

the Interior, and with input from affected stakeholders, shall develop and deploy mitigation protocols that make use of any monitoring system designed and deployed under this section to direct sector-specific mitigation measures that avoid and significantly reduce risk of serious injury and mortality to North Atlantic right whales.

(f) Access to data

The Under Secretary shall provide access to data generated by any monitoring system designed and deployed under this section for purposes of scientific research and evaluation and public awareness and education, including through the Right Whale Sighting Advisory System of the National Oceanic and Atmospheric Administration and WhaleMap or other successor public website portals, subject to review for national security considerations.

(g) Additional authority

The Under Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out this section on such terms as the Under Secretary considers appropriate, consistent with the Federal Acquisition Regulation.

(h) Savings clause

An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(i) Funding

From funds otherwise appropriated to the Under Secretary \$5,000,000 is authorized to support development, deployment, application, and ongoing maintenance of the Program and to otherwise carry out this section for each of fiscal years 2023 through 2027.

(Pub. L. 117-263, div. K, title CXIII, §11303, Dec. 23, 2022, 136 Stat. 4072.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Don Young Coast Guard Authorization Act of 2022 and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Marine Mammal Protection Act of 1972 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “Secretary” as used in this section, see section 11002 of div. K of Pub. L. 117-263, set out as a note under section 106 of Title 14, Coast Guard.

For definitions of terms used in this section, see section 11301 of div. K of Pub. L. 117-263, set out as a note under section 1390 of this title.

§ 1392. Monitoring ocean soundscapes

(a) In general

The Under Secretary shall maintain and expand an ocean soundscape development program to—

- (1) award grants to expand the deployment of Federal and non-Federal observing and data

management systems capable of collecting measurements of underwater sound for purposes of monitoring and analyzing baselines and trends in the underwater soundscape to protect and manage marine life;

- (2) continue to develop and apply standardized forms of measurements to assess sounds produced by marine animals, physical processes, and anthropogenic activities; and

- (3) after coordinating with the Secretary of Defense, coordinate and make accessible to the public the datasets, modeling and analysis, and user-driven products and tools resulting from observations of underwater sound funded through grants awarded under paragraph (1).

(b) Coordination

The program described in subsection (a) shall—

- (1) include the Ocean Noise Reference Station Network of the National Oceanic and Atmospheric Administration and the National Park Service;

- (2) use and coordinate with the Integrated Ocean Observing System; and

- (3) coordinate with the Regional Ocean Partnerships and the Director of the United States Fish and Wildlife Service, as appropriate.

(c) Priority

In awarding grants under subsection (a), the Under Secretary shall consider the geographic diversity of the recipients of such grants.

(d) Savings clause

An activity may not be carried out under this section if the Secretary of Defense, in consultation with the Under Secretary, determines that the activity would negatively impact the defense readiness or the national security of the United States.

(e) Funding

From funds otherwise appropriated to the Under Secretary, \$1,500,000 is authorized for each of fiscal years 2023 through 2028 to carry out this section.

(Pub. L. 117-263, div. K, title CXIII, §11305, Dec. 23, 2022, 136 Stat. 4077.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Don Young Coast Guard Authorization Act of 2022 and also as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Marine Mammal Protection Act of 1972 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of terms used in this section, see section 11301 of div. K of Pub. L. 117-263, set out as a note under section 1390 of this title.

§ 1393. Conservation and mitigation assistance

(a) Assistance

(1) In general

Not later than 180 days after December 29, 2022, the Secretary of Commerce, acting