**SEC.1. CONDITIONS FOR RULES RELATED TO THE NORTH ATLANTIC RIGHT WHALE VESSEL STRIKE REDUCTION RULE.**

The Administrator of the National Oceanic and Atmospheric Administration shall not issue an interim or final rule that amends, updates, modifies, or replaces the North Atlantic Right Whale vessel strike reduction rule under section 224.105 of title 50, Code of Federal Regulations, as in effect on January 3, 2023, until the date—

(1) the mitigation protocols under section 11303(e) of the Don Young Coast Guard Authorization Act of 2022 ([16 U.S.C. 1391(e)](http://uscode.house.gov/quicksearch/get.plx?title=16&section=1391)) are fully developed and deployed; and

(2) the Secretary provides a report to the Committee on Appropriations of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Natural Resources of the House of Representatives on how the mitigation protocols will inform any proposed changes to section 224.105 of title 50, Code of Federal Regulations.

**SEC. 2. CONDITIONS FOR RULES RELATED TO THE RICES WHALE.**

In General –

1. The Director of the Bureau of Ocean Energy Management shall not require or enforce any additional measures for the Rice’s Whale (Balaenoptera ricei) beyond those required in the Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico (OPR– 2017–00002; March 13, 2020); and
2. The Administrator of the National Oceanic and Atmospheric Administration shall not issue an interim, proposed, or final rule regarding Rice’s Whale (Balaenoptera ricei) vessel strike reduction rule under section 224.105 of title 50, Code of Federal Regulations, until the date—
   * 1. the Administrator of the National Oceanic and Atmospheric Administration issues a final rule designating critical habitat for the Rice’s whale (Balaenoptera ricei) that is consistent with—
        1. the results of the study conducted pursuant to paragraph (3);
        2. the requirements of the rulemaking process pursuant to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ‘‘Administrative Procedure Act’’);
        3. the requirement to conduct an economic impact analysis pursuant to Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review);
        4. section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456);
        5. the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.); and
        6. chapter 6 of title 5, United States Code (commonly known as the ‘‘Regulatory Flexibility Act’’);
     2. the Administrator of the National Oceanic and Atmospheric Administration revises and finalizes the proposed rule titled ‘‘Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys in the Gulf of Mexico’’ (88 Fed. Reg. 916; January 5, 2023) to include a correction of the erroneous estimates of incidental take of marine mammals anticipated from the activities analyzed in the final rule titled ‘‘Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico’’ (86 Fed. Reg. 5322; January 19, 2021); and
     3. the Administrator of the National Oceanic and Atmospheric Administration and the Director of the Bureau of Ocean Energy Management, in carrying out any consultation or reinitiated consultation on the Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico (OPR– 2017–00002; March 13, 2020) under this section, take steps to ensure—
        1. that any scientific evidence considered and relied upon as a part of the consultation or reinitiation of consultation is—
           1. made publicly available; and
           2. peer reviewed by the National Academies of Science, Engineering, and Medicine to ensure scientific rigor and independence; and
        2. that any party directly impacted by the Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico (OPR– 2017–00002; March 13, 2020) shall—
           1. have routine and continuing opportunities to discuss and submit information to the action agency for consideration during the development of any biological assessment or proposed action;
           2. be informed by the action agency of the schedule for preparation of a biological assessment or proposed action; receive a copy of any proposed action and have the opportunity to review that document and provide comment to the action agency (which shall be afforded due consideration during development);
           3. be informed by the consulting agencies, the Bureau of Ocean Energy Management, or the National Marine Fisheries Service, of the schedule for preparation of the biological opinion when the biological assessment is submitted to the consulting agency by the action agency;
           4. receive a copy of any draft biological opinion and have the opportunity to review that document and provide comment to the action agency (which shall be afforded due consideration during development);
           5. have the opportunity to confer with the action agency regarding reasonable and prudent alternatives prior to the action agency identifying 1 or more reasonable and prudent alternatives for consideration by the consulting agency; and
           6. where the action agency proposes a proposed action or a consulting agency suggests a reasonable and prudent alternative, be informed of—

how each component of such proposed action or alternative will contribute to avoiding jeopardy or adverse modification of critical habitat and the scientific data or information that supports each component of the proposed action or alternative; and

why other proposed alternative actions that would have fewer impairments to the supply of offshore energy and economic impacts are inadequate to avoid jeopardy or adverse modification of critical habitat.

1. RICE’S WHALE STUDY.—The Administrator of the National Oceanic and Atmospheric Administration shall enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a study to determine the occurrence and range of the Rice’s whale (Balaenoptera ricei) in the Central, Eastern, and Western Gulf of Mexico Planning Areas.