

Calendar No. 893

110TH CONGRESS
2D SESSION

S. 2657

[Report No. 110–429]

To require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2008

Mr. KERRY (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation under authority of the order of the Senate of February 14, 2008

JULY 22, 2008

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes.

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

1 **SECTION 1. REGULATIONS TO PROTECT NORTH ATLANTIC**
 2 **RIGHT WHALES FROM SHIP STRIKES.**

3 (a) ~~IN GENERAL.~~—Not later than 30 days after the
 4 earlier of the date of the enactment of this Act or June
 5 1, 2008, the Secretary of Commerce, acting through the
 6 Under Secretary for Oceans and Atmosphere, shall pre-
 7 scribe regulations to reduce the incidence of vessels col-
 8 liding with North Atlantic right whales (*Eubalaena*
 9 *glacialis*) by limiting the speed of vessels.

10 (b) ~~INCORPORATION OF PROPOSED RULE.~~—The reg-
 11 ulations required by subsection (a) shall—

12 (1) incorporate the whale protection measures
 13 contained in the proposed rule entitled “Endangered
 14 Fish and Wildlife; Proposed Rule to Implement
 15 Speed Restrictions to Reduce the Threat of Ship
 16 Collisions with North Atlantic Right Whales” (71
 17 Fed. Reg. 36299; June 26, 2006); and

18 (2) provide the same or greater level of protec-
 19 tion against collisions with vessels.

20 **SECTION 1. REGULATIONS TO PROTECT NORTH ATLANTIC**
 21 **RIGHT WHALES FROM SHIP STRIKES.**

22 (a) *IN GENERAL.*—*Within 30 days after the date of*
 23 *enactment of this Act, the Secretary of Commerce, after giv-*
 24 *ing consideration to comments received with respect to the*
 25 *proposed rule entitled “Endangered Fish and Wildlife; Pro-*
 26 *posed Rule to Implement Speed Restrictions to Reduce the*

1 *Threat of Ship Collisions with North Atlantic Right*
2 *Whales*” (71 *Fed. Reg.* 36299; June 26, 2006) and making
3 *such modifications to the proposed rule as the Secretary*
4 *deems appropriate, shall promulgate a final rule to imple-*
5 *ment speed restrictions to reduce the threat of ship collisions*
6 *with North Atlantic Right Whales (*Eubalaena glacialis*).*

7 (b) *PROTECTIONS AFFORDED.*—*The final rule promul-*
8 *gated pursuant to subsection (a) shall provide a level of pro-*
9 *tection against vessels colliding with North Atlantic Right*
10 *Whales that is the same as, or greater than, the level of*
11 *protection the proposed rule would have provided.*

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