

**Amendment to the Amendment in the Nature of a Substitute to H.R. 4690
Offered by Mr. Graves of Louisiana**

At the appropriate place in the bill, insert the following:

“TITLE VII – Providing Authority to Address Inadvertent Miscalculations and Enable Offshore Energy Production, While Maintaining Longstanding Marine Mammal Protections.”

SECTION 701. OFFSHORE OIL AND GAS EXPLORATION LICENSING.

(a) **IN GENERAL.**—Notwithstanding the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 9 1531 et seq.), authorization for incidental, but not intentional, taking, or incidental, but not intentional, taking by harassment, pursuant to subparagraph (A) or (D) of section 101(a)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(5)) shall not be required when the Secretary of the Interior issues a license, permit, or plan under section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) for geological and geophysical surveys related to oil and gas activities in the Gulf of Mexico.

(b) **REQUIREMENTS.**—The Secretary of the Interior shall require as a condition of any license, permit, or plan described in subsection (a) that the holder of such license, permit, or plan comply with the mitigation and monitoring measures described in— (1) subsections (a), (b), (c), (d), (f), and (g) of section 217.184 of title 50, Code of Federal Regulations (as in effect on January 1, 2022); and (2) as applicable, section 217.185 of title 50, Code of Federal Regulations (as in effect on January 1, 2022).

(c) **COMPLIANCE WITH OTHER LAW.**—Any take of a marine mammal resulting from a license, permit, or plan described in subsection (a) that meets the requirements of subsection (b), or from any activity carried out pursuant to such a license, permit, or plan, shall not be determined to be a violation or a prohibited take pursuant to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) or the Endangered Species Act of 1973 (16 4 U.S.C. 1531 et seq.) and their implementing regulations.”