, National Marine Sanctuaries, Marine National Monuments, National Parks, National Wildlife Refuges, and other Federal, State, Tribal, and local marine protected areas; and

(5) allow eligible entities to conduct risk assessments, and track progress toward threat reduction and habitat enhancement, including protecting coral reefs from encroachment by commerce and shipping lanes.

(d) OUTREACH.—The Administrator shall conduct outreach to seaports to provide information on how to
apply for assistance under this section, the benefits of the
program under this section, and facilitation of adoption
of best practices and identification of lessons learned.
(e) ELIGIBLE ENTITIES.—An entity shall be eligible
for assistance under this section if the entity is—

(1) a port authority for a seaport;
(2) a State, regional, local, or Tribal govern-
ment that has jurisdiction over a maritime port au-
thority or a seaport; or
(3) a private entity or government entity, apply-
ing for a grant awarded under this section in col-
laboration with another entity described in para-
graph (1) or (2), that owns or operates a maritime
terminal.
(f) BRIEFING.—The Administrator shall provide to
the Committee on Natural Resources of the House of Rep-
resentatives and the Committee on Commerce, Science,
and Transportation of the Senate, an annual briefing that
includes the following:

(1) The name and location of each entity receiv-
ing a grant under this section.
(2) Amount of each such grant.
(3) The name and location of the seaport in
which activities carried out with such grant took
place.
A description of the activities carried out with the grant funds.

An estimate of the impact of the project to reduce threats or enhance habitat of marine mammals.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

(h) Administrator Defined.—In this section, the term “Administrator” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

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

(a) Establishment.—The Administrator, in coordination with the Secretary of the department in which the Coast Guard is operating, the Secretary of Defense, and the heads of other relevant Federal departments and agencies, shall design and deploy a near real-time large whale monitoring and mitigation program (in this section referred to as the “Program”).

(b) Purpose.—The purpose of the Program is to reduce the risk to large whales of vessel collisions and to minimize other impacts to such whales.
(c) REQUIREMENTS.—The Program shall—

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

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

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

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

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

(6) be informed by the technologies, monitoring methods, and mitigation protocols developed pursuant to the pilot program required in subsection (b).

(d) PILOT PROJECT.—

(1) ESTABLISHMENT.—In carrying out subsection (a), the Administrator shall first establish a pilot monitoring and mitigation project for North Atlantic right whales for the purposes of informing a cost-effective, efficient, and results-oriented near real-time monitoring and mitigation program for large whales.
(2) PILOT PROJECT REQUIREMENTS.—In designing and deploying the pilot project under paragraph (1), the Administrator and the Secretary of the department in which the Coast Guard is operating, in coordination with the heads of other relevant Federal departments and agencies, shall, using best available scientific information, identify and ensure coverage of—

(A) core foraging habitats of North Atlantic right whales, including—

   (i) the South of the Islands core foraging habitat;

   (ii) the Cape Cod Bay Area core foraging habitat;

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

   (iv) the Gulf of Maine; and

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

(3) PILOT PROJECT COMPONENTS.—
(A) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Administrator, in consultation with the Secretary of the department in which the Coast Guard is operating and with relevant Federal agencies, Tribal governments, and with input from affected stakeholders, shall design and deploy a near real-time monitoring system for North Atlantic right whales that—

(i) comprises the best available detection power, spatial coverage, and survey effort to detect and localize North Atlantic right whales within core foraging habitats;

(ii) is capable of detecting North Atlantic right whales, including visually or acoustically;

(iii) uses dynamic habitat suitability models to inform the likelihood of North Atlantic right whale occurrence in core foraging habitat at any given time;

(iv) coordinates with the Integrated Ocean Observing System and Coast Guard vessel traffic service centers, and may coordinate with Regional Ocean Partnerships to leverage monitoring assets;
(v) integrates historical data;

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

(vii) accurately verifies and rapidly communicates detection data;

(viii) creates standards for and allows ocean users to contribute data to the monitoring system using comparable near real-time monitoring methods and technologies; and

(ix) communicates the risks of injury to large whales to ocean users in a way that is most likely to result in informed decision making regarding the mitigation of those risks.

(B) NATIONAL SECURITY CONSIDERATIONS.—All monitoring methods, technologies, and protocols under this section shall be consistent with national security considerations and interests.

(4) MITIGATION PROTOCOLS.—The Administrator shall, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Defense, the Secretary of Transpor-
tation, and the Secretary of the Interior, and with input from affected stakeholders, develop and deploy mitigation protocols that make use of the near real-time monitoring system to direct sector-specific mitigation measures that avoid and significantly reduce risk of serious injury and mortality to North Atlantic right whales.

(5) ACCESS TO DATA.—

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

(B) NATIONAL SECURITY RELATED INFORMATION.—The Administrator may not provide access to any data under subparagraph (A) that the Secretary of Defense determines should be withheld for national security reasons.

(6) PILOT PROGRAM REPORTING.—

(A) PRELIMINARY REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator, in consultation
with the secretary of the department in which
the Coast Guard is operating, shall submit to
the appropriate congressional committees, and
make available to the public, a preliminary re-
port on the pilot project established under para-
graph (1), which shall include—

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

(ii) analyses of the efficacy of the
methods and technology in use or planned
for deployment for detecting North Atlantic
right whales;

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

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

(v) a plan to communicate the risks of
injury to large whales to ocean users in a
way that is most likely to result in in-
formed decision making regarding the miti-
gation of those risks; and
(vi) additional information on the potential benefits and efficacy of the program, as appropriate.

(B) Final report.—Not later than 6 years after the date of the enactment of this Act, the Administrator, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall submit to the appropriate congressional committees, and make available to the public, a final report on the pilot project established under paragraph (1), that addresses the information described in subparagraph (A) and includes the following:

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

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

(I) additional large whale species of concern for which such measures would reduce risk of serious injury or death; and
(II) important feeding, breeding, calving, rearing, or migratory habitats of whales that co-occur with areas of high risk of mortality or serious injury of such whales from vessel strikes or disturbance.

(iii) A prioritized plan for acquisition, deployment, and maintenance of monitoring technologies.

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

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

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committees on Natural Resources and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.
(3) **CORE FORAGING HABITATS.**—The term “core foraging habitats” means areas with biological and physical oceanographic features that aggregate Calanus finmarchicus and where North Atlantic right whales foraging aggregations have been well documented.

(4) **LARGE WHALE.**—The term “large whale” means all Mysticeti species and species within the genera Physeter and Orcinus.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this section $17,000,000 for each of fiscal years 2023 through 2027.

**SEC. 404. GRANTS TO SUPPORT TECHNOLOGY THAT REDUCES UNDERWATER NOISE FROM VESSELS.**

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Administrator of the Maritime Administration shall establish a grant program, to be administered in consultation with the heads of other appropriate Federal departments and agencies, to provide assistance for the development and implementation of new or improved technologies that quantifiably reduce underwater noise from marine vessels including noise produced incidental to the propulsion of marine vessels.
(b) Eligible Uses.—Grants provided under this section may be used to develop, assess, and implement new or improved technologies that materially reduce underwater noise from marine vessels including noise produced incidental to the propulsion of marine vessels.

(c) Outreach.—The Administrator shall conduct outreach to eligible entities to provide information on how to apply for assistance under this section, the benefits of the program established under this section, and facilitation of best practices and lessons learned.

(d) Eligible Entities.—A person shall be eligible for assistance under this section if the person is—

(1) an academic or research institution;

(2) an individual, partnership, association, organization or any other combination of individuals, provided, however, that each such individual shall be a citizen of the United States, a lawful permanent resident of the United States, or a protected individual (as such term is defined in section 274B(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)));

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

(4) a State or Tribal government.
(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

SEC. 405. TECHNOLOGY ASSESSMENT FOR QUIETING UNITED STATES GOVERNMENT VESSELS.

(a) In General.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Maritime Administration, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, Secretary of Defense, and the Secretary of the department in which the Coast Guard is operating, shall submit to the committees identified under subsection (b), and make available to the public, a report—

(1) identifying existing, at the time of submission, non-classified naval technologies that reduce underwater noise; and

(2) evaluating the effectiveness and feasibility of incorporating such technologies in the design, procurement, and construction of non-combatant vessels of the United States.

(b) Committees.—The report required under subsection (a) shall be submitted to the Committees on Commerce, Science, and Transportation and Armed Services of the Senate and the Committees on Armed Services,
Natural Resources, and Transportation and Infrastructure of the House of Representatives.

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