

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.

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. SHORT TITLE.**

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

4 **SEC. 2. BLUE WHALES AND BLUE SKIES PROGRAM.**

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

11 (1) reduce air pollution and harmful under-
12 water acoustic impacts and the risk of fatal whale
13 strikes by encouraging voluntary reduction in the
14 speed of eligible vessels transiting the Greater Santa
15 Barbara Channel Region; and

16 (2) annually award Blue Whales and Blue Skies
17 Excellence Awards for verified successful participa-
18 tion in, and compliance with, the program by eligible
19 vessels.

20 (b) PROGRAM REQUIREMENTS.—The Director
21 shall—

22 (1) model the program after the pilot Vessel
23 Speed Reduction Program administered by the
24 Santa Barbara County Air Pollution Control Dis-
25 trict, the Ventura County Air Pollution Control Dis-
26 trict, the Channel Islands National Marine Sanc-

1 tuary, the Environmental Defense Center (a non-
2 profit corporation established under the laws of the
3 State of California as in effect on the date of the en-
4 actment of this Act), and the National Marine Sanc-
5 tuary Foundation, except the Director may not pro-
6 vide a financial incentive for participation in the pro-
7 gram; and

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

10 (c) ANNUAL AWARDS.—

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

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

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

24 (B) participate in the Port of Los Angeles
25 or Port of Long Beach vessel speed reduction

1 program, respectively, if the vessel calls at that
2 port in the transit for which the award is con-
3 sidered.

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

7 (1) may be used by shipping companies with eli-
8 gible vessels for which a Blue Whales and Blue
9 Skies Excellence Award is awarded under this sec-
10 tion;

11 (2) includes the name of the shipping company;

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

14 (4) includes the percentage of transits through
15 the Greater Santa Barbara Channel Region by eligi-
16 ble vessels of the shipping company in such year
17 that were in compliance with the program, cal-
18 culated as—

19 (A) the number of such transits, divided by

20 (B) the total number of transits through
21 the Greater Santa Barbara Channel Region by
22 all vessels of the shipping company in such
23 year, excluding transits directed by the Coast
24 Guard to proceed in excess of the speed require-
25 ments of the program.

1 (e) EXTENSION OF PROGRAM.—No later than 4 years
2 after the date of the enactment of this Act, the Director
3 shall—

4 (1) consider the feasibility of extending the pro-
5 gram to encompass all shipping channels along the
6 United States Pacific coast between Canada and
7 Mexico; and

8 (2) report the findings and recommendations
9 under paragraph (1) to the Committee on Transpor-
10 tation and Infrastructure and the Committee on
11 Natural Resources of the House of Representatives,
12 and to the Committee on Commerce, Science, and
13 Transportation of the Senate.

14 (f) LIMITATIONS.—Nothing in this section shall be
15 construed—

16 (1) to require participation in the program;

17 (2) to authorize appropriations for, or the pro-
18 vision of, any financial incentive for participation in
19 the program; or

20 (3) to authorize any action that affects naviga-
21 tion safety.

22 (g) DEFINITIONS.—In this section:

23 (1) ELIGIBLE VESSEL.—The term “eligible ves-
24 sel” means a vessel that has been approved by the
25 Director to participate in the program.

1 (2) PROGRAM.—The term “program” means
2 the Blue Whales and Blue Skies Program estab-
3 lished under this section.

4 (3) GREATER SANTA BARBARA CHANNEL RE-
5 GION.—The term “Greater Santa Barbara Channel
6 Region”—

7 (A) means such portion of the geographic
8 zone used by vessels transporting goods to tran-
9 sit the area surrounding the Channel Islands,
10 including the Santa Barbara Channel, Cali-
11 fornia, as is designated by the Director for pur-
12 poses of this section; and

13 (B) includes, at a minimum, the geo-
14 graphic area identified in the pilot Vessel Speed
15 Reduction Program referred to in subsection
16 (b)(1).

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