

118TH CONGRESS  
2D SESSION

# H. R. 8726

To direct the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration to establish 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 western coast of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2024

Mr. CARBAJAL (for himself and Mr. HUFFMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To direct the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration to establish 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 western coast of the United States, 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 “Alan S. Lowenthal  
3 Blue Whales, Blue 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 Under Secretary  
7 of Commerce for Oceans and Atmosphere of the National  
8 Oceanic and Atmospheric Administration, in consultation  
9 with the Commandant of the Coast Guard and the Admin-  
10 istrator of the Environmental Protection Agency, shall es-  
11 tablish the Blue Whales and Blue Skies Program, to—

12 (1) reduce air pollution, greenhouse gasses,  
13 harmful underwater acoustic impacts, and the risk  
14 of fatal whale strikes by encouraging voluntary re-  
15 duction in the speed of eligible vessels transiting the  
16 Program area; and

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

21 (b) PROGRAM REQUIREMENTS.—The Under Sec-  
22 retary shall—

23 (1) model the Program after the Protecting  
24 Blue Whales and Blue Skies Vessel Speed Reduction  
25 Program, which is administered by the Air Pollution  
26 Control Districts of Santa Barbara, Ventura, San

1 Luis Obispo, Monterey Bay Counties and the Bay  
2 Area Air Quality Management District, the Channel  
3 Islands, Monterey Bay, Cordell Bank, and Greater  
4 Farallones National Marine Sanctuaries, and the  
5 California Marine Sanctuary Foundation, the Envi-  
6 ronmental Defense Center (a nonprofit corporation  
7 established under the laws of the State of California  
8 as in effect on the date of the enactment of this  
9 Act), and the National Marine Sanctuary Founda-  
10 tion; and

11 (2) develop the Program in consultation with  
12 the entities referred to in paragraph (1).

13 (c) ANNUAL AWARDS.—

14 (1) IN GENERAL.—Under the Program, the  
15 Under Secretary shall annually award Blue Whales  
16 and Blue Skies Excellence Awards to owners of eligi-  
17 ble vessels that have met the requirements during  
18 the preceding year.

19 (2) AWARD CONDITIONS.—As a condition of an  
20 award under this subsection, each eligible vessel of  
21 the awardee shall, at a minimum transit the Pro-  
22 gram area at a speed of 10 knots or lower, or, in  
23 certain circumstances described by the Under Sec-  
24 retary in guidance established under the Program,  
25 below a different maximum speed.

1 (d) OFFICIAL LOGO.—The Under Secretary shall cre-  
2 ate an official logo to be recognized as the symbol of excel-  
3 lence in compliance with the Program.

4 (e) USE OF OFFICIAL LOGO.—Subject to any  
5 licencing requirements, the logo described in subsection  
6 (d) may be used by shipping companies with eligible ves-  
7 sels for which a Blue Whales and Blue Skies Excellence  
8 Award is awarded under this section, as long as the logo  
9 is displayed alongside—

10 (1) the name of the shipping company;

11 (2) the year for which such award was made;

12 and

13 (3) the percentage of distance traveled by a  
14 participating vessel at a reduced speed through the  
15 Program area by eligible vessels of the shipping  
16 company in such year that the shipping company  
17 was in compliance with the Program, calculated as  
18 the percentage of distance traveled by a vessel at 10  
19 knots or lower through the Program area by all ves-  
20 sels of the shipping company in such year, excluding  
21 transits directed by the Coast Guard to proceed in  
22 excess of the speed requirements of the Program.

23 (f) EXTENSION OF PROGRAM.—No later than 4 years  
24 after the date of the enactment of this Act, the Under  
25 Secretary shall—

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

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

11          (g) LIMITATIONS.—Nothing in this section shall be  
12          construed—

13                 (1) to require participation in the Program;

14                 (2) to authorize appropriations for, or the pro-  
15                 vision of, any financial incentive for participation in  
16                 the Program; or

17                 (3) to authorize any action that affects naviga-  
18                 tion safety.

19          (h) DEFINITIONS.—In this section:

20                 (1) ELIGIBLE VESSEL.—The term “eligible ves-  
21                 sel” means a vessel that is 300 gross tons or greater  
22                 and has been approved by the Under Secretary to  
23                 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) PROGRAM AREA.—The term “Program  
5           area”—

6                   (A) means the marine area surrounding  
7                   the western coast of the United States, as is  
8                   designated by the Under Secretary for purposes  
9                   of this section; and

10                   (B) includes, at a minimum, the geo-  
11                   graphic area identified in the existing Vessel  
12                   Reduction Program described in subsection  
13                   (b)(1).

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