

117TH CONGRESS  
1ST SESSION

# H. R. 5957

To reduce risks to marine mammals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2021

Mr. LARSEN of Washington (for himself, Mr. FITZPATRICK, Mr. KILMER, Ms. STRICKLAND, Mr. GRIJALVA, Ms. SCHRIER, and Ms. DELBENE) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To reduce risks to marine mammals, 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,*

3       **SECTION 1. VESSEL SPEED RESTRICTIONS IN MARINE**  
4                               **MAMMAL HABITAT.**

5       (a) IN GENERAL.—The Marine Mammal Protection  
6       Act of 1972 (16 U.S.C. 1361 et seq.) is amended by in-  
7       serting after section 120 the following:

1 **“SEC. 121. VESSEL SPEED RESTRICTIONS IN MARINE MAM-**  
2 **MAL HABITAT.**

3 “(a) IN GENERAL.—The Secretary shall, in coordina-  
4 tion with the Marine Mammal Commission and the Com-  
5 mandant of the Coast Guard, and applying the best avail-  
6 able scientific information—

7 “(1) designate areas of importance for marine  
8 mammals known to experience vessel strikes and es-  
9 tablish for each such area seasonal or year-round  
10 mandatory vessel speed restrictions to reduce vessel  
11 strikes or other vessel-related impacts, as necessary,  
12 for vessels operating in such areas; and

13 “(2) implement for such species, as appropriate,  
14 dynamic management area programs incorporating  
15 mandatory vessel restrictions to protect marine  
16 mammals from vessel strikes or other vessel-related  
17 impacts occurring outside designated areas of impor-  
18 tance.

19 “(b) AREAS OF IMPORTANCE.—In designating areas  
20 under subsection (a), the Secretary—

21 “(1) shall consider including—

22 “(A) the important feeding, breeding,  
23 calving, rearing, or migratory habitat for pri-  
24 ority species of marine mammals, including all  
25 areas designated as critical habitat for such  
26 species under section 4 of the Endangered Spe-

1           cies Act of 1973 (16 U.S.C. 1533) except any  
2           area the Secretary determines does not inter-  
3           sect with areas of vessel traffic such that an  
4           elevated risk of mortality or injury caused by  
5           vessel strikes exists; and

6                   “(B) areas of high marine mammal mor-  
7           tality, injury, or harassment caused by vessel  
8           strikes; and

9           “(2) may consider including—

10                   “(A) any area designated as a National  
11           Marine Sanctuary, Marine National Monument,  
12           National Park, or National Wildlife Refuge; and

13                   “(B) areas of high marine mammal pri-  
14           mary productivity with year-round or seasonal  
15           aggregations of marine mammals to which this  
16           section applies.

17           “(c) DEADLINE FOR REGULATIONS.—Not later than  
18           2 years after the date of the enactment of this section,  
19           the Secretary shall designate areas and vessel restrictions  
20           under subsection (a) and issue such regulations as are nec-  
21           essary to carry out this section, consistent with notice and  
22           comment requirements under chapter 5 of title 5, United  
23           States Code.

24           “(d) MODIFYING OR DESIGNATING NEW AREAS OF  
25           IMPORTANCE.—

1           “(1) IN GENERAL.—The Secretary shall issue  
2 regulations to modify or designate the areas of im-  
3 portance and vessel restrictions under this section  
4 not later than 180 days after the issuance of regula-  
5 tions to establish or to modify critical habitat for  
6 marine mammals pursuant to the Endangered Spe-  
7 cies Act of 1973 (16 U.S.C. 1531 et seq.).

8           “(2) REEXAMINATION.—The Secretary shall—

9           “(A) reexamine the areas of importance  
10 designated and vessel restrictions under this  
11 section every 5 years following the initial  
12 issuance of the regulations to determine if the  
13 best available scientific information warrants  
14 modification or designation of areas of impor-  
15 tance for vessel restrictions; and

16           “(B) not later than 14 months after any  
17 revisions under subparagraph (A), publish such  
18 revisions in the Federal Register after notice  
19 and opportunity for public comment.

20           “(3) PETITION; FINDINGS; REGULATIONS.—

21           “(A) INITIAL FINDING.—Not later than 90  
22 days after receiving the petition of an interested  
23 person under section 553(e) of title 5, United  
24 States Code, to designate, modify, or add an  
25 area of importance or vessel restriction under

1 this section, the Secretary shall make a finding  
2 as to whether the petition presents substantial  
3 scientific information indicating that the peti-  
4 tioned action may be warranted.

5 “(B) ADDITIONAL FINDINGS; REGULA-  
6 TIONS.—The Secretary shall—

7 “(i) promptly publish a finding under  
8 subparagraph (A) in the Federal Register  
9 for comment;

10 “(ii) not later than 1 year after the  
11 close of comments under clause (i), publish  
12 in the Federal Register a finding of wheth-  
13 er the petitioned action is warranted;

14 “(iii) if the Secretary determines that  
15 the petitioned action is warranted, publish  
16 draft regulations designating or modifying  
17 and vessel restrictions the area of impor-  
18 tance; and

19 “(iv) not later than 12 months after  
20 publication of draft regulations under  
21 clause (iii), issue final regulations desig-  
22 nating or modifying the area of importance  
23 and vessel restrictions.

24 “(e) EXCEPTIONS FOR SAFE MANEUVERING AND  
25 USING AUTHORIZED TECHNOLOGY.—

1           “(1) IN GENERAL.—Restrictions established  
2           under subsection (a) shall not apply to a vessel oper-  
3           ating at a speed necessary to maintain safe maneu-  
4           vering speed if such speed is justified because the  
5           vessel is in an area where oceanographic, hydro-  
6           graphic, or meteorological conditions severely restrict  
7           the maneuverability of the vessel and the need to op-  
8           erate at such speed is confirmed by the pilot on  
9           board or, when a vessel is not carrying a pilot, the  
10          master of the vessel. If a deviation from the applica-  
11          ble speed limit is necessary pursuant to this sub-  
12          section, the reasons for the deviation, the speed at  
13          which the vessel is operated, the latitude and lon-  
14          gitude of the area, and the time and duration of  
15          such deviation shall be entered into the logbook of  
16          the vessel. The master of the vessel shall attest to  
17          the accuracy of the logbook entry by signing and  
18          dating the entry.

19           “(2) AUTHORIZED TECHNOLOGY.—

20           “(A) IN GENERAL.—Vessel restrictions es-  
21           tablished under subsection (a) shall not apply to  
22           a vessel operating using technology authorized  
23           by regulations issued by the Secretary under  
24           subparagraph (B).

1           “(B) REGULATIONS.—The Secretary may  
2           issue regulations authorizing a vessel to operate  
3           using technology specified by the Secretary  
4           under this subparagraph if the Secretary deter-  
5           mines that such operation is at least as effec-  
6           tive as the vessel restrictions established under  
7           subsection (a) in reducing mortality and injury  
8           to marine mammals.

9           “(f) APPLICABILITY.—Any speed restriction estab-  
10          lished under subsection (a)—

11           “(1) shall apply to all vessels subject to the ju-  
12          risdiction of the United States, all other vessels en-  
13          tering or departing a port or place subject to the ju-  
14          risdiction of the United States, and all other vessels  
15          within the Exclusive Economic Zone of the United  
16          States, regardless of flag; and

17           “(2) shall not apply to—

18           “(A) vessels owned, operated, or under  
19          contract by the Department of Defense or the  
20          Department of Homeland Security, or engaged  
21          with such vessels;

22           “(B) law enforcement vessels of the Fed-  
23          eral Government or of a State or political sub-  
24          division thereof, when such vessels are engaged  
25          in law enforcement or search and rescue duties;

1           “(C) pilot vessels engaged in support of pi-  
2           lotage operations; or

3           “(D) vessels with foreign sovereign immu-  
4           nity, as reflected under international law.

5           “(g) STATUTORY CONSTRUCTION.—

6           “(1) IN GENERAL.—Nothing in this section  
7           shall be interpreted or implemented in a manner  
8           that—

9           “(A) subject to paragraph (2), preempts or  
10          modifies any obligation of any person subject to  
11          the provisions of this title to act in accordance  
12          with applicable State laws, except to the extent  
13          that those laws are inconsistent with any provi-  
14          sion of this title, and then only to the extent of  
15          the inconsistency;

16          “(B) affects or modifies any obligation  
17          under Federal law; or

18          “(C) preempts or supersedes the final rule  
19          titled ‘To Implement Speed Restrictions to Re-  
20          duce the Threat of Ship Collisions With North  
21          Atlantic Right Whales’, codified at section  
22          224.105 of title 50, Code of Federal Regula-  
23          tions, except for actions that are more protec-  
24          tive than the Final Rule and further reduce the  
25          risk of take to North Atlantic right whales.



1           “(2) INCONSISTENCIES.—The Secretary may  
2 determine whether inconsistencies referred to in  
3 paragraph (1)(A) exist, but may not determine that  
4 any State law is inconsistent with any provision of  
5 this title if the Secretary determines that such law  
6 gives greater protection to covered marine species  
7 and their habitat.

8           “(h) PRIORITY SPECIES.—For the purposes of this  
9 section, the term ‘priority species’ means, at a minimum,  
10 all Mysticeti species, species within the genera *Physeter*  
11 and *Trichechus*, and the Southern Resident Killer Whale  
12 distinct population segment of *Orcinus orca*.

13           “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated—

15           “(1) to the Secretary to carry out this section,  
16 \$3,000,000 for each of fiscal years 2022 through  
17 2026; and

18           “(2) to the Commandant of the Coast Guard to  
19 carry out this section, \$3,000,000 for each of fiscal  
20 years 2024 through 2026.”.

21           “(b) CLERICAL AMENDMENT.—The table of contents  
22 in the first section of such Act is amended by inserting  
23 after the item relating to section 120 the following:

“Sec. 121. Vessel speed restrictions in marine mammal habitat.”.

1 **SEC. 2. MONITORING OCEAN SOUNDSCAPES.**

2 (a) IN GENERAL.—The Secretary of Commerce, act-  
3 ing through the Administrator of the National Oceanic  
4 and Atmospheric Administration (hereinafter in this Act  
5 referred to as the “Administrator”), and the Director of  
6 the United States Fish and Wildlife Service (hereinafter  
7 in this Act referred to as the “Director”) shall maintain  
8 and expand an Ocean Noise Reference Station Network,  
9 using and coordinating with the Integrated Ocean Observ-  
10 ing System, the Office of National Marine Sanctuaries,  
11 and the Department of Defense, to—

12 (1) provide grants to expand the deployment of  
13 Federal and non-Federal observing and data man-  
14 agement systems capable of collecting measurements  
15 of underwater sound in high-priority ocean and  
16 coastal locations for purposes of monitoring and  
17 analyzing baselines and trends in the underwater  
18 soundscape to protect and manage marine life;

19 (2) continue to develop and apply standardized  
20 forms of measurements to assess sounds produced  
21 by marine animals, physical processes, and anthro-  
22 pogenic activities; and

23 (3) after coordinating with the Department of  
24 Defense, coordinate and make accessible to the pub-  
25 lic the datasets, modeling and analysis, and user-  
26 driven products and tools, resulting from observa-

1 tions of underwater sound funded through grants  
2 authorized by this section.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Administrator, to  
5 support integrated ocean observations activities carried  
6 out under this section, \$1,500,000 for each of fiscal years  
7 2022 through 2026.

8 **SEC. 3. GRANTS FOR SEAPORTS TO ESTABLISH PROGRAMS**  
9 **TO REDUCE THE IMPACTS OF VESSEL TRAF-**  
10 **FIC AND PORT OPERATIONS ON MARINE**  
11 **MAMMALS.**

12 (a) IN GENERAL.—Not later than 180 days after the  
13 date of the enactment of this Act, the Administrator and  
14 the Director, in coordination with the Secretary of De-  
15 fense, shall establish a grant program to provide assist-  
16 ance to up to 10 seaports to develop and implement miti-  
17 gation measures that will lead to a quantifiable reduction  
18 in threats to marine mammals from shipping activities and  
19 port operations.

20 (b) ELIGIBLE USES.—A grant under this section may  
21 be used to develop, assess, and carry out activities that  
22 quantifiably reduce threats and enhance the habitats of  
23 marine mammals by—

24 (1) reducing underwater stressors related to  
25 marine traffic;

1           (2) reducing vessel strike mortality and other  
2 physical disturbances;

3           (3) enhancing marine mammal habitat, includ-  
4 ing the habitat for prey of marine mammals; or

5           (4) monitoring sound, vessel interactions with  
6 marine mammals, or other types of monitoring that  
7 are consistent with reducing the threats to and en-  
8 hancing the habitats of marine mammals.

9           (c) PRIORITY.—The Administrator and the Director  
10 shall prioritize assistance under this section for projects  
11 that—

12           (1) assist ports with higher relative threat levels  
13 to vulnerable marine mammals from vessel traffic;

14           (2) reduce disturbance from vessel presence or  
15 mortality risk from vessel strikes;

16           (3) are in close proximity to National Marine  
17 Sanctuaries, Marine National Monuments, National  
18 Parks, National Wildlife Refuges, and other Federal,  
19 State, and local marine protected areas; and

20           (4) allow eligible entities to conduct risk assess-  
21 ments and track progress toward threat reduction  
22 and habitat enhancement, including protecting coral  
23 reefs from encroachment by commerce and shipping  
24 lanes.

1 (d) OUTREACH.—The Administrator and the Direc-  
2 tor shall conduct outreach to seaports to provide informa-  
3 tion on how to apply for assistance under this section, the  
4 benefits of the program under this section, and facilitation  
5 of best practices and lessons learned.

6 (e) ELIGIBLE ENTITIES.—A person shall be eligible  
7 for assistance under this section if the person is—

8 (1) a port authority for a seaport;

9 (2) a State, regional, local, or Tribal agency  
10 that has jurisdiction over a maritime port authority  
11 or a seaport; or

12 (3) a private entity or government entity, apply-  
13 ing for a grant awarded under this section in col-  
14 laboration with another entity described in para-  
15 graph (1) or (2), that owns or operates a maritime  
16 terminal.

17 (f) REPORT.—The Administrator and the Director  
18 shall jointly submit annually to the Committee on Natural  
19 Resources of the House of Representatives, and the Com-  
20 mittee on Commerce, Science, and Transportation of the  
21 Senate, a report that includes the following:

22 (1) The name and location of each entity receiv-  
23 ing a grant.

24 (2) The amount of each grant.

1           (3) The name and location of the seaport in  
2           which the activities took place.

3           (4) A description of the activities carried out  
4           with the grant funds.

5           (5) An estimate of the impact of the project to  
6           reduce threats or enhance habitat of marine mam-  
7           mals.

8           (g) REQUIREMENTS FOR DEPARTMENT OF DEFENSE  
9           CONSULTATION.—

10           (1) IN GENERAL.—Prior to awarding any  
11           grants under this section, the Administrator and the  
12           Director shall consult with the Secretary of Defense  
13           to ensure each eligible entity and its proposed activi-  
14           ties do not raise national security concerns.

15           (2) NOTIFICATION.—In carrying out the re-  
16           quirements of paragraph (1), the Administrator and  
17           the Director shall—

18                   (A) provide the Secretary of Defense with  
19                   a copy of any grant applications being consid-  
20                   ered for funding; and

21                   (B) ensure such grant applications include  
22                   any information requested by the Secretary of  
23                   Defense to conduct a national security review.

24           (3) DETERMINATION OF POTENTIAL ADVERSE  
25           IMPACT.—

1           (A) REQUIREMENT.—Not later than 60  
2 days after receiving the information requested  
3 pursuant to paragraph (2), the Secretary of De-  
4 fense shall determine whether a proposed activ-  
5 ity may have a potential adverse impact with  
6 respect to national security. A determination  
7 that cannot be completed in the 60-day period  
8 may be extended by mutual agreement between  
9 the agencies.

10           (B) NO DETERMINATION MADE.—A deter-  
11 mination required under this paragraph that  
12 has not been issued within 120 days, and for  
13 which the Administrator and the Director have  
14 not agreed to further extensions, shall be con-  
15 sidered complete for the purposes of this sub-  
16 section and the proposed activity may move for-  
17 ward.

18           (C) LIMITATION.—Neither the Adminis-  
19 trator or the Director may award any grants  
20 until the Secretary of Defense has completed a  
21 determination pursuant to this subsection. A  
22 proposed activity determined to have a potential  
23 adverse impact to national security may not  
24 proceed until modifications are made to such

1           proposed activity to resolve national security  
2           concerns.

3           (h) **AUTHORIZATION OF APPROPRIATIONS.**—There is  
4 authorized to be appropriated to the Administrator, for  
5 carrying out this section, \$5,000,000 for each of fiscal  
6 years 2022 through 2026, to remain available until ex-  
7 pended.

8 **SEC. 4. NEAR REAL-TIME MONITORING AND MITIGATION**  
9 **PROGRAM FOR LARGE WHALES.**

10          (a) **ESTABLISHMENT OF THE PROGRAM.**—The Ad-  
11 ministrators, in coordination with the Secretary of Defense  
12 and the heads of other relevant Federal departments and  
13 agencies, shall design and deploy a Near Real-Time Large  
14 Whale Monitoring and Mitigation Program in order to  
15 curtail the risk to large whales of vessel collisions, entan-  
16 glement in commercial fishing gear, and to minimize other  
17 impacts, including underwater noise from development ac-  
18 tivities. Such program shall be capable of detecting and  
19 alerting ocean users and enforcement agencies of the loca-  
20 tion of large whales on a near real-time basis, informing  
21 sector-specific mitigation protocols that can effectively re-  
22 duce take of large whales, and continually integrating im-  
23 proved technology. The program shall be informed by the  
24 technologies, monitoring methods, and mitigation proto-



1 cols developed pursuant to the pilot program required in  
2 subsection (b).

3 (b) PILOT PROJECT.—

4 (1) ESTABLISHMENT.—In carrying out sub-  
5 section (a), the Administrator shall first establish a  
6 pilot monitoring and mitigation project for North  
7 Atlantic right whales for the purposes of informing  
8 a cost-effective, efficient, and results-oriented near  
9 real-time monitoring and mitigation program for  
10 large whales.

11 (2) PILOT PROJECT REQUIREMENTS.—In de-  
12 signing and deploying the monitoring system, the  
13 Administrator, in coordination with the heads of  
14 other relevant Federal departments and agencies,  
15 shall, using best available scientific information,  
16 identify and ensure coverage of—

17 (A) core foraging habitats of North Atlan-  
18 tic right whales, including—

19 (i) the “South of the Islands” core  
20 foraging habitat;

21 (ii) the “Cape Cod Bay Area” core  
22 foraging habitat;

23 (iii) the “Great South Channel” core  
24 foraging habitat; and

25 (iv) the Gulf of Maine; and

1 (B) important feeding, breeding, calving,  
2 rearing, or migratory habitats of North Atlantic  
3 right whales that co-occur with areas of high  
4 risk of mortality, injury, or harassment of such  
5 whales from vessel strikes, disturbance from de-  
6 velopment activities, and entanglement in com-  
7 mercial fishing gear.

8 (3) PILOT PROJECT MONITORING COMPO-  
9 NENTS.—

10 (A) IN GENERAL.—Not later than 3 years  
11 after the date of the enactment of this Act, the  
12 Administrator, in consultation with relevant  
13 Federal agencies, Tribal governments, and with  
14 input from affected stakeholders, shall design  
15 and deploy a real-time monitoring system for  
16 North Atlantic right whales that includes near  
17 real-time monitoring methods, technologies, and  
18 protocols that—

19 (i) comprise sufficient detection  
20 power, spatial coverage, and survey effort  
21 to detect and localize North Atlantic right  
22 whales within core foraging habitats;

23 (ii) are capable of detecting North At-  
24 lantic right whales acoustically and vis-

1 ually, including during periods of poor visi-  
2 bility and darkness;

3 (iii) take advantage of dynamic habi-  
4 tat suitability models that help to discern  
5 the likelihood of North Atlantic right whale  
6 occurrence in core foraging habitat at any  
7 given time;

8 (iv) coordinate with the Integrated  
9 Ocean Observing System to leverage moni-  
10 toring assets;

11 (v) integrate new near real-time moni-  
12 toring methods and technologies as they  
13 become available;

14 (vi) accurately verify and rapidly com-  
15 municate detection data; and

16 (vii) allow for ocean users to con-  
17 tribute data that is verified to be collected  
18 using comparable near real-time moni-  
19 toring methods and technologies.

20 (B) NATIONAL SECURITY CONSIDER-  
21 ATIONS.—All monitoring methods, technologies,  
22 and protocols under subparagraph (A) shall be  
23 consistent with national security considerations  
24 and interests.

1 (4) PILOT PROGRAM MITIGATION PROTOCOLS.—

2 The Secretary shall, in consultation with the Sec-  
3 retary of Homeland Security, Secretary of Defense,  
4 Secretary of Transportation, and Secretary of the  
5 Interior, and with input from affected stakeholders,  
6 develop and deploy mitigation protocols that make  
7 use of the near real-time monitoring system to direct  
8 sector-specific mitigation measures that avoid and  
9 significantly reduce risk of injury and mortality to  
10 North Atlantic right whales.

11 (5) PILOT PROGRAM ACCESS TO DATA.—The

12 Administrator shall provide access to data generated  
13 by the monitoring system for purposes of scientific  
14 research and evaluation, and public awareness and  
15 education, through the NOAA Right Whale Sighting  
16 Advisory System and WhaleMap or other successive  
17 public web portals, subject to review for national se-  
18 curity considerations.

19 (6) PILOT PROGRAM REPORTING.—

20 (A) INTERIM REPORT.—Not later than 2  
21 years after the date of the enactment of this  
22 Act, the Administrator shall submit to the Com-  
23 mittee on Natural Resources of the House of  
24 Representatives, and the Committee on Com-  
25 merce, Science, and Transportation of the Sen-

1           ate, and make available to the public, an in-  
2           terim report that assesses the benefits and effi-  
3           cacy of the North Atlantic right whale near  
4           real-time monitoring and mitigation pilot pro-  
5           gram. The report shall include—

6                   (i) a description of the monitoring  
7                   methods and technology in use or planned  
8                   for deployment;

9                   (ii) analyses of the efficacy of the  
10                  methods and technology in use or planned  
11                  for deployment in detecting North Atlantic  
12                  right whales both individually and in com-  
13                  bination;

14                  (iii) how the monitoring system is di-  
15                  rectly informing and improving species  
16                  management and mitigation in near real-  
17                  time across ocean sectors whose activities  
18                  pose a risk to North Atlantic right whales;  
19                  and

20                  (iv) a prioritized identification of gaps  
21                  in technology or methods requiring future  
22                  research and development.

23           (B) FINAL REPORT.—Not later than 3  
24           years after the date of the enactment of this  
25           Act, the Administrator, in coordination with the

1 Secretary of Defense and the heads of other rel-  
2 evant Federal departments and agencies, shall  
3 submit to the Committee on Natural Resources  
4 of the House of Representatives, and the Com-  
5 mittee on Commerce, Science, and Transpor-  
6 tation of the Senate, and make available to the  
7 public, a final report, addressing the compo-  
8 nents in subparagraph (A) for the subsequent 1  
9 year following the publication of the interim re-  
10 port, and including the following—

11 (i) a strategic plan to expand the pilot  
12 program to provide near real-time moni-  
13 toring and mitigation measures to addi-  
14 tional large whale species, including a  
15 prioritized plan for acquisition, deploy-  
16 ment, and maintenance of monitoring tech-  
17 nologies, and the locations or species for  
18 which the plan would apply; and

19 (ii) a budget and description of appro-  
20 priations necessary to carry out the stra-  
21 tegic plan pursuant to the requirements of  
22 clause (i).

23 (c) ADDITIONAL AUTHORITY.—In carrying out this  
24 section, the Administrator may enter into and perform  
25 such contracts, leases, grants, or cooperative agreements

1 as may be necessary to carry out the purposes of this sec-  
2 tion on such terms as the Administrator considers appro-  
3 priate, consistent with Federal acquisition regulations.

4 (d) REPORTING.—Not later than 1 year after the de-  
5 ployment of the program described in subsection (b) (and  
6 after completion of the reporting requirements pursuant  
7 to subsection (b)(5)), and annually thereafter through  
8 2029, the Administrator shall submit to the Committee  
9 on Natural Resources of the House of Representatives,  
10 and the Committee on Commerce, Science, and Transpor-  
11 tation of the Senate, and make available to the public, a  
12 report that assess the benefits and efficacy of the near  
13 real-time monitoring and mitigation program.

14 (e) DEFINITIONS.—In this section:

15 (1) CORE FORAGING HABITS.—The term “core  
16 foraging habitats” means areas with biological and  
17 physical oceanographic features that aggregate  
18 *Calanus finmarchicus* and where North Atlantic  
19 right whales foraging aggregations have been well  
20 documented.

21 (2) LARGE WHALE.—The term “large whale”  
22 means all Mysticeti species and species within the  
23 genera *Physeter* and *Orcinus*.

24 (3) NEAR REAL-TIME.—The term “near real-  
25 time” means that visual, acoustic, or other detec-

1 tions of North Atlantic right whales are transmitted  
2 and reported as soon as technically feasible, and no  
3 longer than 24 hours, after they have occurred.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated to the Administrator, to  
6 support development, deployment, application and ongoing  
7 maintenance of the monitoring system as required by this  
8 section, \$5,000,000 for each of fiscal years 2022 through  
9 2026.

10 **SEC. 5. GRANTS TO SUPPORT TECHNOLOGY THAT RE-**  
11 **DUCES UNDERWATER NOISE FROM VESSELS.**

12 (a) IN GENERAL.—Not later than 6 months after the  
13 date of the enactment of this Act, the Administrator of  
14 the Maritime Administration shall establish a grant pro-  
15 gram, to be administered in consultation with the heads  
16 of other appropriate Federal departments and agencies,  
17 to provide assistance for the development and implementa-  
18 tion of new or improved technologies that quantifiably re-  
19 duce underwater noise from marine vessels.

20 (b) ELIGIBLE USES.—Grants provided under this  
21 section may be used to develop, assess, and implement new  
22 or improved technologies that materially reduce under-  
23 water noise from marine vessels.

24 (c) OUTREACH.—The Administrator of the Maritime  
25 Administration shall conduct outreach to eligible entities



1 to provide information on how to apply for assistance  
2 under this section, the benefits of the program under this  
3 section, and facilitation of best practices and lessons  
4 learned.

5 (d) ELIGIBLE ENTITIES.—A person shall be eligible  
6 for assistance under this section if the person is—

7 (1) a corporation established under the laws of  
8 the United States;

9 (2) an individual, partnership, association, or-  
10 ganization or any other combination of individuals,  
11 provided that each such individual shall be a citizen  
12 of the United States or lawful permanent resident of  
13 the United States or a protected individual as such  
14 term is defined in section 274B(a)(3) of the Immi-  
15 gration and Nationality Act (9 U.S.C. 1324b(a)(3));  
16 or

17 (3) an academic or research organization.

18 (e) REQUIREMENTS FOR DEPARTMENT OF DEFENSE  
19 CONSULTATION.—

20 (1) IN GENERAL.—Prior to awarding any  
21 grants under this section, the Administrator of the  
22 Maritime Administration shall consult with the Sec-  
23 retary of Defense to ensure each eligible entity and  
24 its proposed activities do not raise national security  
25 concerns.

1           (2) NOTIFICATION.—In carrying out the re-  
2           quirements of paragraph (1), the Administrator of  
3           the Maritime Administration shall—

4                   (A) provide the Secretary of Defense with  
5                   a copy of any grant applications being consid-  
6                   ered for funding; and

7                   (B) ensure such grant applications include  
8                   any information requested by the Secretary of  
9                   Defense to conduct a national security review.

10           (3) DETERMINATION OF POTENTIAL ADVERSE  
11           IMPACT.—

12                   (A) REQUIREMENT.—Not later than 60  
13                   days after receiving the information requested  
14                   pursuant to paragraph (2), the Secretary of De-  
15                   fense shall determine whether a proposed activ-  
16                   ity may have a potential adverse impact with  
17                   respect to national security. A determination  
18                   that cannot be completed in the 60-day period  
19                   be extended by mutual agreement between the  
20                   agencies.

21                   (B) NO DETERMINATION MADE.—A deter-  
22                   mination required under this paragraph that  
23                   has not been issued within 120 days, and for  
24                   which the Administrator of the Maritime Ad-  
25                   ministration has not agreed to further exten-

1           sions, shall be considered complete for the pur-  
2           poses of this subsection and the proposed activ-  
3           ity may move forward.

4           (C) LIMITATION.—The Administrator of  
5           the Maritime Administration may not award  
6           any grants until the Secretary of Defense has  
7           completed a determination pursuant to this sub-  
8           section. A proposed activity determined to have  
9           a potential adverse impact to national security  
10          may not proceed until modifications are made  
11          to such proposed activity to resolve national se-  
12          curity concerns.

13          (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
14          authorized to be appropriated to the Administrator of the  
15          Maritime Administration for carrying out this section,  
16          \$5,000,000 for each of fiscal years 2022 through 2026,  
17          to remain available until expended.

18          **SEC. 6. TECHNOLOGY ASSESSMENT FOR QUIETING UNITED**  
19                                   **STATES GOVERNMENT VESSELS.**

20          (a) IN GENERAL.—Not later than 18 months after  
21          the date of the enactment of this Act, the Administrator  
22          of the Maritime Administration, in consultation with the  
23          Commandant of the Coast Guard, the Secretary of De-  
24          fense, the Secretary of Homeland Security, and the Ad-  
25          ministrators of the National Oceanic and Atmospheric Ad-

1 ministration, shall submit to the appropriate committees  
2 of Congress and publish, a report that includes—

3 (1) an identification of existing unclassified  
4 technologies that reduce underwater noise; and

5 (2) an evaluation of the effectiveness and feasi-  
6 bility of incorporating such technologies in the de-  
7 sign, procurement, and construction of non-military  
8 vessels of the United States Government.

9 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-  
10 FINED.—In this section, the term “appropriate commit-  
11 tees of Congress” means—

12 (1) the Committee on Armed Services, the  
13 Committee on Commerce, Science, and Transpor-  
14 tation, the Committee on Environment and Public  
15 Works, and the Committee on Homeland Security  
16 and Governmental Affairs of the Senate; and

17 (2) the Committee on Armed Services, the  
18 Committee on Energy and Commerce, the Com-  
19 mittee on Homeland Security, the Committee on  
20 Natural Resources, and the Committee on Transpor-  
21 tation and Infrastructure of the House of Represent-  
22 atives.

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