

117TH CONGRESS
1ST SESSION

H. R. 5957

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

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

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 **FIG 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 ministrator, 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 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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