

117TH CONGRESS
2D SESSION

H. R. 6987

To establish programs to reduce the impacts of vessel traffic and underwater noise on marine mammals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2022

Mr. LARSEN of Washington (for himself, Mr. FITZPATRICK, Ms. BROWNLEY, Ms. STRICKLAND, 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 establish programs to reduce the impacts of vessel traffic and underwater noise on 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. MONITORING OCEAN SOUNDSCAPES.**

4 (a) IN GENERAL.—The Administrator shall maintain
5 and expand an ocean soundscape development program
6 that includes the Ocean Noise Reference Station Network
7 of the National Oceanic and Atmospheric Administration

1 and the National Park Service, using and coordinating
2 with the Integrated Ocean Observing System, and may co-
3 ordinate as appropriate with Regional Ocean Partner-
4 ships, the Fish and Wildlife Service, and the Department
5 of Defense to—

6 (1) provide grants to expand the deployment of
7 Federal and non-Federal observing and data man-
8 agement systems capable of collecting measurements
9 of underwater sound in high-priority ocean and
10 coastal locations for purposes of monitoring and
11 analyzing baselines and trends in the underwater
12 soundscape to protect and manage marine life;

13 (2) continue to develop and apply standardized
14 forms of measurements to assess sounds produced
15 by marine animals, physical processes, and anthro-
16 pogenic activities; and

17 (3) after coordinating with the Department of
18 Defense, coordinate and make accessible to the pub-
19 lic the datasets, modeling and analysis, and user-
20 driven products and tools, resulting from observa-
21 tions of underwater sound funded through grants
22 authorized by this section.

23 (b) PRIORITY.—In awarding grants under this sec-
24 tion, the Administrator shall consider the geographic di-

1 versity of the recipients of such grants as much as prac-
2 ticable.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$1,500,000 for each of fiscal years 2022 through 2026.

6 (d) ADMINISTRATOR DEFINED.—In this section, the
7 term “Administrator” means the Secretary of Commerce,
8 acting through the Administrator of the National Oceanic
9 and Atmospheric Administration.

10 **SEC. 2. GRANTS FOR SEAPORTS TO ESTABLISH PROGRAMS**
11 **TO REDUCE THE IMPACTS OF VESSEL TRAF-**
12 **FIC AND PORT OPERATIONS ON MARINE**
13 **MAMMALS.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Administrator, in
16 coordination with the Secretary of the department in
17 which the Coast Guard is operating, shall establish a grant
18 program to provide assistance to seaports to develop and
19 implement mitigation measures that will lead to a quan-
20 tifiable reduction in impacts to marine mammals from ves-
21 sel traffic, including shipping activities and port oper-
22 ations.

23 (b) ELIGIBLE USES.—A grant under this section may
24 be used to develop, assess, and carry out activities that

1 reduce threats and enhance the habitats of marine mam-
2 mals by—

3 (1) reducing underwater stressors related to
4 vessel traffic;

5 (2) reducing vessel strike mortality, serious in-
6 jury, and other physical disturbances;

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

9 (4) monitoring sound, vessel interactions with
10 marine mammals, or other types of monitoring that
11 are consistent with reducing the threats to and en-
12 hancing the habitats of marine mammals.

13 (c) PRIORITY.—The Administrator shall prioritize as-
14 sistance under this section for projects that—

15 (1) are based on the best available science on
16 methods to reduce threats and enhance habitats of
17 marine mammals, and collect data on the reduction
18 of those threats and the impacts of those activities
19 to assess their effectiveness;

20 (2) assist ports with higher relative threat levels
21 to vulnerable marine mammals from vessel traffic;

22 (3) reduce disturbance from vessel presence,
23 mortality risk, or serious injury from vessel strikes;

24 (4) are in close proximity to Usual and Accus-
25 tomed Fishing Areas, National Marine Sanctuaries,

1 Marine National Monuments, National Parks, Na-
2 tional Wildlife Refuges, and other Federal, State,
3 Tribal, and local marine protected areas; and

4 (5) allow eligible entities to conduct risk assess-
5 ments, and track progress toward threat reduction
6 and habitat enhancement, including protecting coral
7 reefs from encroachment by commerce and shipping
8 lanes.

9 (d) OUTREACH.—The Administrator shall conduct
10 outreach to seaports to provide information on how to
11 apply for assistance under this section, the benefits of the
12 program under this section, and facilitation of adoption
13 of best practices and identification of lessons learned.

14 (e) ELIGIBLE ENTITIES.—An entity shall be eligible
15 for assistance under this section if the entity is—

16 (1) a port authority for a seaport;

17 (2) a State, regional, local, or Tribal govern-
18 ment that has jurisdiction over a maritime port au-
19 thority or a seaport; or

20 (3) a private entity or government entity, apply-
21 ing for a grant awarded under this section in col-
22 laboration with another entity described in para-
23 graph (1) or (2), that owns or operates a maritime
24 terminal.

1 (f) BRIEFING.—The Administrator shall provide to
2 the Committee on Natural Resources of the House of Rep-
3 resentatives and the Committee on Commerce, Science,
4 and Transportation of the Senate, an annual briefing that
5 includes the following:

6 (1) The name and location of each entity receiv-
7 ing a grant under this section.

8 (2) Amount of each such grant.

9 (3) The name and location of the seaport in
10 which activities carried out with such grant took
11 place.

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

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

17 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$5,000,000 for each of fiscal years 2022 through 2026,
20 to remain available until expended.

21 (h) ADMINISTRATOR DEFINED.—In this section, the
22 term “Administrator” means the Secretary of Commerce,
23 acting through the Administrator of the National Oceanic
24 and Atmospheric Administration.

1 **SEC. 3. NEAR REAL-TIME MONITORING AND MITIGATION**
2 **PROGRAM FOR LARGE WHALES.**

3 (a) ESTABLISHMENT.—The Administrator, in coordi-
4 nation with the Secretary of the department in which the
5 Coast Guard is operating, the Secretary of Defense, and
6 the heads of other relevant Federal departments and agen-
7 cies, shall design and deploy a near real-time large whale
8 monitoring and mitigation program (in this section re-
9 ferred to as the “Program”).

10 (b) PURPOSE.—The purpose of the Program is to re-
11 duce the risk to large whales of vessel collisions and to
12 minimize other impacts to such whales.

13 (c) REQUIREMENTS.—The Program shall—

14 (1) prioritize species of large whales for which
15 vessel collision impacts are of particular concern;

16 (2) prioritize areas where vessel impacts are of
17 particular concern;

18 (3) be capable of detecting and alerting ocean
19 users and enforcement agencies of the probable loca-
20 tion of large whales on an actionable real-time basis,
21 including real time data whenever possible;

22 (4) inform sector-specific mitigation protocols
23 to effectively reduce takes of large whales;

24 (5) integrate technology improvements that will
25 improve as appropriate; and

1 (6) be informed by the technologies, monitoring
2 methods, and mitigation protocols developed pursu-
3 ant to the pilot program required in subsection (b).

4 (d) PILOT PROJECT.—

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

12 (2) PILOT PROJECT REQUIREMENTS.—In de-
13 signing and deploying the pilot project under para-
14 graph (1), the Administrator and the Secretary of
15 the department in which the Coast Guard is oper-
16 ating, in coordination with the heads of other rel-
17 evant Federal departments and agencies, shall, using
18 best available scientific information, identify and en-
19 sure coverage of—

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

22 (i) the South of the Islands core for-
23 aging habitat;

24 (ii) the Cape Cod Bay Area core for-
25 aging habitat;

1 (iii) the Great South Channel core
2 foraging habitat; and

3 (iv) the Gulf of Maine; and

4 (B) important feeding, breeding, calving,
5 rearing, or migratory habitats of North Atlantic
6 right whales that co-occur with areas of high
7 risk of mortality, serious injury or other im-
8 pacts to such whales including from vessels or
9 vessel strikes.

10 (3) PILOT PROJECT COMPONENTS.—

11 (A) IN GENERAL.—Not later than 3 years
12 after the date of the enactment of this Act, the
13 Administrator, in consultation with the Sec-
14 retary of the department in which the Coast
15 Guard is operating and with relevant Federal
16 agencies, Tribal governments, and with input
17 from affected stakeholders, shall design and de-
18 ploy a near real-time monitoring system for
19 North Atlantic right whales that—

20 (i) comprises the best available detec-
21 tion power, spatial coverage, and survey ef-
22 fort to detect and localize North Atlantic
23 right whales within core foraging habitats;

1 (ii) is capable of detecting North At-
2 lantic right whales, including visually or
3 acoustically;

4 (iii) uses dynamic habitat suitability
5 models to inform the likelihood of North
6 Atlantic right whale occurrence in core for-
7 aging habitat at any given time;

8 (iv) coordinates with the Integrated
9 Ocean Observing System and Coast Guard
10 vessel traffic service centers, and may co-
11 ordinate with Regional Ocean Partnerships
12 to leverage monitoring assets;

13 (v) integrates historical data;

14 (vi) integrates new near real-time
15 monitoring methods and technologies as
16 they become available;

17 (vii) accurately verifies and rapidly
18 communicates detection data;

19 (viii) creates standards for and allows
20 ocean users to contribute data to the moni-
21 toring system using comparable near real-
22 time monitoring methods and technologies;
23 and

24 (ix) communicates the risks of injury
25 to large whales to ocean users in a way

1 that is most likely to result in informed de-
2 cision making regarding the mitigation of
3 those risks.

4 (B) NATIONAL SECURITY CONSIDER-
5 ATIONS.—All monitoring methods, technologies,
6 and protocols under this section shall be con-
7 sistent with national security considerations and
8 interests.

9 (4) MITIGATION PROTOCOLS.—The Adminis-
10 trator shall, in consultation with the Secretary of the
11 department in which the Coast Guard is operating,
12 the Secretary of Defense, the Secretary of Transpor-
13 tation, and the Secretary of the Interior, and with
14 input from affected stakeholders, develop and deploy
15 mitigation protocols that make use of the near real-
16 time monitoring system to direct sector-specific miti-
17 gation measures that avoid and significantly reduce
18 risk of serious injury and mortality to North Atlan-
19 tic right whales.

20 (5) ACCESS TO DATA.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), the Administrator shall pro-
23 vide access to data generated by the monitoring
24 system for purposes of scientific research and
25 evaluation, and public awareness and education,

1 including through the NOAA Right Whale
2 Sighting Advisory System and WhaleMap or
3 other successive public web portals.

4 (B) NATIONAL SECURITY RELATED INFOR-
5 MATION.—The Administrator may not provide
6 access to any data under subparagraph (A) that
7 the Secretary of Defense determines should be
8 withheld for national security reasons.

9 (6) PILOT PROGRAM REPORTING.—

10 (A) PRELIMINARY REPORT.—Not later
11 than 2 years after the date of the enactment of
12 this Act, the Administrator, in consultation
13 with the secretary of the department in which
14 the Coast Guard is operating, shall submit to
15 the appropriate congressional committees, and
16 make available to the public, a preliminary re-
17 port on the pilot project established under para-
18 graph (1), which shall include—

19 (i) a description of the monitoring
20 methods and technology in use or planned
21 for deployment;

22 (ii) analyses of the efficacy of the
23 methods and technology in use or planned
24 for deployment for detecting North Atlan-
25 tic right whales;

1 (iii) how the monitoring system is di-
2 rectly informing and improving North
3 American right whale management, health,
4 and survival;

5 (iv) a prioritized identification of tech-
6 nology or research gaps;

7 (v) a plan to communicate the risks of
8 injury to large whales to ocean users in a
9 way that is most likely to result in in-
10 formed decision making regarding the miti-
11 gation of those risks; and

12 (vi) additional information on the po-
13 tential benefits and efficacy of the pro-
14 gram, as appropriate.

15 (B) FINAL REPORT.—Not later than 6
16 years after the date of the enactment of this
17 Act, the Administrator, in coordination with the
18 Secretary of Defense and the heads of other rel-
19 evant Federal departments and agencies, shall
20 submit to the appropriate congressional com-
21 mittees, and make available to the public, a
22 final report on the pilot project established
23 under paragraph (1), that addresses the infor-
24 mation described in subparagraph (A) and in-
25 cludes the following:

1 (i) An assessment of the benefits and
2 efficacy of the near real-time monitoring
3 and mitigation program.

4 (ii) A strategic plan to expand the
5 pilot program to provide near real-time
6 monitoring and mitigation measures to—

7 (I) additional large whale species
8 of concern for which such measures
9 would reduce risk of serious injury or
10 death; and

11 (II) important feeding, breeding,
12 calving, rearing, or migratory habitats
13 of whales that co-occur with areas of
14 high risk of mortality or serious in-
15 jury of such whales from vessel strikes
16 or disturbance.

17 (iii) A prioritized plan for acquisition,
18 deployment, and maintenance of moni-
19 toring technologies.

20 (iv) The locations or species for which
21 such plan would apply.

22 (v) A budget and description of funds
23 necessary to carry out the strategic plan.

24 (e) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Secretary of Commerce, acting
3 through the Administrator of the National Oceanic
4 and Atmospheric Administration.

5 (2) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means the Committees on Natural Re-
8 sources and Transportation and Infrastructure of
9 the House of Representatives and the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate.

12 (3) CORE FORAGING HABITATS.—The term
13 “core foraging habitats” means areas with biological
14 and physical oceanographic features that aggregate
15 Calanus finmarchicus and where North Atlantic
16 right whales foraging aggregations have been well
17 documented.

18 (4) LARGE WHALE.—The term “large whale”
19 means all Mysticeti species and species within the
20 genera Physeter and Orcinus.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to the Administrator to
23 carry out this section \$17,000,000 for each of fiscal years
24 2022 through 2026.

1 **SEC. 4. GRANTS TO SUPPORT TECHNOLOGY THAT RE-**
2 **DUCES UNDERWATER NOISE FROM VESSELS.**

3 (a) IN GENERAL.—Not later than 6 months after the
4 date of enactment of this Act, the Administrator of the
5 Maritime Administration shall establish a grant program,
6 to be administered in consultation with the heads of other
7 appropriate Federal departments and agencies, to provide
8 assistance for the development and implementation of new
9 or improved technologies that quantifiably reduce under-
10 water noise from marine vessels including noise produced
11 incidental to the propulsion of marine vessels.

12 (b) ELIGIBLE USES.—Grants provided under this
13 section may be used to develop, assess, and implement new
14 or improved technologies that materially reduce under-
15 water noise from marine vessels including noise produced
16 incidental to the propulsion of marine vessels.

17 (c) OUTREACH.—The Administrator shall conduct
18 outreach to eligible entities to provide information on how
19 to apply for assistance under this section, the benefits of
20 the program established under this section, and facilita-
21 tion of best practices and lessons learned.

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

- 24 (1) an academic or research institution;
25 (2) an individual, partnership, association, or-
26 ganization or any other combination of individuals,

1 provided, however, that each such individual shall be
2 a citizen of the United States, a lawful permanent
3 resident of the United States, or a protected indi-
4 vidual (as such term is defined in section
5 274B(a)(3) of the Immigration and Nationality Act
6 (8 U.S.C. 1324b(a)(3)));

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

9 (4) a State or Tribal government.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$5,000,000 for each of fiscal years 2022 through 2026,
13 to remain available until expended.

14 **SEC. 5. TECHNOLOGY ASSESSMENT FOR QUIETING UNITED**
15 **STATES GOVERNMENT VESSELS.**

16 (a) IN GENERAL.—Not later than 18 months after
17 the date of enactment of this Act, the Administrator of
18 the Maritime Administration, in consultation with the Ad-
19 ministrator of the National Oceanic and Atmospheric Ad-
20 ministration, Secretary of Defense, and the Secretary of
21 the department in which the Coast Guard is operating,
22 shall submit to the committees identified under subsection
23 (b), and make available to the public, a report—

1 (1) identifying existing, at the time of submis-
2 sion, non-classified naval technologies that reduce
3 underwater noise; and

4 (2) evaluating the effectiveness and feasibility
5 of incorporating such technologies in the design, pro-
6 curement, and construction of non-combatant vessels
7 of the United States.

8 (b) COMMITTEES.—The report required under sub-
9 section (a) shall be submitted to the Committees on Com-
10 merce, Science, and Transportation and Armed Services
11 of the Senate and the Committees on Armed Services,
12 Natural Resources, and Transportation and Infrastruc-
13 ture of the House of Representatives.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$100,000 for fiscal year 2022, to remain available until
17 expended.

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