

118TH CONGRESS
2D SESSION

S. 4948

To require the Secretary of Commerce to establish a grant program to foster enhanced coexistence between ocean users and North Atlantic right whales and other large cetacean species.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2024

Mr. MANCHIN (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Commerce to establish a grant program to foster enhanced coexistence between ocean users and North Atlantic right whales and other large cetacean species.

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. NORTH ATLANTIC RIGHT WHALES AND REGU-**
4 **LATIONS.**

5 For the period beginning on the date of the enact-
6 ment of this Act and ending on December 31, 2030, the
7 North Atlantic right whale vessel strike reduction rule
8 contained in section 224.105 of title 50, Code of Federal

1 Regulations, as in effect during fiscal year 2022, may not
2 be amended, updated, modified, or replaced.

3 **SEC. 2. NORTH ATLANTIC RIGHT WHALE AND OTHER**
4 **LARGE CETACEAN SPECIES GRANT PRO-**
5 **GRAM.**

6 (a) **IN GENERAL.**—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary shall es-
8 tablish a competitive grant program to award amounts,
9 on an annual basis, to eligible entities for the eligible uses
10 described in subsection (e).

11 (b) **ADMINISTRATION.**—The Secretary shall enter
12 into a cooperative agreement with the Foundation pursu-
13 ant to the National Fish and Wildlife Foundation Estab-
14 lishment Act (16 U.S.C. 3701 et seq.) for the Foundation
15 to manage and administer the Program.

16 (c) **APPLICATIONS.**—To be eligible for a grant under
17 the Program, an eligible entity shall submit to the Foun-
18 dation an application in such form, at such time, and con-
19 taining such information as the Foundation determines
20 appropriate.

21 (d) **FUNDING.**—

22 (1) **IN GENERAL.**—After the Secretary enters
23 into a cooperative agreement with the Foundation
24 under subsection (b)—

1 (A) the Secretary shall provide to the
2 Foundation the amounts made available under
3 this section to carry out the Program in an ad-
4 vance payment of the entire amount on October
5 1, or as soon as practicable thereafter, for each
6 fiscal year; and

7 (B) the Foundation shall invest and rein-
8 vest excess such amounts for the benefit of the
9 Program.

10 (2) APPLICATION OF NATIONAL FISH AND
11 WILDLIFE FOUNDATION ESTABLISHMENT ACT.—
12 Amounts received by the Foundation under this sec-
13 tion to carry out the Program shall be subject to the
14 National Fish and Wildlife Foundation Establish-
15 ment Act (16 U.S.C. 3701 et seq.), except for sec-
16 tion 10(a) of that Act (16 U.S.C. 3709(a)).

17 (e) ELIGIBLE USES.—An eligible entity that is
18 awarded a grant under the Program may use such grant
19 to develop, assess, and carry out activities that reduce le-
20 thal and sub-lethal interactions between ocean users and
21 North Atlantic right whales and other large cetacean spe-
22 cies, including—

23 (1) funding research to identify, deploy, or test
24 innovative avoidance technologies that reduce or
25 eliminate harmful interactions between ocean users

1 and North Atlantic right whales and other large ce-
2 tacean species;

3 (2) efforts to enhance awareness of existing
4 North Atlantic right whale management measures
5 and rules;

6 (3) developing on-the-water approaches to sup-
7 port the coexistence of ocean users and North Atlan-
8 tic right whales and other large cetacean species;

9 (4) funding the expansion of infrastructure and
10 capacity to disseminate management and other rel-
11 evant information that reduces harmful interactions
12 between ocean users and North Atlantic right whales
13 and other large cetacean species, especially such
14 interactions that can lead to lethal or sub-lethal in-
15 jury; and

16 (5) other uses the Foundation, in consultation
17 with the Secretary and relevant eligible entities, de-
18 termines appropriate.

19 (f) PRIORITY.—In awarding grants under the Pro-
20 gram, the Foundation shall give priority to applications—

21 (1) with a substantial likelihood of reducing le-
22 thal and sub-lethal interactions between ocean users
23 and North Atlantic right whales and other large ce-
24 tacean species;

1 (2) that include cooperation among ocean users;
2 and

3 (3) that demonstrate, or have the potential to
4 provide, economic benefits to small businesses reliant
5 upon fishing, tourism, and maritime-related activi-
6 ties based in the United States.

7 (g) PROHIBITED USES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), an eligible entity that is awarded a grant
10 under the Program may not use such grant to dis-
11 tribute resources to an entity or individual that is
12 not a United States person.

13 (2) EXCEPTION.—An eligible entity that is
14 awarded a grant under the Program may use such
15 grant to distribute resources to a partnership that
16 includes an entity or individual that is not a United
17 States person if the resources are distributed di-
18 rectly to a partner in the partnership that is a
19 United States person.

20 (h) REPORT.—Not later than 2 years after the date
21 of the enactment of this Act, and every 2 years thereafter,
22 the Secretary shall submit to the Committee on Natural
23 Resources and the Committee on Transportation and In-
24 frastructure of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of the

1 Senate a report regarding the results and effectiveness
2 of—

3 (1) projects carried out with a grant awarded
4 under the Program; and

5 (2) work carried out pursuant to—

6 (A) section 201 of division JJ of the Con-
7 solidated Appropriations Act, 2023 (16 U.S.C.
8 1393); and

9 (B) section 11303 of the James M. Inhofe
10 National Defense Authorization Act for Fiscal
11 Year 2023 (16 U.S.C. 1391).

12 (i) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated to the Secretary to carry out this sec-
15 tion \$10,000,000, to remain available until ex-
16 pended.

17 (2) ADMINISTRATIVE EXPENSES.—Each fiscal
18 year, of the amounts made available to carry out
19 this section under paragraph (1), the Foundation
20 may use not more than 5 percent or \$80,000, which-
21 ever is greater, of such amounts for the administra-
22 tive expenses of the Program.

23 (j) DEFINITIONS.—In this section:

24 (1) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means—

1 (A) a State, regional, local, or Tribal gov-
2 ernment;

3 (B) a nonprofit organization or research
4 institution with expertise in on-the-water tech-
5 nology for the monitoring or detection of North
6 Atlantic right whales and other large cetacean
7 species;

8 (C) any individual or entity the Secretary
9 and the Foundation jointly determine appro-
10 priate, including ocean users in the fishing,
11 tourism, fishing tackle manufacturing, boating,
12 shipping, marine electronics, ship piloting, ves-
13 sel towing, and other maritime sectors; or

14 (D) a consortium of 2 or more entities de-
15 scribed in any of subparagraphs (A) through
16 (C).

17 (2) FOUNDATION.—The term “Foundation”
18 means the National Fish and Wildlife Foundation.

19 (3) PROGRAM.—The term “Program” means
20 the program established under subsection (a).

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of Commerce, acting through the
23 Under Secretary of Commerce for Oceans and At-
24 mosphere.

1 (5) UNITED STATES PERSON.—The term
2 “United States person” has the meaning given the
3 term in section 7701(a)(30) of the Internal Revenue
4 Code of 1986.

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