

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 8704  
OFFERED BY MR. WITTMAN OF VIRGINIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. NORTH ATLANTIC RIGHT WHALES AND REGU-**  
2 **LATIONS.**

3 For the period beginning on the date of the enact-  
4 ment of this section and ending on December 31, 2030,  
5 the North Atlantic right whale vessel strike reduction rule  
6 contained in section 224.105 of title 50, Code of Federal  
7 Regulations, in effect during the fiscal year ending on Sep-  
8 tember 30, 2022, may not be amended, updated, modified,  
9 or replaced.

10 **SEC. 2. NORTH ATLANTIC RIGHT WHALE AND OTHER**  
11 **LARGE CETACEAN SPECIES GRANT PRO-**  
12 **GRAM.**

13 (a) IN GENERAL.—Not later than 180 days after the  
14 date of the enactment of this section, the Secretary shall  
15 establish a competitive grant program to award amounts,  
16 on an annual basis, to eligible entities for the eligible uses  
17 described in subsection (e).

1 (b) ADMINISTRATION.—The Secretary shall enter  
2 into a cooperative agreement with the Foundation pursu-  
3 ant to the National Fish and Wildlife Foundation Estab-  
4 lishment Act (16 U.S.C. 3701 et seq.) for the Foundation  
5 to manage and administer the Program.

6 (c) APPLICATIONS.—To be eligible for a grant under  
7 the Program, an eligible entity shall submit to the Foun-  
8 dation an application in such form, at such time, and con-  
9 taining such information as the Foundation determines  
10 appropriate.

11 (d) FUNDING.—

12 (1) IN GENERAL.—After the Secretary enters  
13 into a cooperative agreement with the Foundation  
14 under subsection (b)—

15 (A) for each fiscal year, the Secretary shall  
16 provide to the Foundation the amounts made  
17 available under this section to carry out the  
18 Program in an advance payment of the entire  
19 amount on October 1, or as soon as practicable  
20 thereafter, of each such fiscal year; and

21 (B) the Foundation shall invest and rein-  
22 vest excess such amounts for the benefit of the  
23 Program.

24 (2) APPLICATION OF NATIONAL FISH AND  
25 WILDLIFE FOUNDATION ESTABLISHMENT ACT.—

1 Amounts received by the Foundation under this sec-  
2 tion to carry out the Program shall be subject to the  
3 National Fish and Wildlife Foundation Establish-  
4 ment Act (16 U.S.C. 3701 et seq.), except for sec-  
5 tion 10(a) of that Act (16 U.S.C. 3709(a)).

6 (e) ELIGIBLE USES.—An eligible entity that is  
7 awarded a grant under the Program may use such grant  
8 to develop, assess, and carry out activities that reduce le-  
9 thal and sub-lethal interactions between ocean users and  
10 North Atlantic right whales and other large cetacean spe-  
11 cies, including—

12 (1) funding research to identify, deploy, or test  
13 innovative avoidance technologies that reduce or  
14 eliminate harmful interactions between ocean users  
15 and North Atlantic right whales and other large ce-  
16 tacean species;

17 (2) efforts to enhance awareness of existing  
18 North Atlantic right whale management measures  
19 and rules;

20 (3) developing on-the-water approaches to sup-  
21 port the coexistence of ocean users and North Atlan-  
22 tic right whales and other large cetacean species;

23 (4) funding the expansion of infrastructure and  
24 capacity to disseminate management and other rel-  
25 evant information that reduces harmful interactions

1 between ocean users and North Atlantic right whales  
2 and other large cetacean species, especially such  
3 interactions that can lead to lethal or sub-lethal in-  
4 jury; and

5 (5) other uses the Foundation, in consultation  
6 with the Secretary and relevant eligible entities, de-  
7 termines appropriate.

8 (f) PRIORITY.—In awarding grants under the Pro-  
9 gram, the Foundation shall give priority to applications—

10 (1) with a substantial likelihood of reducing le-  
11 thal and sub-lethal interactions between ocean users  
12 and North Atlantic right whales and other large ce-  
13 tacean species;

14 (2) that include cooperation among ocean users;  
15 and

16 (3) that demonstrate, or have the potential to  
17 provide, economic benefits to small businesses reliant  
18 upon fishing, tourism, and maritime-related activi-  
19 ties based in the United States.

20 (g) PROHIBITED USES.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), an eligible entity that is awarded a grant  
23 under the Program may not use such grant to dis-  
24 tribute resources to an entity or individual that is  
25 not a United States person.

1           (2) EXCEPTION.—An eligible entity that is  
2           awarded a grant under the Program may use such  
3           grant to distribute resources to a partnership that  
4           includes an entity or individual that is not a United  
5           States person if the resources are distributed di-  
6           rectly to a partner in the partnership that is a  
7           United States person.

8           (h) REPORT.—Not later than 2 years after the date  
9           of the enactment of this section, and every 2 years there-  
10          after, the Secretary shall submit to the Committee on Nat-  
11          ural Resources and the Committee on Transportation and  
12          Infrastructure of the House of Representatives and the  
13          Committee on Commerce, Science, and Transportation of  
14          the Senate a report regarding the results and effectiveness  
15          of projects carried out with a grant awarded under the  
16          Program and work carried out pursuant to section 201  
17          of division JJ of the Consolidated Appropriations Act,  
18          2023 (16 U.S.C. 1393) and section 11303 of the James  
19          M. Inhofe National Defense Authorization Act for Fiscal  
20          Year 2023 (16 U.S.C. 1391).

21          (i) NO AUTHORIZATION OF APPROPRIATIONS.—No  
22          additional funds are authorized to be appropriated to  
23          carry out the requirements of this Act.

1 (j) SUNSET.—The authority of the Secretary to carry  
2 out the Program shall terminate on the date that is 7  
3 years after the date of the enactment of this section.

4 (k) DEFINITIONS.—In this section:

5 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
6 ty” means—

7 (A) a State, regional, local, or Tribal gov-  
8 ernment;

9 (B) a nonprofit organization or research  
10 institution with expertise in on-the-water tech-  
11 nology for the monitoring or detection of North  
12 Atlantic right whales and other large cetacean  
13 species;

14 (C) any individual or entity the Secretary  
15 and the Foundation jointly determine appro-  
16 priate, including ocean users in the fishing,  
17 tourism, fishing tackle manufacturing, boating,  
18 shipping, marine electronics, ship piloting, ves-  
19 sel towing, and other maritime sectors; and

20 (D) a consortium of 2 or more entities de-  
21 scribed in any of subparagraphs (A) through  
22 (C).

23 (2) FOUNDATION.—The term “Foundation”  
24 means the National Fish and Wildlife Foundation.

1           (3) PROGRAM.—The term “Program” means  
2           the program established under subsection (a).

3           (4) SECRETARY.—The term “Secretary” means  
4           the Secretary of Commerce, acting through the  
5           Under Secretary of Commerce for Oceans and At-  
6           mosphere.

7           (5) UNITED STATES PERSON.—The term  
8           “United States person” has the meaning given the  
9           term in section 7701(a)(3) of the Internal Revenue  
10          Code of 1986.

