

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. JOHNSON OF LOUISIANA

Add at the end the following:

1 **TITLE V—STREAMLINING**
2 **ENVIRONMENTAL APPROVALS**

3 **SEC. 501. ADDRESSING PERMITS FOR TAKING OF MARINE**
4 **MAMMALS.**

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

8 (1) In clause (i)—

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

11 (B) by striking “within a specific geo-
12 graphic region”;

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

14 (D) by striking “such citizens” and insert-
15 ing “such persons”; and

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

17 (2) In clause (ii)—

18 (A) in subclause (I), by striking “, and
19 other means of effecting the least practicable

1 impact on such species or stock and its habi-
2 tat”;

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

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

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

23 (4) In clause (vi), by striking “a determination
24 of ‘least practicable adverse impact on such species
25 or stock’ under clause (i)(I)” and inserting “condi-

1 tions imposed under subclause (I), (II), or (III) of
2 clause (ii)”.

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

4 “(viii)(I) The Secretary shall—

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

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

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

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

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

23 “(III) The Secretary may not make a second request
24 for information, request that the requester withdraw and

1 resubmit the request, or otherwise delay a decision on the
2 request.

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

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

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

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

1 “(x) If the Secretary fails to make the required find-
2 ings and, as appropriate, issue the authorization within
3 120 days after the application is accepted or required to
4 be considered complete under subclause (I)(aa), (II)(aa),
5 or (III) of clause (viii), as applicable, the authorization
6 is deemed to have been issued on the terms stated in the
7 application and without further process or restrictions
8 under this Act.”.

9 **SEC. 502. REMOVING DUPLICATIONS.**

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

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

