

AMENDMENT TO H.R. _____
OFFERED BY MR. LARSEN OF WASHINGTON

At the end of title IV, add the following:

1 SEC. 413. ASSISTANCE RELATED TO MARINE MAMMALS.

2 (a) MARITIME ENVIRONMENTAL AND TECHNICAL
3 ASSISTANCE PROGRAM.—Section 50307(b) of title 46,
4 United States Code, is amended—

5 (1) in paragraph (1)(D) by striking “and” at
6 the end;

7 (2) in paragraph (2) by striking the period and
8 insert “; and”; and

9 (3) by adding at the end the following:

10 “(3) technologies that quantifiably reduce un-
11 derwater noise from marine vessels, including noise
12 produced incidental to the propulsion of marine ves-
13 sels.”.

14 (b) ASSISTANCE TO REDUCE THE IMPACTS OF VES-
15 SEL STRIKES AND NOISE ON MARINE MAMMALS.—

16 (1) IN GENERAL.—Chapter 541 of title 46,
17 United States Code, is amended by adding at the
18 end the following:

1 **“§ 54102. Assistance to reduce the impacts of vessel**
2 **strikes and noise on marine mammals**

3 “(a) IN GENERAL.—The Administrator of the Mari-
4 time Administration, in coordination with the Secretary
5 of the department in which the Coast Guard is operating,
6 may make grants to, or enter into contracts or cooperative
7 agreements with, academic, public, private, and non-
8 governmental entities to develop and implement mitigation
9 measures that will lead to a quantifiable reduction in—

10 “(1) impacts to marine mammals from vessels;
11 and

12 “(2) underwater noise from vessels, including
13 noise produced incidental to the propulsion of ves-
14 sels.

15 “(b) ELIGIBLE USE.—Assistance under this section
16 may be used to develop, assess, and carry out activities
17 that reduce threats to marine mammals by—

18 “(1) reducing—

19 “(A) stressors related to vessel traffic; and

20 “(B) vessel strike mortality, and serious
21 injury; or

22 “(2) monitoring—

23 “(A) sound; and

24 “(B) vessel interactions with marine mam-
25 mals.

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

3 “(1) is based on the best available science on
4 methods to reduce threats related to vessels traffic;

5 “(2) collect data on the reduction of such
6 threats;

7 “(3) reduce—

8 “(A) disturbances from vessel presence;

9 “(B) mortality risk; or

10 “(C) serious injury from vessel strikes; or

11 “(4) conduct risk assessments, or tracks
12 progress toward threat reduction.

13 “(d) BRIEFING.—The Administrator shall provide to
14 the Committee on Transportation and Infrastructure of
15 the House of Representatives, and the Committee on Com-
16 merce, Science, and Transportation of the Senate, an an-
17 nual briefing that includes the following:

18 “(1) The name and location of each entity re-
19 ceiving a grant under this section.

20 “(2) The amount of each such grant.

21 “(3) A description of the activities carried out
22 with assistance provided under this section.

23 “(4) An estimate of the impact that a project
24 carried out with such assistance has on the reduc-
25 tion of threats to marine mammals.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Administrator to
3 carry out this section \$10,000,000 for each of fiscal years
4 2022 through 2026, to remain available until expended.”.

5 (2) CLERICAL AMENDMENT.—The analysis for
6 chapter 541 of title 46, United States Code, is
7 amended by adding at the end the following:

“54102. Assistance to reduce the impacts of vessel strikes and noise on marine mammals.”.

8 (c) NEAR REAL-TIME MONITORING AND MITIGATION
9 PROGRAM FOR LARGE WHALES.—

10 (1) IN GENERAL.—Part of A of subtitle V of
11 title 46, United States Code, is amended by adding
12 at the end the following:

13 **“CHAPTER 507—MONITORING AND**
14 **MITIGATION**

“Sec.

“50701. Near real-time monitoring and mitigation program for large whales.

“50702. Pilot project.

15 **“§ 50701. Near real-time monitoring and mitigation**
16 **program for large whales**

17 “(a) ESTABLISHMENT.—The Administrator of the
18 Maritime Administration, in consultation with the Com-
19 mandant of the Coast Guard, shall design and deploy a
20 near real-time large whale monitoring and mitigation pro-
21 gram (in this section referred to as the Program) informed
22 by the technologies, monitoring methods, and mitigation

1 protocols developed pursuant to the pilot program required
2 under section 50702.

3 “(b) PURPOSE.—The purpose of the Program will be
4 to reduce the risk to large whales of vessel collisions and
5 to minimize other impacts.

6 “(c) REQUIREMENTS.—In designing and deploying
7 the Program, the Administrator shall—

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

10 “(2) prioritize areas where such vessel impacts
11 are of particular concern;

12 “(3) develop technologies capable of detecting
13 and alerting individuals and enforcement agencies of
14 the probable location of large whales on a near real-
15 time basis, to include real time data whenever pos-
16 sible;

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

19 “(5) integrate technology improvements as such
20 improvements become available.

21 “(d) AUTHORITY.—The Administrator may make
22 grants or enter into and contracts, leases, or cooperative
23 agreements as may be necessary to carry out the purposes
24 of this section on such terms as the Administrator con-

1 siders appropriate, consistent with Federal acquisition
2 regulations.

3 **“§ 50702. Pilot project**

4 “(a) ESTABLISHMENT.—The Administrator of the
5 Maritime Administration shall carry out a pilot monitoring
6 and mitigation project for North Atlantic right whales (in
7 this section referred to as the ‘Pilot Program’) for pur-
8 poses of informing a cost-effective, efficient, and results-
9 oriented near real-time monitoring and mitigation pro-
10 gram for large whales under 50701.

11 “(b) PILOT PROJECT REQUIREMENTS.—In carrying
12 out the pilot program, the Administrator, in coordination
13 with the Commandant of the Coast Guard, using best
14 available scientific information, shall identify and ensure
15 coverage of—

16 “(1) core foraging habitats of North Atlantic
17 right whales, including—

18 “(A) the South of the Islands core foraging
19 habitat;

20 “(B) the Cape Cod Bay Area core foraging
21 habitat;

22 “(C) the Great South Channel core for-
23 aging habitat; and

24 “(D) the Gulf of Maine; and

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

6 “(c) PILOT PROJECT COMPONENTS.—

7 “(1) IN GENERAL.—Not later than 3 years
8 after the date of enactment of the Coast Guard Au-
9 thorization Act of 2022, the Administrator, in con-
10 sultation with the Commandant, Tribal govern-
11 ments, and with input from affected stakeholders,
12 shall design and deploy a near real-time monitoring
13 system for North Atlantic right whales that—

14 “(A) comprises the best available detection
15 and survey technologies to detect North Atlan-
16 tic right whales within core foraging habitats;

17 “(B) uses dynamic habitat suitability mod-
18 els to inform the likelihood of North Atlantic
19 right whale occurrence in core foraging habitat
20 at any given time;

21 “(C) coordinates with the Integrated
22 Ocean Observing System and Coast Guard ves-
23 sel traffic service centers, and may coordinate
24 with Regional Ocean Partnerships to leverage
25 monitoring assets;

1 “(D) integrates historical data;

2 “(E) integrates new near real-time moni-
3 toring methods and technologies as they become
4 available;

5 “(F) accurately verifies and rapidly com-
6 municates detection data;

7 “(G) creates standards for allowing ocean
8 users to contribute data to the monitoring sys-
9 tem using comparable near real-time monitoring
10 methods and technologies; and

11 “(H) communicates the risks of injury to
12 large whales to ocean users in a way that is
13 most likely to result in informed decision mak-
14 ing regarding the mitigation of those risks.

15 “(2) NATIONAL SECURITY CONSIDERATIONS.—
16 All monitoring methods, technologies, and protocols
17 under this section shall be consistent with national
18 security considerations and interests.

19 “(3) ACCESS TO DATA.—The Administrator
20 shall provide access to data generated by the moni-
21 toring system deployed under paragraph (1) for pur-
22 poses of scientific research and evaluation, and pub-
23 lic awareness and education, including through the
24 NOAA Right Whale Sighting Advisory System and
25 WhaleMap or other successive public web portals,

1 subject to review for national security consider-
2 ations.

3 “(d) MITIGATION PROTOCOLS.—The Administrator,
4 in consultation with the Commandant, and with input
5 from affected stakeholders, develop and deploy mitigation
6 protocols that make use of the near real-time monitoring
7 system deployed under subsection (c) to direct sector-spe-
8 cific mitigation measures that avoid and significantly re-
9 duce risk of serious injury and mortality to North Atlantic
10 right whales.

11 “(e) REPORTING.—

12 “(1) PRELIMINARY REPORT.—Not later than 2
13 years after the date of the enactment of the Coast
14 Guard Authorization Act of 2022, the Adminis-
15 trator, in consultation with the Commandant, shall
16 submit to the appropriate Congressional Committees
17 and make available to the public a preliminary re-
18 port which shall include—

19 “(A) a description of the monitoring meth-
20 ods and technology in use or planned for de-
21 ployment;

22 “(B) analyses of the efficacy of the meth-
23 ods and technology in use or planned for de-
24 ployment for detecting North Atlantic right
25 whales;

1 “(C) how the monitoring system is directly
2 informing and improving North American right
3 whale management, health, and survival;

4 “(D) a prioritized identification of tech-
5 nology or research gaps;

6 “(E) a plan to communicate the risks of
7 injury to large whales to ocean users in a way
8 that is most likely to result in informed decision
9 making regarding the mitigation of those risks;
10 and

11 “(F) additional information, as appro-
12 priate.

13 “(2) FINAL REPORT.—Not later than 6 years
14 after the date of the enactment of the Coast Guard
15 Authorization Act of 2022, the Administrator, in
16 consultation with the Commandant, shall submit to
17 the appropriate congressional committees and make
18 available to the public a final report, addressing the
19 components in subparagraph (A) and including—

20 “(A) an assessment of the benefits and ef-
21 ficacy of the near real-time monitoring and
22 mitigation program;

23 “(B) a strategic plan to expand the pilot
24 program to provide near real-time monitoring
25 and mitigation measures;

1 “(i) to additional large whale species
2 of concern for which such measures would
3 reduce risk of serious injury or death; and

4 “(ii) in important feeding, breeding,
5 calving, rearing, or migratory habitats of
6 whales that co-occur with areas of high
7 risk of mortality or serious injury of such
8 whales from vessel strikes or disturbance;

9 “(C) a prioritized plan for acquisition, de-
10 ployment, and maintenance of monitoring tech-
11 nologies;

12 “(D) the locations or species for which the
13 plan would apply; and

14 “(E) a budget and description of funds
15 necessary to carry out the strategic plan.

16 “(f) **ADDITIONAL AUTHORITY.**—The Administrator
17 may make grants enter into contracts, leases, or coopera-
18 tive agreements as may be necessary to carry out the pur-
19 poses of this section on such terms as the Administrator
20 considers appropriate, consistent with Federal acquisition
21 regulations.

22 “(g) **AUTHORIZATION OF APPROPRIATIONS.**—There
23 is authorized to be appropriated to the Administrator, to
24 carry out this section \$17,000,000 for each of fiscal years
25 2022 through 2026.

1 “(h) DEFINITIONS.—In this section and section
2 50701:

3 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term ‘appropriate congressional com-
5 mittees’ means the Committee Transportation and
6 Infrastructure of the House of Representatives and
7 the Committee on Commerce, Science, and Trans-
8 portation of the Senate.

9 “(2) CORE FORAGING HABITATS.—The term
10 ‘core foraging habitats’ means areas with biological
11 and physical oceanographic features that aggregate
12 Calanus finmarchicus and where North Atlantic
13 right whales foraging aggregations have been well
14 documented.

15 “(3) NEAR REAL-TIME.—The term ‘near real-
16 time’ means detected activity that is visual, acoustic,
17 or in any other form, of North Atlantic right whales
18 that are transmitted and reported as soon as tech-
19 nically feasible after such detected activity has oc-
20 curred.

21 “(4) LARGE WHALE.—The term ‘large whale’
22 means all Mysticeti species and species within the
23 genera Physeter and Orcinus.”.

24 (2) CLERICAL AMENDMENT.—The table of
25 chapters for subtitle V of title 46, United States

- 1 Code is amended by adding after the item related to
- 2 chapter 505 the following:

“507. Monitoring and mitigation50701”.

