

Union Calendar No. 804

115TH CONGRESS
2^D SESSION

H. R. 3133

[Report No. 115–1030]

To amend the Marine Mammal Protection Act of 1972 to reduce unnecessary permitting delays by clarifying associated procedures to increase economic development and support coastal restoration programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2017

Mr. JOHNSON of Louisiana (for himself, Mr. DUNCAN of South Carolina, Mr. HIGGINS of Louisiana, Mr. ABRAHAM, Mr. GRAVES of Louisiana, and Mr. JODY B. HICE of Georgia) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 16, 2018

Additional sponsors: Mr. ROUZER, Mr. LOUDERMILK, and Mr. PALAZZO

NOVEMBER 16, 2018

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Marine Mammal Protection Act of 1972 to reduce unnecessary permitting delays by clarifying associated procedures to increase economic development and support coastal restoration programs, 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. SHORT TITLE.**

4 This Act may be cited as the “Streamlining Environ-
5 mental Approvals Act of 2017” or the “SEA Act of
6 2017”.

7 **SEC. 2. ADDRESSING PERMITS FOR TAKING OF MARINE**
8 **MAMMALS.**

9 Section 101(a)(5)(D) of the Marine Mammal Protec-
10 tion Act of 1972 (16 U.S.C. 1371(a)(5)(D)) is amended
11 as follows:

12 (1) In clause (i)—

13 (A) by striking “citizens of the United
14 States” and inserting “persons”;

15 (B) by striking “within a specific geo-
16 graphic region”;

17 (C) by striking “of small numbers”;

18 (D) by striking “such citizens” and insert-
19 ing “such persons”; and

20 (E) by striking “within that region”.

21 (2) In clause (ii)—

22 (A) in subclause (I), by striking “, and
23 other means of effecting the least practicable
24 impact on such species or stock and its habi-
25 tat”;

1 (B) in subclause (III), by striking “re-
2 requirements pertaining to the monitoring and re-
3 porting of such taking by harassment, includ-
4 ing” and inserting “efficient and practical re-
5 quirements pertaining to the monitoring of such
6 taking by harassment while the activity is being
7 conducted and the reporting of such taking, in-
8 cluding, as the Secretary determines nec-
9 essary,”; and

10 (C) by adding at the end the following:
11 “Any condition imposed pursuant to subclause (I), (II),
12 or (III) may not result in more than a minor change to
13 the specified activity and may not alter the basic design,
14 location, scope, duration, or timing of the specified activ-
15 ity.”.

16 (3) In clause (iii), by striking “receiving an ap-
17 plication under this subparagraph” and inserting
18 “an application is accepted or required to be consid-
19 ered complete under subclause (I)(aa), (II)(aa), or
20 (IV) of clause (viii), as applicable,”.

21 (4) In clause (vi), by striking “a determination
22 of least practicable adverse impact on such species
23 or stock under clause (i)(I)” and inserting “condi-
24 tions imposed under subclause (I), (II), or (III) of
25 clause (ii)”.

1 (5) By adding at the end the following:

2 “(viii)(I) The Secretary shall—

3 “(aa) accept as complete a written request for
4 authorization under this subparagraph for incidental
5 taking described in clause (i), by not later than 45
6 days after the date of submission of the request; or

7 “(bb) provide to the requester, by not later than
8 15 days after the date of submission of the request,
9 a written notice describing any additional informa-
10 tion required to complete the request.

11 “(II) If the Secretary provides notice under subclause
12 (I)(bb), the Secretary shall, by not later than 30 days after
13 the date of submission of the additional information de-
14 scribed in the notice—

15 “(aa) accept the written request for authoriza-
16 tion under this subparagraph for incidental taking
17 described in clause (i); or

18 “(bb) deny the request and provide the re-
19 quester a written explanation of the reasons for the
20 denial.

21 “(III) The Secretary may not make a second request
22 for information, request that the requester withdraw and
23 resubmit the request, or otherwise delay a decision on the
24 request.

1 “(IV) If the Secretary fails to respond to a request
2 for authorization under this subparagraph in the manner
3 provided in subclause (I) or (II), the request shall be con-
4 sidered to be complete.

5 “(ix)(I) At least 90 days before the expiration of any
6 authorization issued under this subparagraph, the holder
7 of such authorization may apply for a one-year extension
8 of such authorization. The Secretary shall grant such ex-
9 tension within 14 days after the date of such request on
10 the same terms and without further review if there has
11 been no substantial change in the activity carried out
12 under such authorization nor in the status of the marine
13 mammal species or stock, as applicable, as reported in the
14 final annual stock assessment reports for such species or
15 stock.

16 “(II) In subclause (I) the term ‘substantial change’
17 means a change that prevents the Secretary from making
18 the required findings to issue an authorization under
19 clause (i) with respect to such species or stock.

20 “(III) The Secretary shall notify the applicant of
21 such substantial changes with specificity and in writing
22 within 14 days after the applicant’s submittal of the exten-
23 sion request.

24 “(x) If the Secretary fails to make the required find-
25 ings and, as appropriate, issue the authorization within

1 120 days after the application is accepted or required to
2 be considered complete under subclause (I)(aa), (II)(aa),
3 or (III) of clause (viii), as applicable, the authorization
4 is deemed to have been issued on the terms stated in the
5 application and without further process or restrictions
6 under this Act.”.

7 **SEC. 3. REMOVING DUPLICATIONS.**

8 Section 101(a)(5)(D) of the Marine Mammal Protec-
9 tion Act of 1972 (16 U.S.C. 1371(a)(5)(D)), as amended
10 by section 2 of this Act, is further amended by adding
11 at the end the following:

12 “(xi) Any taking of a marine mammal in compliance
13 with an authorization under this subparagraph is exempt
14 from the prohibition on taking in section 9 of the Endan-
15 gered Species Act of 1973 (16 U.S.C. 1538). Any Federal
16 agency authorizing, funding, or carrying out an action
17 that results in such taking, and any agency action author-
18 izing such taking, is exempt from the requirement to con-
19 sult regarding potential impacts to marine mammal spe-
20 cies or designated critical habitat under section 7(a)(2)
21 of such Act (16 U.S.C. 1536(a)(2)).”.

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