115TH CONGRESS  
1ST SESSION  

H. R. 3682 

To direct the Director of the Office of National Marine Sanctuaries of the National Oceanic and Atmospheric Administration to create a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the Greater Santa Barbara Channel Region, California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES  

SEPTEMBER 6, 2017  

Mr. LOWENTHAL (for himself, Ms. BROWNLEY of California, Mr. CARBAJAL, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL  

To direct the Director of the Office of National Marine Sanctuaries of the National Oceanic and Atmospheric Administration to create a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the Greater Santa Barbara Channel Region, California, and for other purposes.

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Be it enacted by the Senate and House of Representa-

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tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Blue Whales and Blue Skies Act”.

SEC. 2. BLUE WHALES AND BLUE SKIES PROGRAM.

(a) In General.—Not later than 12 months after the date of the enactment of this Act, the Director of the Office of National Marine Sanctuaries of the National Oceanic and Atmospheric Administration, in consultation with the Commandant of the Coast Guard, shall establish the Blue Whales and Blue Skies Program, to—

   (1) reduce air pollution and harmful underwater acoustic impacts and the risk of fatal whale strikes by encouraging voluntary reduction in the speed of eligible vessels transiting the Greater Santa Barbara Channel Region; and

   (2) annually award Blue Whales and Blue Skies Excellence Awards for verified successful participation in, and compliance with, the program by eligible vessels.

(b) Program Requirements.—The Director shall—

   (1) model the program after the pilot Vessel Speed Reduction Program administered by the Santa Barbara County Air Pollution Control District, the Ventura County Air Pollution Control District, the Channel Islands National Marine Sanc-
tuary, the Environmental Defense Center (a non-
profit corporation established under the laws of the
State of California as in effect on the date of the en-
actment of this Act), and the National Marine San-
tuary Foundation, except the Director may not pro-
vide a financial incentive for participation in the pro-
gram; and

(2) develop the program in consultation with
the entities referred to in paragraph (1).

(c) ANNUAL AWARDS.—

(1) IN GENERAL.—Under the program, the Di-
rector shall annually award Blue Whales and Blue
Skies Excellence Awards to owners of eligible vessels
that have complied with the program during the pre-
ceding year.

(2) AWARD CONDITIONS.—As a condition of an
award under this subsection, the Director shall re-
quire, at a minimum, that each eligible vessel of the
awardee—

(A) transit the Greater Santa Barbara
Channel Region at speeds of 12 knots or lower,
or at a lower maximum speed as provided in
guidance established under the program; and

(B) participate in the Port of Los Angeles
or Port of Long Beach vessel speed reduction
program, respectively, if the vessel calls at that port in the transit for which the award is considered.

(d) OFFICIAL SEAL.—The Director shall create an official seal to be recognized as the symbol of excellence in compliance with the program, that—

(1) may be used by shipping companies with eligible vessels for which a Blue Whales and Blue Skies Excellence Award is awarded under this section;

(2) includes the name of the shipping company;

(3) includes the year for which such award was made; and

(4) includes the percentage of transits through the Greater Santa Barbara Channel Region by eligible vessels of the shipping company in such year that were in compliance with the program, calculated as—

(A) the number of such transits, divided by

(B) the total number of transits through the Greater Santa Barbara Channel Region by all vessels of the shipping company in such year, excluding transits directed by the Coast Guard to proceed in excess of the speed requirements of the program.
(e) Extension of Program.—No later than 4 years after the date of the enactment of this Act, the Director shall—

(1) consider the feasibility of extending the program to encompass all shipping channels along the United States Pacific coast between Canada and Mexico; and

(2) report the findings and recommendations under paragraph (1) to the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate.

(f) Limitations.—Nothing in this section shall be construed—

(1) to require participation in the program;

(2) to authorize appropriations for, or the provision of, any financial incentive for participation in the program; or

(3) to authorize any action that affects navigation safety.

(g) Definitions.—In this section:

(1) Eligible Vessel.—The term “eligible vessel” means a vessel that has been approved by the Director to participate in the program.
(2) Program.—The term “program” means the Blue Whales and Blue Skies Program established under this section.

(3) Greater Santa Barbara Channel Region.—The term “Greater Santa Barbara Channel Region”—

(A) means such portion of the geographic zone used by vessels transporting goods to transit the area surrounding the Channel Islands, including the Santa Barbara Channel, California, as is designated by the Director for purposes of this section; and

(B) includes, at a minimum, the geographic area identified in the pilot Vessel Speed Reduction Program referred to in subsection (b)(1).