

**[DISCUSSION DRAFT]**119TH CONGRESS  
1ST SESSION**H. R.** \_\_\_\_\_

To amend the Marine Mammal Protection Act of 1972 to [\_\_\_\_\_].

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**IN THE HOUSE OF REPRESENTATIVES**Mr. BEGICH introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**To amend the Marine Mammal Protection Act of 1972 to  
[\_\_\_\_\_].

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the [“\_\_\_\_\_ Act  
5       of 2025”].

6       **SEC. 2. FINDINGS; DECLARATION OF POLICY.**

7       Section 2 of the Marine Mammal Protection Act of  
8       1972 (16 U.S.C. 1361) is amended—

9               (1) in paragraph (5), by striking “and” at the  
10       end;

1           (2) in paragraph (6), by striking the period at  
2           the end and inserting “; and”; and

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

4           “(7) implementation of this Act has, since its  
5           enactment and subsequent revisions, unduly and un-  
6           necessarily constrained government, tribes, and the  
7           regulated community as a result of the application  
8           by the Secretary of subjective factors, including the  
9           ‘precautionary principle’, when implementing this  
10          Act rather than, as intended by Congress, the objec-  
11          tive application of the best available scientific and  
12          commercial data; and

13          “(8) implementation and limitations of this Act  
14          have hindered some efforts to restore threatened  
15          species and endangered species, such as salmon, and  
16          have resulted in disruptions to ecosystem balance.”.

17 **SEC. 3. DEFINITIONS.**

18          Section 3 of the Marine Mammal Protection Act of  
19          1972 (16 U.S.C. 1362) is amended—

20               (1) in paragraph (9), by striking “which will re-  
21               sult in the maximum productivity” and inserting  
22               “necessary to support the continued survival”;

23               (2) in paragraph (18)—

1 (A) in subparagraph (A)(i), by striking  
2 “has the potential to injure” and inserting “in-  
3 jures”;

4 (B) in subparagraph (A)(ii)—

5 (i) by striking “has the potential to  
6 disturb” and inserting “disturbs”; and

7 (ii) by inserting “, to the point that  
8 such behavioral patterns are abandoned or  
9 significantly and adversely altered” after  
10 “sheltering”;

11 (C) by striking subparagraph (B);

12 (D) by redesignating subparagraphs (C)  
13 and (D) as subparagraphs (B) and (C), respec-  
14 tively;

15 (E) in subparagraph (B), as so redesign-  
16 nated, by striking “or, in the case of” through  
17 “subparagraph (B)(i)”; and

18 (F) in subparagraph (C), as so redesign-  
19 nated, by striking “or, in the case of” through  
20 “subparagraph (B)(ii)”;

21 (3) in paragraph (19)—

22 (A) in subparagraph (A), by striking “di-  
23 rect human-caused mortality” through “level;”  
24 and inserting “documented direct human-  
25 caused annual mortality exceeds and is expected

1 to continue to exceed the potential biological re-  
2 moval level, and the potential biological removal  
3 level is not designated as unknown under para-  
4 graph (20)(B); or”;

5 (B) in subparagraph (B), to read as fol-  
6 lows:

7 “(B) that is designated as depleted under  
8 this Act.”; and

9 (C) by striking subparagraph (C);  
10 (4) in paragraph (20), to read as follows:

11 “(20)(A) The term ‘potential biological removal  
12 level’, except as provided in subparagraph (B) and  
13 with respect to a marine mammal stock—

14 “(i) means the maximum number of ani-  
15 mals, not including natural mortalities, that  
16 may be removed from the stock (considering the  
17 entire geographic range of the stock) while al-  
18 lowing the stock to reach or maintain the opti-  
19 mum sustainable population of the stock; and

20 “(ii) is the product of—

21 “(I) the minimum population estimate  
22 of the stock; and

23 “(II)  $\frac{1}{2}$  the maximum theoretical or  
24 estimated net productivity rate of the stock  
25 at a small population size.

1           “(B) If the minimum population estimate for a  
2     marine mammal stock is designated as unknown  
3     under paragraph (27)(B), the potential biological re-  
4     moval level of the stock shall be designated as un-  
5     known until the minimum population estimate for  
6     the stock is not designated as unknown under that  
7     paragraph.”;

8           (5) in paragraph (27), to read as follows:

9           “(27)(A) The term ‘minimum population esti-  
10    mate’, except as provided in subparagraph (B),  
11    means an estimate of the number of animals within  
12    the entire geographic range of a marine mammal  
13    stock that—

14           “(i) is based on systematic and complete  
15    abundance survey data; and

16           “(ii) provides reasonable assurance that  
17    the size of the stock is equal to or greater than  
18    the estimate.

19           “(B) If abundance survey data are inadequate  
20    to estimate the number of animals within the entire  
21    geographic range of a marine mammal stock, the  
22    minimum population estimate of the stock shall be  
23    designated as unknown until abundance survey data  
24    adequate to make such estimate are available and  
25    such estimate is made.”; and

1 (6) by adding at the end the following:

2 “(30) The term ‘negligible impact’ means an  
3 impact on a marine mammal species or stock that—

4 “(A) results directly from incidental take  
5 associated with a specified activity; and

6 “(B) the Secretary does not reasonably ex-  
7 pect to have a significant adverse effect on re-  
8 cruitment or survival rates of the species or  
9 stock, based on relevant peer-reviewed and sta-  
10 tistically significant data.

11 “(31) The term ‘serious injury’ means, with re-  
12 spect to a marine mammal, a visible, physical injury  
13 that, based on relevant peer-reviewed and statis-  
14 tically significant data, is documented—

15 “(A) to cause immediate mortality; or

16 “(B) to have a delayed mortality rate of  
17 greater than 75 percent with respect to the spe-  
18 cies of such marine mammal.”.

19 **SEC. 4. MORATORIUM ON TAKING AND IMPORTING MARINE**  
20 **MAMMALS AND MARINE MAMMAL PRODUCTS.**

21 (a) IN GENERAL.—Section 101 of the Marine Mam-  
22 mal Protection Act of 1972 (16 U.S.C. 1371) is amend-  
23 ed—

24 (1) in subsection (a)—

25 (A) in paragraph (2)—

1 (i) by striking “insignificant levels”  
2 through “serious injury rate” and inserting  
3 “levels that have no more than a negligible  
4 impact on the species or stock”; and

5 (ii) in subparagraph (B)(iii), by strik-  
6 ing “approaching zero” and inserting “that  
7 will have no more than a negligible im-  
8 pact”;

9 (B) in paragraph (5)—

10 (i) in subparagraph (A)—

11 (I) in clause (i)—

12 (aa) by striking “Except as  
13 provided by clause (ii), upon”  
14 and inserting “Upon”;

15 (bb) by striking “citizens of  
16 the United States who engage”  
17 and inserting “a citizen of the  
18 United States who engages”;

19 (cc) by striking “within a  
20 specified geographical region”;

21 (dd) by striking “, during  
22 periods of not more than five  
23 consecutive years each,”

1 (ee) by striking “citizens”  
2 after “taking by” and inserting  
3 “the citizen”;  
4 (ff) by striking “within that  
5 region of small numbers”;  
6 (gg) in subclause (I), by  
7 striking “during each five-year  
8 (or less) period concerned” and  
9 inserting “resulting from the  
10 specified activity”; and  
11 (hh) in subclause (II)—  
12 (AA) by inserting “—”  
13 after “setting forth”;  
14 (BB) in item (aa), by  
15 striking “, and other  
16 means” through “its habi-  
17 tat” and inserting “and, as  
18 appropriate, practicable and  
19 economically feasible condi-  
20 tions to be implemented by  
21 the citizen engaged in the  
22 activity to minimize the im-  
23 pact of such taking on such  
24 species or stock and the

1 habitat of such species or  
2 stock”;

3 (CC) in item (aa), by  
4 striking “and” at the end;

5 (DD) in item (bb), to  
6 read as follows:

7 “(bb) efficient and practicable re-  
8 quirements pertaining to the—

9 “(AA) monitoring of such  
10 taking while the activity is being  
11 conducted; and

12 “(BB) reporting of such  
13 taking; and”; and

14 (EE) by adding at the  
15 end the following:

16 “(cc) that any condition or re-  
17 quirement imposed pursuant to items  
18 (aa) and (bb) shall not result in more  
19 than a minor change to the specified  
20 activity and shall not alter the basic  
21 design, location, scope, duration, or  
22 timing of the specified activity.”;

23 (II) in clause (ii), to read as fol-  
24 lows:

1 “(ii)(I) Not later than 30 days after the  
2 date on which the Secretary receives a request  
3 under clause (i), the Secretary shall—

4 “(aa) determine whether additional in-  
5 formation is necessary to either—

6 “(AA) make a finding under  
7 clause (i)(I); or

8 “(BB) develop conditions to min-  
9 imize impacts from or monitor such  
10 taking under clause (i)(II); and

11 “(bb) if the Secretary makes an af-  
12 firmative determination under item (aa),  
13 notify the citizen that submitted the re-  
14 quest (in this subparagraph referred to as  
15 the ‘applicant’).

16 “(II)(aa) In determining whether addi-  
17 tional information is necessary under subclause  
18 (I)(aa), the Secretary shall take into account  
19 information already held by or available to the  
20 Secretary, which the applicant shall not be re-  
21 quired to resubmit.

22 “(bb) If the Secretary determines addi-  
23 tional information is necessary under subclause  
24 (I)(aa) and the applicant disagrees, the appli-  
25 cant may request the Secretary proceed on the

1 basis of the information provided by the appli-  
2 cant.

3 “(cc) If the Secretary notifies an applicant  
4 under subclause (I)(bb) that additional informa-  
5 tion is necessary under subclause (I)(aa) and  
6 the applicant submits to the Secretary addi-  
7 tional information pursuant to such notifica-  
8 tion, the Secretary shall treat the submission as  
9 a new request received under clause (i) subject  
10 to the provisions of this clause.”;

11 (III) in clause (iii), to read as  
12 follows:

13 “(iii)(I) Not later than 90 days after the  
14 date on which the Secretary receives a request  
15 under clause (i) that the Secretary determines  
16 under clause (ii)(I)(aa) does not require addi-  
17 tional information or a request under clause  
18 (ii)(II)(bb) to proceed on the basis of informa-  
19 tion already provided, the Secretary shall pub-  
20 lish a proposed rule and provide a 30-day pe-  
21 riod for public review of and comment on such  
22 proposed rule.

23 “(II) Not later than 45 days after the date  
24 on which the period described in subclause (I)  
25 for a proposed rule published under that sub-

1 clause ends, if the Secretary makes the findings  
2 set forth in clause (i)(I), the Secretary shall  
3 issue a final rule under clause (i)(II).

4 “(III) With respect to a final rule issued  
5 by the Secretary under clause (i)(II), the Sec-  
6 retary shall issue to the applicant a letter au-  
7 thorizing take consistent with the final rule—

8 “(aa) not later than 15 days after the  
9 date on which the final rule is published in  
10 the Federal Register; or

11 “(bb) with respect to a request re-  
12 ceived after publication of the final rule,  
13 not later than 30 days after the date on  
14 which the Secretary receives such re-  
15 quest.”; and

16 (IV) by adding at the end the fol-  
17 lowing:

18 “(v) A request submitted under clause (i)  
19 shall be deemed approved and the applicant  
20 may proceed with the specified activity if the  
21 Secretary fails—

22 “(I) to make the findings described in  
23 clause (i)(I) and prescribe regulations as  
24 described in clause (i)(II) not later than  
25 165 days after receipt of—

1 “(aa) a such request;

2 “(bb) additional information to  
3 support such a request under clause  
4 (ii)(II)(cc); or

5 “(cc) a request to proceed on the  
6 basis of the information already pro-  
7 vided under clause (ii)(II)(bb); or

8 “(II) to issue to the applicant a letter  
9 described in clause (iii)(III) within the  
10 time required by clause (iii).

11 “(vi)(I) The Secretary shall not prepare an  
12 environmental assessment or an environmental  
13 impact statement under the National Environ-  
14 mental Policy Act of 1969 (42 U.S.C. 4321 et  
15 seq.) with respect to—

16 “(aa) making findings under clause  
17 (i)(I);

18 “(bb) the prescription of regulations  
19 under clause (i)(II); or

20 “(cc) the issuance of a letter under  
21 clause (iii)(III).

22 “(II) The following activities shall not be  
23 subject to section 7(a)(2) of the Endangered  
24 Species Act of 1973 (16 U.S.C. 1536(a)(2)):

1 “(aa) Making findings under clause  
2 (i)(I).

3 “(bb) The prescription of regulations  
4 under clause (i)(II).

5 “(cc) The issuance of a letter under  
6 clause (iii)(III) and any Federal agency ac-  
7 tion associated with the activity for which  
8 such letter is issued.

9 “(III) Subparagraphs (B) and (C) of sec-  
10 tion 9(a)(1) of the Endangered Species Act of  
11 1973 (16 U.S.C. 1538(a)(1)) shall not apply  
12 with respect to the take of a marine mammal  
13 that is in compliance with a letter issued under  
14 clause (iii)(III).”;

15 (ii) in subparagraph (B)—

16 (I) by striking “within a specified  
17 geographical region”; and

18 (II) in clause (ii), by striking  
19 “within one or more regions”;

20 (iii) in subparagraph (D)—

21 (I) in clause (i)—

22 (aa) by striking “citizens of  
23 the United States who engage”  
24 and inserting “a citizen who en-  
25 gages”;

- 1 (bb) by striking “within a  
2 specific geographic region”;  
3 (cc) by striking “of small  
4 numbers”;  
5 (dd) by striking “citizens”  
6 after “stock by such” and insert-  
7 ing “citizen”; and  
8 (ee) by striking “within that  
9 region”;  
10 (II) in clause (ii)—  
11 (aa) in subclause (I)—  
12 (AA) by striking “, and  
13 other means” through “its  
14 habitat” and inserting “and,  
15 as appropriate, practicable  
16 and economically feasible  
17 conditions to be imple-  
18 mented by the citizen en-  
19 gaged in the activity to min-  
20 imize the impact of such  
21 harassment on such species  
22 or stock and the habitat of  
23 such species or stock”; and

1 (BB) by striking the  
2 comma at the end and in-  
3 serting a semicolon;

4 (bb) in subclause (II), by  
5 striking “, and” and inserting a  
6 semicolon;

7 (cc) in subclause (III)—

8 (AA) by striking “re-  
9 quirements pertaining to”  
10 through “harassment, in-  
11 cluding” and inserting “effi-  
12 cient and practicable re-  
13 quirements pertaining to the  
14 monitoring of such taking by  
15 harassment while the activ-  
16 ity is being conducted and  
17 the reporting of such taking,  
18 including, as the Secretary  
19 determines necessary,”; and

20 (BB) by striking the  
21 period at the end and insert-  
22 ing “; and”; and

23 (dd) by adding at the end  
24 the following:

1 “(IV) that any condition, measure, or  
2 requirement imposed pursuant to subpara-  
3 graph (I), (II), or (III) shall not result in  
4 more than a minor change to the specified  
5 activity and shall not alter the basic de-  
6 sign, location, scope, duration, or timing of  
7 the specified activity.”;

8 (III) by amending clause (iii) to  
9 read as follows:

10 “(iii)(I) Not later than 30 days after the date  
11 on which the Secretary receives a request under  
12 clause (i), the Secretary shall—

13 “(aa) determine whether additional infor-  
14 mation is necessary to either—

15 “(AA) make a finding under sub-  
16 clause (I) or (II) of clause (i); or

17 “(BB) develop conditions to minimize  
18 impacts from or monitor such taking under  
19 clause (ii); and

20 “(bb) if the Secretary makes an affirma-  
21 tive determination under item (aa), notify the  
22 citizen that submitted the request (in this sub-  
23 paragraph referred to as the ‘applicant’).

24 “(II)(aa) In determining whether additional in-  
25 formation is necessary under subclause (I)(aa), the

1 Secretary shall take into account information al-  
2 ready held by or available to the Secretary, which  
3 the applicant shall not be required to resubmit.

4 “(bb) If the Secretary determines additional in-  
5 formation is necessary under subclause (I)(aa) and  
6 the applicant disagrees with such determination, the  
7 applicant may request the Secretary proceed on the  
8 basis of the information provided by the applicant.

9 “(cc) If the Secretary notifies an applicant  
10 under subclause (I)(bb) that additional information  
11 is necessary under subclause (I)(aa) and the appli-  
12 cant submits to the Secretary additional information  
13 pursuant to such notification, the Secretary shall  
14 treat the submission as a new request received under  
15 clause (i) subject to the provisions of this clause.”;

16 (IV) by redesignating clause (vi)  
17 and clause (vii) as clause (ix), and  
18 clause (x), respectively;

19 (V) by redesignating clause (iv)  
20 and clause (v) as clause (vi) and  
21 clause (vii), respectively;

22 (VI) after clause (iii), by insert-  
23 ing the following:

24 “(iv)(I) Not later than 60 days after the date  
25 on which the Secretary receives a request under

1 clause (i) that the Secretary determines under clause  
2 (iii)(I)(aa) does not require additional information, a  
3 request under clause (iii)(II)(bb) to proceed on the  
4 basis of information already provided, or additional  
5 information submitted under clause (iii)(II)(cc), the  
6 Secretary shall publish a proposed authorization and  
7 provide to all locally affected communities through  
8 the Federal Register, newspapers of general circula-  
9 tion, and appropriate electronic media notice of a  
10 30-day public comment period with respect to such  
11 proposed authorization beginning on the date on  
12 which the proposed authorization is published.

13 “(II) Not later than 45 days after the date on  
14 which the public comment period described in sub-  
15 clause (I) for a proposed authorization ends, if the  
16 Secretary makes the findings set forth in clause (i),  
17 the Secretary shall issue to the applicant an author-  
18 ization pursuant to clause (ii).

19 “(v) A request submitted under clause (i) shall  
20 be deemed approved if the Secretary fails to make  
21 a final decision on the request not later than 135  
22 days after the date on which the Secretary receives  
23 the request.”;

24 (VII) after clause (vii), as so re-  
25 designated, by inserting the following:

1           “(viii)(I) The holder of an authorization issued  
2           under this subparagraph may submit to the Sec-  
3           retary a request for a 1-year extension of such au-  
4           thorization not later than 30 days after the date on  
5           which the authorization expires.

6           “(II) The Secretary shall grant a request re-  
7           ceived under subclause (I) on the same terms and  
8           without further review if the Secretary determines  
9           there is no substantial change to the specified activ-  
10          ity that is the subject of the request.”;

11                               (VIII) in clause (ix), as so reded-  
12                               ignated—

13                               (aa) by striking “a deter-  
14                               mination of ‘least practicable ad-  
15                               verse impact on such species or  
16                               stock’ under clause (i)(I)” and  
17                               inserting “conditions developed  
18                               under clause (ii)(I)”;

19                               (bb) by striking “making the  
20                               required determination” and in-  
21                               serting “developing such condi-  
22                               tions”;

23                               (IX) after clause (x), as so reded-  
24                               ignated, by inserting the following:

1           “(xi)(I) The issuance of an authorization under  
2           clause (i) shall not be considered a major Federal  
3           action under section 102(2)(C) of the National Envi-  
4           ronmental Policy Act of 1969 (42 U.S.C.  
5           4332(2)(C)).

6           “(II) An authorization issued under clause (i)  
7           and any Federal agency action associated with the  
8           activity for which such authorization is issued shall  
9           not be subject to section 7(a)(2) of the Endangered  
10          Species Act of 1973 (16 U.S.C. 1536(a)(2)).

11          “(III) Subparagraphs (B) and (C) of section  
12          9(a)(1) of the Endangered Species Act of 1973 (16  
13          U.S.C. 1538(a)(1)) shall not apply with respect to  
14          the take of a marine mammal that is in compliance  
15          with a an authorization issued under clause (i).”;

16                 (iv) in subparagraph (E), by adding  
17                 at the end the following:

18                 “(vii) For purposes of clause (i)(I), a com-  
19                 mercial fishery shall be deemed to have a neg-  
20                 ligible impact on a stock if—

21                         “(I) with respect to the commercial  
22                         fishery, the observed average annual rate  
23                         of incidental serious injury and mortality  
24                         for the stock is less than or equal to the

1 potential biological removal level for the  
2 stock; or

3 “(II) the potential biological removal  
4 level for the stock is designated as un-  
5 known.”; and

6 (v) by striking subparagraph (F); and  
7 (2) in subsection (f)(2), to read as follows:

8 “(2) An exemption granted under this sub-  
9 section shall be effective for a period specified by the  
10 Secretary of Defense.”.

11 (b) RULE OF CONSTRUCTION.—The amendment  
12 made by subsection (a)(1)(A)(ii) may not be construed to  
13 amend or otherwise alter the obligations of the United  
14 States under the Declaration of Panama (as that term is  
15 defined in section 3 of the Marine Mammal Protection Act  
16 of 1972 (16 U.S.C. 1362)).

17 **SEC. 5. REGULATIONS ON TAKING OF MARINE MAMMALS.**

18 Section 103(a) of the Marine Mammal Protection Act  
19 of 1972 (16 U.S.C. 1373(a)) is amended—

20 (1) by inserting “(1)” after “(a)”; and

21 (2) by adding at the end the following:

22 “(2) In deeming a regulation necessary and ap-  
23 propriate under this subsection, the Secretary  
24 shall—

25 “(A) consider—

1 “(i) the likelihood and severity of  
2 harm to marine mammals in the absence  
3 of the regulation;

4 “(ii) the effectiveness of the regulation  
5 in mitigating the identified harm;

6 “(iii) the potential economic, naviga-  
7 tional, safety, and operational impacts of  
8 the regulation on affected industries; and

9 “(iv) the availability and feasibility of  
10 alternative measures to the regulation that  
11 achieve the same conservation objectives  
12 with fewer negative consequences; and

13 “(B) ensure that the regulation—

14 “(i) is based on the best available  
15 science and data regarding marine mam-  
16 mal populations and threats;

17 “(ii) does not impose undue burdens  
18 on industry or stakeholders without de-  
19 monstrable conservation benefits;

20 “(iii) is the least restrictive means  
21 available to achieve the intended conserva-  
22 tion objective; and

23 “(iv) incorporates stakeholder engage-  
24 ment and consultation to evaluate the  
25 practical implications of the regulation.

1 “(3) In this subsection, the term ‘necessary and  
2 appropriate’ means—

3 “(A) reasonable and proportionate;

4 “(B) supported by the best available sci-  
5 entific evidence; and

6 “(C) essential to prevent a significant ad-  
7 verse impact on a marine mammal species or  
8 stock.”.

9 **SEC. 6. INTERNATIONAL PROGRAM.**

10 Section 108(a)(2)(B) of the Marine Mammal Protec-  
11 tion Act of 1972 (16 U.S.C. 1378(a)(2)(B)) is amended  
12 by striking “insignificant levels” through “serious injury  
13 rate” and inserting “levels that have no more than a neg-  
14 ligible impact on the species or stock”.

15 **SEC. 7. REGULATIONS AND ADMINISTRATION.**

16 Section 112(a) of the Marine Mammal Protection Act  
17 of 1972 (16 U.S.C. 1382(a)) is amended—

18 (1) by inserting “(1)” after “(a)”; and

19 (2) by adding at the end the following:

20 “(2) In prescribing a regulation under this sub-  
21 section, the Secretary shall—

22 “(A) consider—

23 “(i) the likelihood and severity of  
24 harm to marine mammals in the absence  
25 of the regulation;

1 “(ii) the effectiveness of the regulation  
2 in mitigating the identified harm;

3 “(iii) the potential economic, naviga-  
4 tional, safety, and operational impacts of  
5 the regulation on affected industries; and

6 “(iv) the availability and feasibility of  
7 alternative measures to the regulation that  
8 achieve the same conservation objectives  
9 with fewer negative consequences; and

10 “(B) ensure that the regulation—

11 “(i) is based on the best available  
12 science and data regarding marine mam-  
13 mal populations and threats;

14 “(ii) does not impose undue burdens  
15 on industry or stakeholders without de-  
16 monstrable conservation benefits;

17 “(iii) is the least restrictive means  
18 available to achieve the intended conserva-  
19 tion objective; and

20 “(iv) incorporates stakeholder engage-  
21 ment and consultation to evaluate the  
22 practical implications of the regulation.

23 “(3) In this subsection, the term ‘necessary and  
24 appropriate’ means—

25 “(A) reasonable and proportionate;

1 “(B) supported by the best available sci-  
2 entific evidence; and

3 “(C) essential to prevent a significant ad-  
4 verse impact on a marine mammal species or  
5 stock.”.

6 **SEC. 8. STOCK ASSESSMENTS.**

7 Section 117(a) of the Marine Mammal Protection Act  
8 of 1972 (16 U.S.C. 1386) is amended—

9 (1) in paragraph (1), by inserting “entire” be-  
10 fore “geographic range”;

11 (2) in paragraph (2), by inserting “if known,”  
12 before “provide for such stock”;

13 (3) in paragraph (4)(D), by striking “and is ap-  
14 proaching” through “serious injury rate”; and

15 (4) in paragraph (6)—

16 (A) by inserting “if known,” before “esti-  
17 mate the potential”; and

18 (B) by striking “, including the recovery  
19 factor”.

20 **SEC. 9. TAKING OF MARINE MAMMALS INCIDENTAL TO**  
21 **COMMERCIAL FISHING OPERATIONS.**

22 Section 118 of the Marine Mammal Protection Act  
23 of 1972 (16 U.S.C. 1387) is amended—

24 (1) in subsection (a)(1), by striking the second  
25 sentence;

1 (2) by striking subsection (b);

2 (3) by redesignating subsections (c) through (l)

3 as subsections (b) through (k), respectively;

4 (4) in subsection (b), as so redesignated, by

5 striking “subsection (e)” each place it appears and

6 inserting “subsection (d)”;

7 (5) in subsection (c), as so redesignated—

8 (A) in paragraph (1)(B), by striking “sub-

9 section (e)” and inserting “subsection (d)”;

10 (B) in paragraph (7), by striking “sub-

11 section (c)(1)(A) (i) or (ii)” and inserting

12 “clause (i) or (ii) of subsection (b)(1)(A)”;

13 (6) in subsection (e), as so redesignated—

14 (A) in paragraph (1)—

15 (i) by striking “subsection (c)(1)(A)

16 (i) or (ii)” and inserting “clause (i) or (ii)

17 of subsection (b)(1)(A)”;

18 (ii) by striking “subsection

19 (c)(1)(A)(i)” and inserting “subsection

20 (b)(1)(A)(i)”;

21 (B) in paragraph (2)—

22 (i) by striking “The immediate goal”

23 and inserting “The goal”;

24 (ii) by striking “, within 6 months of

25 its implementation,”; and

1 (iii) by striking “section 117” through  
2 “fishery management plans.” and inserting  
3 “section 117, considering and accounting  
4 for the economics of the fishery, the oper-  
5 ations of the fishery, the availability of ex-  
6 isting technology, and existing State or re-  
7 gional fishery management plans.”;

8 (C) in paragraph (3), by striking “sub-  
9 section (c)(1)(A) (i) or (ii)” and inserting  
10 “clause (i) or (ii) of subsection (b)(1)(A)”;

11 (D) in paragraph (5), to read as follows:

12 “(5) For any stock for which incidental mor-  
13 tality and serious injury from commercial fisheries  
14 exceeds the potential biological removal level estab-  
15 lished under section 117, the plan shall include  
16 measures the Secretary reasonably expects will re-  
17 duce such mortality and serious injury to a level  
18 below the potential biological removal level within a  
19 reasonable and feasible period of time, considering  
20 and accounting for the economics of the fishery, the  
21 operations of the fishery, the availability of existing  
22 technology, and existing State or regional fishery  
23 management plans.”;

1 (E) in paragraph (6), by striking “sub-  
2 section (c)(1)(A)(i)” and inserting “subsection  
3 (b)(1)(A)(i)”;

4 (F) in paragraph (7), by striking “sub-  
5 section (c)(1)(A) (i) or (ii)” and inserting  
6 “clause (i) or (ii) of subsection (b)(1)(A)”;

7 (G) by striking paragraph (8);

8 (H) by redesignating paragraphs (9) and  
9 (10) as paragraphs (8) and (9), respectively;

10 (I) by striking paragraph (11);

11 (J) in paragraph (8), as so redesignated,  
12 by striking “subsection (d)” and inserting “sub-  
13 section (c)”;

14 (K) in paragraph (9), as so redesignated,  
15 by striking “or (8)(F), as appropriate”;

16 (7) in subsection (f), as so redesignated, by  
17 striking “subsection (c)(1)(A)(iii)” each place it ap-  
18 pears and inserting “subsection (b)(1)(A)(iii)”;

19 (8) in subsection (g), as so redesignated, by  
20 striking “subsection (c)” and inserting “subsection  
21 (b)”;

22 (9) in subsection (h), as so redesignated, by  
23 striking “insignificant levels” through “serious in-  
24 jury rate” and inserting “levels that have no more  
25 than a negligible impact on a species or stock”; and

1 (10) by adding at the end the following:

2 “(l) Notwithstanding any other requirement of this  
3 section, if the potential biological removal level for a stock  
4 is designated as unknown—

5 “(1) no commercial fishery may be classified  
6 under subsection (b)(1) based on the incidental mor-  
7 tality or serious injury of such stock by such com-  
8 mercial fishery; and

9 “(2) no take reduction team may be convened  
10 or take reduction plan implemented with respect to  
11 such stock pursuant to this section.”.

12 **SEC. 10. OBJECTIVE APPLICATION OF BEST AVAILABLE**  
13 **SCIENTIFIC AND COMMERCIAL DATA.**

14 (a) IN GENERAL.—Title I of the Marine Mammal  
15 Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amend-  
16 ed by adding at the end the following:

17 **“SEC. 121. OBJECTIVE APPLICATION OF BEST AVAILABLE**  
18 **SCIENTIFIC AND COMMERCIAL DATA.**

19 “All decisions and determinations made under this  
20 title shall be made based solely upon the objective applica-  
21 tion of the best scientific and commercial data available  
22 and without application of precautionary factors or as-  
23 sumptions or any other factors or assumptions that bias  
24 the objective application of the best scientific and commer-

1 cial data available, including decisions and determinations  
2 regarding—

3 “(1) likely marine mammal presence;

4 “(2) the estimated number of marine mammals  
5 in a species or stock;

6 “(3) the estimated population trend or status of  
7 a marine mammal species or stock;

8 “(4) the estimated geographic range of a ma-  
9 rine mammal species or stock;

10 “(5) the occurrence and nature of take of ma-  
11 rine mammals;

12 “(6) the likelihood and extent of exposure of  
13 marine mammals to human impacts; and

14 “(7) the geographic range of a marine mammal  
15 species or stock.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
17 of the Marine Mammal Protection Act of 1972 (16 U.S.C.  
18 1361 et seq.) is amended by inserting after the item relat-  
19 ing to section 120 the following:

“Sec. 121. Objective application of best available scientific and commercial  
data.”.

20 **SEC. 11. NORTH ATLANTIC RIGHT WHALES AND REGULA-**  
21 **TIONS.**

22 Section 101 of division JJ of the Consolidated Appro-  
23 priations Act, 2023 (16 U.S.C. 1387 note) is amended by

1 striking “2028” each place it appears and inserting  
2 “2035”.

3 **SEC. 12. CONFORMING AMENDMENTS.**

4 The Marine Mammal Protection Act of 1972 (16  
5 U.S.C. 1361 et seq.) is amended—

6 (1) in section 115(b)(4), by striking “section  
7 118(f)(1)” and inserting “section 118(e)(1)”; and

8 (2) in section 120(j)(2), by striking “section  
9 118(f)(5)(A)” and inserting “section 118(e)(5)”.