

Calendar No. 212

117TH CONGRESS
1ST SESSION

S. 1289

To amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2021

Ms. CANTWELL (for herself, Ms. MURKOWSKI, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 17, 2021

Reported by Ms. CANTWELL, without amendment

A BILL

To amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue Assistance Grant Program, 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 “Marine Mammal Re-
5 search and Response Act of 2021”.

1 **SEC. 2. DATA COLLECTION AND DISSEMINATION.**

2 Section 402 of the Marine Mammal Protection Act
3 of 1972 (16 U.S.C. 1421a) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1)(A), by inserting “or
6 entangled” after “stranded”;

7 (B) in paragraph (3)—

8 (i) by striking “strandings,” and in-
9 serting “strandings and entanglements, in-
10 cluding unusual mortality events,”;

11 (ii) by inserting “stranding” before
12 “region”; and

13 (iii) by striking “marine mammals;
14 and” and inserting “marine mammals and
15 entangled marine mammals to allow com-
16 parison of the causes of illness and deaths
17 in stranded marine mammals and entan-
18 gled marine mammals with physical, chem-
19 ical, and biological environmental param-
20 eters; and”;

21 (C) in paragraph (4), by striking “anal-
22 yses, that would allow comparison of the causes
23 of illness and deaths in stranded marine mam-
24 mals with physical, chemical, and biological en-
25 vironmental parameters.” and inserting “anal-
26 yses.”; and

1 (2) by striking subsection (c) and inserting the
2 following:

3 “(c) INFORMATION REQUIRED TO BE SUBMITTED
4 AND COLLECTED.—

5 “(1) IN GENERAL.—After each response to a
6 stranding or entanglement event, the Secretary shall
7 collect (including from any staff of the National
8 Oceanic and Atmospheric Administration that re-
9 spond directly to such an event), and shall require
10 each stranding network participant who responds to
11 that stranding or entanglement to submit to the Ad-
12 ministrator of the National Oceanic and Atmos-
13 pheric Administration—

14 “(A) data on the stranding event, includ-
15 ing NOAA Form 89–864 (OMB #0648–0178),
16 NOAA Form 89–878 (OMB #0648–0178),
17 similar successor forms, or similar information
18 in an appropriate format required by the
19 United States Fish and Wildlife Service for spe-
20 cies under its management authority;

21 “(B) supplemental data to the data de-
22 scribed in subparagraph (A), which may in-
23 clude, as available, relevant information
24 about—

25 “(i) weather and tide conditions;

1 “(ii) offshore human, predator, or
2 prey activity;

3 “(iii) morphometrics;

4 “(iv) behavior;

5 “(v) health assessments;

6 “(vi) life history samples; or

7 “(vii) stomach and intestinal contents;

8 and

9 “(C) data and results from laboratory
10 analysis of tissues, which may include, as ap-
11 propriate and available—

12 “(i) histopathology;

13 “(ii) toxicology;

14 “(iii) microbiology

15 “(iv) virology; or

16 “(v) parasitology.

17 “(2) TIMELINE.—A stranding network partici-
18 pant shall submit—

19 “(A) the data described in paragraph
20 (1)(A) not later than 30 days after the date of
21 a response to a stranding or entanglement
22 event;

23 “(B) the compiled data described in para-
24 graph (1)(B) not later than 30 days after the

1 date on which the data is available to the
2 stranding network participant; and

3 “(C) the compiled data described in para-
4 graph (1)(C) not later than 30 days after the
5 date on which the laboratory analysis has been
6 reported to the stranding network participant.

7 “(d) AVAILABILITY OF DATA.—

8 “(1) IN GENERAL.—The Secretary shall develop
9 a program to make information, including any data
10 and metadata collected under paragraphs (3) or (4)
11 of subsection (b) or subsection (c), available to re-
12 searchers, stranding network participants, and the
13 public—

14 “(A) to improve real-time coordination of
15 response to stranding and entanglement events
16 across geographic areas and between stranding
17 coordinators;

18 “(B) to identify and quickly disseminate
19 information on potential public health risks;

20 “(C) to facilitate integrated interdiscipli-
21 nary research;

22 “(D) to facilitate peer-reviewed publica-
23 tions;

24 “(E) to archive regional data into 1 na-
25 tional database for future analyses; and

1 “(F) for education and outreach activities.

2 “(2) ACCESS TO DATA.—The Secretary shall
3 ensure that any data or metadata collected under
4 subsection (c)—

5 “(A) by staff of the National Oceanic and
6 Atmospheric Administration that responded di-
7 rectly to a stranding or entanglement event is
8 available to the public through the Health MAP
9 and the Observation System not later than 30
10 days after that data or metadata is collected by,
11 available to, or reported to the Secretary; and

12 “(B) by a stranding network participant
13 that responded directly to a stranding or entan-
14 glement event is made available to the public
15 through the Health MAP and the Observation
16 System 2 years after the date on which that
17 data is submitted to the Secretary under sub-
18 section (c).

19 “(3) EXCEPTIONS.—

20 “(A) WRITTEN RELEASE.—Notwithstand-
21 ing paragraph (2)(B), the Secretary may make
22 data described in paragraph (2)(B) publicly
23 available earlier than 2 years after the date on
24 which that data is submitted to the Secretary
25 under subsection (c), if the stranding network

1 participant has completed a written release
2 stating that such data may be made publicly
3 available.

4 “(B) LAW ENFORCEMENT.—Notwithstand-
5 ing paragraph (2), the Secretary may withhold
6 data for a longer period than the period of time
7 described in paragraph (2) in the event of a law
8 enforcement action or legal action that may be
9 related to that data.

10 “(e) STANDARDS.—The Secretary, in consultation
11 with the marine mammal stranding community, shall—

12 “(1) make publicly available guidance about
13 uniform data and metadata standards to ensure that
14 data collected in accordance with this section can be
15 archived in a form that is readily accessible and un-
16 derstandable to the public through the Health MAP
17 and the Observation System; and

18 “(2) periodically update such guidance.

19 “(f) MANAGEMENT POLICY.—In collaboration with
20 the regional stranding networks, the Secretary shall de-
21 velop, and periodically update, a data management and
22 public outreach collaboration policy for stranding or en-
23 tanglement events.”.

1 **SEC. 3. STRANDING OR ENTANGLEMENT RESPONSE AGREE-**
 2 **MENTS.**

3 (a) IN GENERAL.—Section 403 of the Marine Mam-
 4 mal Protection Act of 1972 (16 U.S.C. 1421b) is amend-
 5 ed—

6 (1) in the section heading by inserting “**OR EN-**
 7 **TANGLEMENT**” before “**RESPONSE**”;

8 (2) in subsection (a), by striking the period at
 9 the end and inserting “or entanglement.”; and

10 (3) in subsection (b)—

11 (A) in paragraph (1), by striking “and”
 12 after the semicolon;

13 (B) in paragraph (2), by striking the pe-
 14 riod at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(3) include a description of the data manage-
 17 ment and public outreach policy established under
 18 section 402(f).”.

19 (b) TABLE OF CONTENTS AMENDMENT.—The table
 20 of contents in the first section of the Marine Mammal Pro-
 21 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)
 22 is amended by striking the item related to section 403 and
 23 inserting the following:

“Sec. 403. Stranding or entanglement response agreements.”.

1 **SEC. 4. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING.**

2 Section 405 the Marine Mammal Protection Act of
3 1972 (16 U.S.C. 1421d) is amended—

4 (1) by striking subsection (b) and inserting the
5 following:

6 “(b) USES.—Amounts in the Fund—

7 “(1) shall be available only for use by the Sec-
8 retary, in consultation with the Secretary of the In-
9 terior, and dispersed among claimants based on
10 budgets approved by the Secretary prior to expendi-
11 ture—

12 “(A) to make advance, partial, or progress
13 payments under contracts or other funding
14 mechanisms for property, supplies, salaries,
15 services, and travel costs incurred in acting in
16 accordance with the contingency plan issued
17 under section 404(b) or under the direction of
18 an Onsite Coordinator for an unusual mortality
19 event designated under section
20 404(a)(2)(B)(iii);

21 “(B) for reimbursing any stranding net-
22 work participant for costs incurred in the collec-
23 tion, preparation, analysis, and transportation
24 of marine mammal tissues and samples col-
25 lected with respect to an unusual mortality
26 event for the Tissue Bank; and

1 “(C) for the care and maintenance of a
 2 marine mammal seized under section
 3 104(c)(2)(D); and

4 “(2) shall remain available until expended.”;
 5 and

6 (2) in subsection (c)—

7 (A) in paragraph (2), by striking “and” at
 8 the end;

9 (B) in paragraph (3), by striking the pe-
 10 riod at the end and inserting a semicolon; and

11 (C) by adding at the end the following:

12 “(4) not more than \$250,000 per year, as de-
 13 termined by the Secretary of Commerce, from sums
 14 collected as fines, penalties, or forfeitures of prop-
 15 erty by the Secretary of Commerce for violations of
 16 any provision of this Act; and

17 “(5) sums received from emergency declaration
 18 grants for marine mammal conservation.”.

19 **SEC. 5. LIABILITY.**

20 Section 406(a) of the Marine Mammal Protection Act
 21 of 1972 (16 U.S.C. 1421e(a)) is amended, in the matter
 22 preceding paragraph (1)—

23 (1) by inserting “or entanglement” after “to a
 24 stranding”; and

1 (2) by striking “government” and inserting
2 “Government”.

3 **SEC. 6. NATIONAL MARINE MAMMAL TISSUE BANK AND TIS-**
4 **SUE ANALYSIS.**

5 Section 407 of the Marine Mammal Protection Act
6 of 1972 (16 U.S.C. 1421f) is amended—

7 (1) in subsection (c)(2)(A), by striking “the
8 health of marine mammals and” and inserting “ma-
9 rine mammal health and mortality and the health
10 of”; and

11 (2) in subsection (d), in the matter preceding
12 paragraph (1), by inserting “public” before “ac-
13 cess”.

14 **SEC. 7. MARINE MAMMAL RESCUE AND RESPONSE GRANT**
15 **PROGRAM AND RAPID RESPONSE FUND.**

16 (a) IN GENERAL.—Section 408 of the Marine Mam-
17 mal Protection Act of 1972 (16 U.S.C. 1421f–1) is
18 amended—

19 (1) by striking the section heading and insert-
20 ing “**MARINE MAMMAL RESCUE AND RESPONSE**
21 **GRANT PROGRAM AND RAPID RESPONSE**
22 **FUND**”;

23 (2) by striking subsections (a) through (d) and
24 subsections (f) through (h);

1 (3) by redesignating subsection (e) as sub-
2 section (f); and

3 (4) by inserting before subsection (f), as redес-
4 ignated by paragraph (3), the following:

5 “(a) DEFINITIONS.—In this section:

6 “(1) EMERGENCY ASSISTANCE.—

7 “(A) IN GENERAL.—The term ‘emergency
8 assistance’ means—

9 “(i) financial assistance provided to
10 respond to, or that results from, a strand-
11 ing event or entanglement event that—

12 “(I) causes an immediate in-
13 crease in the cost of a response, recov-
14 ery, or rehabilitation that is greater
15 than the usual cost of a response, re-
16 covery, or rehabilitation;

17 “(II) is cyclical or endemic; or

18 “(III) involves a marine mammal
19 that is out of the normal range for
20 that marine mammal; or

21 “(ii) financial assistance provided to
22 respond to, or that results from, a strand-
23 ing event or an entanglement event that
24 the appropriate Secretary or State or Trib-

1 al government considers to be an emer-
2 gency.

3 “(B) EXCLUSIONS.—The term ‘emergency
4 assistance’ does not include financial assistance
5 to respond to an unusual mortality event.

6 “(2) SECRETARY.—The term ‘Secretary’ has
7 the meaning given that term in section 3(12)(A).

8 “(3) STRANDING REGION.—The term ‘strand-
9 ing region’ means a geographic region designated by
10 the applicable Secretary for purposes of administra-
11 tion of this title.

12 “(b) JOHN H. PRESCOTT MARINE MAMMAL RESCUE
13 AND RESPONSE GRANT PROGRAM.—

14 “(1) IN GENERAL.—Subject to the availability
15 of appropriations or other funding, the applicable
16 Secretary shall carry out a grant program, to be
17 known as the ‘John H. Prescott Marine Mammal
18 Rescue and Response Grant Program’ (referred to
19 in this section as the ‘grant program’), to award
20 grants to eligible stranding network participants or
21 stranding network collaborators, as described in this
22 subsection.

23 “(2) PURPOSES.—The purposes of the grant
24 program are to provide for—

1 “(A) the recovery, care, or treatment of
2 sick, injured, or entangled marine mammals;

3 “(B) responses to marine mammal strand-
4 ing events that require emergency assistance;

5 “(C) the collection of data and samples
6 from living or dead stranded marine mammals
7 for scientific research or assessments regarding
8 marine mammal health;

9 “(D) facility operating costs that are di-
10 rectly related to activities described in subpara-
11 graph (A), (B), or (C); and

12 “(E) development of stranding network ca-
13 pacity, including training for emergency re-
14 sponse, where facilities do not exist or are
15 sparse.

16 “(3) CONTRACT, GRANT, AND COOPERATIVE
17 AGREEMENT AUTHORITY.—

18 “(A) IN GENERAL.—The applicable Sec-
19 retary may enter into a contract, grant, or co-
20 operative agreement with any eligible stranding
21 network participant or stranding network col-
22 laborator, as the Secretary determines to be ap-
23 propriate, for the purposes described in para-
24 graph (2).

1 “(B) EMERGENCY AWARD FLEXIBILITY.—

2 Following a request for emergency award flexi-
3 bility and analysis of the merits of and neces-
4 sity for such a request, the applicable Secretary
5 may—

6 “(i) amend any contract, grant, or co-
7 operative agreement entered into under
8 this paragraph, including provisions con-
9 cerning the period of performance; or

10 “(ii) waive the requirements under
11 subsection (f) for grant applications sub-
12 mitted during the provision of emergency
13 assistance.

14 “(4) EQUITABLE DISTRIBUTION OF FUNDS.—

15 “(A) IN GENERAL.—The Secretary shall
16 ensure, to the extent practicable, that funds
17 awarded under the grant program are distrib-
18 uted equitably among the stranding regions.

19 “(B) CONSIDERATIONS.—In determining
20 priorities among the stranding regions under
21 this paragraph, the Secretary may consider—

22 “(i) equitable distribution within the
23 stranding regions, including the sub re-
24 gions (including, but not limited to, the
25 Gulf of Mexico);

1 “(ii) any episodic stranding, entangle-
 2 ment, or mortality events, except for un-
 3 usual mortality events, that occurred in
 4 any stranding region in the preceding year;

5 “(iii) any data with respect to average
 6 annual stranding, entanglements, and mor-
 7 tality events per stranding region;

8 “(iv) the size of the marine mammal
 9 populations inhabiting a stranding region;

10 “(v) the importance of the region’s
 11 marine mammal populations to the well-
 12 being of indigenous communities; and

13 “(vi) the conservation of protected,
 14 depleted, threatened, or endangered marine
 15 mammal species.

16 “(C) STRANDINGS.—For the purposes of
 17 this program, priority is to be given to applica-
 18 tions focusing on marine mammal strandings.

19 “(5) APPLICATION.—To be eligible for a grant
 20 under the grant program, a stranding network par-
 21 ticipant shall—

22 “(A) submit an application in such form
 23 and manner as the applicable Secretary pre-
 24 scribes; and

1 “(B) be in compliance with the data re-
2 porting requirements under section 402(d) and
3 any applicable reporting requirements of the
4 United States Fish and Wildlife Service for spe-
5 cies under its management jurisdiction.

6 “(6) GRANT CRITERIA.—The Secretary shall, in
7 consultation with the Marine Mammal Commission,
8 a representative from each of the stranding regions,
9 and other individuals who represent public and pri-
10 vate organizations that are actively involved in res-
11 cue, rehabilitation, release, scientific research, ma-
12 rine conservation, and forensic science with respect
13 to stranded marine mammals under that Depart-
14 ment’s jurisdiction, develop criteria for awarding
15 grants under their respective grant programs.

16 “(7) LIMITATIONS.—

17 “(A) MAXIMUM GRANT AMOUNT.—No
18 grant made under the grant program for a sin-
19 gle award may exceed \$150,000 in any 12-
20 month period.

21 “(B) UNEXPENDED FUNDS.—Any funds
22 that have been awarded under the grant pro-
23 gram but that are unexpended at the end of the
24 12-month period described in subparagraph (A)
25 shall remain available until expended.

1 “(8) ADMINISTRATIVE COSTS AND EXPENSES.—

2 The Secretary’s administrative costs and expenses
3 related to reviewing and awarding grants under the
4 grant program, in any fiscal year may not exceed
5 the greater of—

6 “(A) 6 percent of the amounts made avail-
7 able each fiscal year to carry out the grant pro-
8 gram; or

9 “(B) \$80,000.

10 “(9) TRANSPARENCY.—The Secretary shall
11 make publicly available a list of grant proposals for
12 the upcoming fiscal year, funded grants, and re-
13 quests for grant flexibility under this subsection.

14 “(c) JOSEPH R. GERACI MARINE MAMMAL RESCUE
15 AND RAPID RESPONSE FUND.—

16 “(1) IN GENERAL.—There is established in the
17 Treasury of the United States an interest-bearing
18 fund, to be known as the ‘Joseph R. Geraci Marine
19 Mammal Rescue and Rapid Response Fund’ (re-
20 ferred to in this section as the ‘Rapid Response
21 Fund’).

22 “(2) USE OF FUNDS.—Amounts in the Rapid
23 Response Fund shall be available only for use by the
24 Secretary to provide emergency assistance.

25 “(d) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—

2 “(A) AUTHORIZATION OF APPROPRIA-
3 TIONS.—There is authorized to be appropriated
4 to carry out the grant program \$7,000,000 for
5 each of fiscal years 2021 through 2026, to re-
6 main available until expended, of which for each
7 fiscal year—

8 “(i) \$6,000,000 shall be made avail-
9 able to the Secretary of Commerce; and

10 “(ii) \$1,000,000 shall be made avail-
11 able to the Secretary of the Interior.

12 “(B) DERIVATION OF FUNDS.—Funds to
13 carry out the activities under this section shall
14 be derived from amounts authorized to be ap-
15 propriated pursuant to subparagraph (A) that
16 are enacted after the date of enactment of the
17 Marine Mammal Research and Response Act of
18 2021.

19 “(2) JOSEPH R. GERACI MARINE MAMMAL RES-
20 CUE AND RAPID RESPONSE FUND.—There is author-
21 ized to be appropriated to the Rapid Response Fund
22 \$500,000 for each of fiscal years 2021 through
23 2026.

24 “(e) ACCEPTANCE OF DONATIONS.—For the pur-
25 poses of carrying out this section, the Secretary may so-

1 licit, accept, receive, hold, administer, and use gifts, de-
 2 vises, and bequests without any further approval or ad-
 3 ministrative action.”.

4 (b) TABLE OF CONTENTS AMENDMENT.—The table
 5 of contents in the first section of the Marine Mammal Pro-
 6 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)
 7 (as amended by section 3(b)) is amended by striking the
 8 item related to section 408 and inserting the following:

“Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid
 Response Fund.”.

9 **SEC. 8. HEALTH MAP.**

10 (a) IN GENERAL.—Title IV of the Marine Mammal
 11 Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amend-
 12 ed by inserting after section 408 the following:

13 **“SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND**
 14 **ANALYSIS PLATFORM (HEALTH MAP).**

15 “(a) IN GENERAL.—Not later than 1 year after the
 16 date of enactment of the Marine Mammal Research and
 17 Response Act of 2021, the Secretary, acting through the
 18 Administrator of the National Oceanic and Atmospheric
 19 Administration, in consultation with the Secretary of the
 20 Interior and the Marine Mammal Commission, shall—

21 “(1) establish a marine mammal health moni-
 22 toring and analysis platform (referred to in this Act
 23 as the ‘Health MAP’);

1 “(2) incorporate the Health MAP into the Ob-
2 servation System; and

3 “(3) make the Health MAP—

4 “(A) publicly accessible through the web
5 portal of the Observation System; and

6 “(B) interoperable with other national data
7 systems or other data systems for management
8 or research purposes, as practicable.

9 “(b) PURPOSES.—The purposes of the Health MAP
10 are—

11 “(1) to promote—

12 “(A) interdisciplinary research among indi-
13 viduals with knowledge and experience in ma-
14 rine mammal science, marine mammal veteri-
15 nary and husbandry practices, medical science,
16 and oceanography, and with other marine sci-
17 entists;

18 “(B) timely and sustained dissemination
19 and availability of marine mammal health,
20 stranding, entanglement, and mortality data;

21 “(C) identification of spatial and temporal
22 patterns of marine mammal mortality, disease,
23 and stranding;

1 “(D) evaluation of marine mammal health
2 in terms of mortality, as well as sublethal ma-
3 rine mammal health impacts;

4 “(E) improved collaboration and fore-
5 casting of marine mammal and larger eco-
6 system health events;

7 “(F) rapid communication and dissemina-
8 tion of information regarding marine mammal
9 strandings that may have implications for
10 human health, such as those caused by harmful
11 algal blooms; and

12 “(G) increased accessibility of data in a
13 user friendly visual interface for public edu-
14 cation and outreach; and

15 “(2) to contribute to an ocean health index that
16 incorporates marine mammal health data.

17 “(c) REQUIREMENTS.—The Health MAP shall—

18 “(1) integrate in situ, remote, and other marine
19 mammal health, stranding, and mortality data, in-
20 cluding visualizations and metadata, collected by
21 marine mammal stranding networks, Federal, State,
22 local, and Tribal governments, private partners, and
23 academia; and

24 “(2) be designed—

1 “(A) to enhance data and information
2 availability, including data sharing among
3 stranding network participants, scientists, and
4 the public within and across stranding network
5 regions;

6 “(B) to facilitate data and information ac-
7 cess across scientific disciplines, scientists, and
8 managers;

9 “(C) to facilitate public access to national
10 and regional marine mammal health, stranding,
11 entanglement, and mortality data, including vis-
12 ualizations and metadata, through the national
13 and regional data portals of the Observation
14 System; and

15 “(D) in collaboration with, and with input
16 from, States and stranding network partici-
17 pants.

18 “(d) PROCEDURES AND GUIDELINES.—The Sec-
19 retary shall establish and implement policies, protocols,
20 and standards for—

21 “(1) reporting marine mammal health data col-
22 lected by stranding networks consistent with sub-
23 sections (c) and (d) of section 402;

1 “(2) promptly transmitting health data from
2 the stranding networks and other appropriate data
3 providers to the Health MAP;

4 “(3) disseminating and making publicly avail-
5 able data on marine mammal health, stranding, en-
6 tanglement, and mortality data in a timely and sus-
7 tained manner; and

8 “(4) integrating additional marine mammal
9 health, stranding, or other relevant data as the Sec-
10 retary determines appropriate.

11 “(e) CONSULTATION.—The Administrator of the Na-
12 tional Oceanic and Atmospheric Administration shall
13 maintain and update the Health MAP in consultation with
14 the Secretary of the Interior and the Marine Mammal
15 Commission.

16 “(f) CONTRIBUTIONS.—For purposes of carrying out
17 this section, the Secretary may solicit, accept, receive,
18 hold, administer, and use gifts, devises, and bequests with-
19 out any further approval or administrative action.”.

20 (b) TABLE OF CONTENTS AMENDMENT.—The table
21 of contents in the first section of the Marine Mammal Pro-
22 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)
23 (as amended by section 7(b)) is amended by inserting after
24 the item related to section 408 the following:

“Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform
(Health MAP).”.

1 **SEC. 9. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Title IV of the Marine Mammal
3 Protection Act of 1972 (16 U.S.C. 1421 et seq.) (as
4 amended by section 8(a)) is amended by inserting after
5 section 408A the following:

6 **“SEC. 408B. REPORTS TO CONGRESS.**

7 “(a) DEFINITION OF APPROPRIATE COMMITTEES OF
8 CONGRESS.—In this section, the term ‘appropriate com-
9 mittees of Congress’ means—

10 “(1) the Committee on Commerce, Science, and
11 Transportation of the Senate;

12 “(2) the Committee on Natural Resources of
13 the House of Representatives; and

14 “(3) the Committee on Science, Space, and
15 Technology of the House of Representatives.

16 “(b) HEALTH MAP STATUS REPORT.—

17 “(1) IN GENERAL.—Not later than 2 year after
18 the date of enactment of the Marine Mammal Re-
19 search and Response Act of 2021, the Administrator
20 of the National Oceanic and Atmospheric Adminis-
21 tration, in consultation with the Marine Mammal
22 Commission, the Secretary of the Interior, and the
23 National Ocean Research Leadership Council, shall
24 submit to the appropriate committees of Congress a
25 report describing the status of the Health MAP.

1 “(2) REQUIREMENTS.—The report under para-
2 graph (1) shall include—

3 “(A) a detailed evaluation of the data
4 made publicly available through the Health
5 MAP;

6 “(B) a detailed list of any gaps in data col-
7 lected pursuant to the Health MAP, a descrip-
8 tion of the reasons for those gaps, and rec-
9 ommended actions to close those gaps;

10 “(C) an analysis of the effectiveness of
11 using the website of the Observation System as
12 the platform to collect, organize, visualize, ar-
13 chive, and disseminate marine mammal strand-
14 ing and health data;

15 “(D) a list of publications, presentations,
16 or other relevant work product resulting from,
17 or produced in collaboration with, the Health
18 MAP;

19 “(E) a description of emerging marine
20 mammal health concerns and the applicability
21 of those concerns to human health;

22 “(F) an analysis of the feasibility of the
23 Observation System being used as an alert sys-
24 tem during stranding events, entanglement
25 events, and unusual mortality events for the

1 stranding network, Observation System part-
2 ners, Health MAP partners, Federal and State
3 agencies, and local and Tribal governments;

4 “(G) an evaluation of the use of Health
5 MAP data to predict broader ecosystem events
6 and changes that may impact marine mammal
7 or human health and specific examples of prov-
8 en or potential uses of Observation System data
9 for those purposes; and

10 “(H) recommendations for the Health
11 MAP with respect to—

12 “(i) filling any identified data gaps;

13 “(ii) standards that could be used to
14 improve data quality, accessibility, trans-
15 mission, interoperability, and sharing;

16 “(iii) any other strategies that would
17 contribute to the effectiveness and useful-
18 ness of the Health MAP; and

19 “(iv) the funding levels needed to
20 maintain and improve the Health MAP.

21 “(c) DATA GAP ANALYSIS.—

22 “(1) IN GENERAL.—Not later than 5 years
23 after the date on which the report required under
24 subsection (b)(1) is submitted, and every 10 years
25 thereafter, the Administrator of the National Oce-

anic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Secretary of Commerce, shall—

“(A) make publicly available a report on the data gap analysis described in paragraph (2); and

“(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

“(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

“(A) an overview of existing participants within a marine mammal stranding network;

“(B) an identification of coverage needs and participant gaps within a network;

“(C) an identification of data and reporting gaps from members of a network; and

“(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, and Tribal governments, and the public.

“(d) MARINE MAMMAL RESPONSE CAPABILITIES IN THE ARCTIC.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Marine Mammal Re-

1 search and Response Act of 2021, the Administrator
2 of the National Oceanic and Atmospheric Adminis-
3 tration, the Director of the United States Fish and
4 Wildlife Service, and the Director of the United
5 States Geologic Survey, in consultation with the Ma-
6 rine Mammal Commission and the Secretary of the
7 Interior, shall—

8 “(A) make publicly available a report de-
9 scribing the response capabilities for sick and
10 injured marine mammals in the Arctic regions
11 of the United States; and

12 “(B) provide a briefing to the appropriate
13 committees of Congress on that report.

14 “(2) ARCTIC.—The term ‘Arctic’ has the mean-
15 ing given the term in section 112 of the Arctic Re-
16 search and Policy Act of 1984 (15 U.S.C. 4111).

17 “(3) REQUIREMENTS.—The report under para-
18 graph (1) shall include—

19 “(A) a description, developed in consulta-
20 tion with the Fish and Wildlife Service of the
21 Department of the Interior, of all marine mam-
22 mal stranding agreements in place for the Arc-
23 tic region of the United States, including spe-
24 cies covered, response capabilities, facilities and

1 equipment, and data collection and analysis ca-
2 pabilities;

3 “(B) a list of State and local government
4 agencies that have personnel trained to respond
5 to marine mammal strandings in the Arctic re-
6 gion of the United States;

7 “(C) an assessment of potential response
8 and data collection partners and sources of
9 local information and knowledge, including
10 Alaska Native people and villages;

11 “(D) an analysis of spatial and temporal
12 trends in marine mammal strandings and un-
13 usual mortality events that are correlated with
14 changing environmental conditions in the Arctic
15 region of the United States;

16 “(E) a description of training and other
17 resource needs to meet emerging response re-
18 quirements in the Arctic region of the United
19 States;

20 “(F) an analysis of oiled marine mammal
21 response and rehabilitation capabilities in the
22 Arctic region of the United States, including
23 personnel, equipment, facilities, training, and
24 husbandry capabilities, and an assessment of

1 factors that affect response and rehabilitation
 2 success rates; and

3 “(G) recommendations to address future
 4 stranding response needs for marine mammals
 5 in the Arctic region of the United States.”.

6 (b) TABLE OF CONTENTS AMENDMENT.—The table
 7 of contents in the first section of the Marine Mammal Pro-
 8 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)
 9 (as amended by section 8(b)) is amended by inserting after
 10 the item related to section 408A the following:

“Sec. 408B. Reports to Congress.”.

11 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

12 Section 409 of the Marine Mammal Protection Act
 13 of 1972 (16 U.S.C. 1421g) is amended—

14 (1) in paragraph (1), by striking “1993 and
 15 1994;” and inserting “2021 through 2026;”;

16 (2) in paragraph (2), by striking “1993 and
 17 1994;” and inserting “2021 through 2026;” and

18 (3) in paragraph (3), by striking “fiscal year
 19 1993.” and inserting “for each of fiscal years 2021
 20 through 2026.”.

21 **SEC. 11. DEFINITIONS.**

22 Section 410 of the Marine Mammal Protection Act
 23 of 1972 (16 U.S.C. 1421h) is amended—

1 (1) by redesignating paragraphs (1) through
2 (6) as paragraphs (2), (5), (6), (7), (8), and (9), re-
3 spectively;

4 (2) by inserting before paragraph (2) (as so re-
5 designated) the following:

6 “(1) The term ‘entangle’ or ‘entanglement’
7 means an event in the wild in which a living or dead
8 marine mammal has gear, rope, line, net, or other
9 material wrapped around or attached to the marine
10 mammal and is—

11 “(A) on lands under the jurisdiction of the
12 United States, including beaches and shorelines;
13 or

14 “(B) in waters under the jurisdiction of
15 the United States, including any navigable
16 waters.”;

17 (3) in paragraph (2) (as so redesignated) by
18 striking “The term” and inserting “Except as used
19 in section 408, the term”;

20 (4) by inserting after paragraph (2) (as so re-
21 designated) the following:

22 “(3) The term ‘Health MAP’ means the Marine
23 Mammal Health Monitoring and Analysis Platform
24 established under section 408A(a)(1).

1 “(4) The term ‘Observation System’ means the
2 National Integrated Coastal and Ocean Observation
3 System established under section 12304 of the Inte-
4 grated Coastal and Ocean Observation System Act
5 of 2009 (33 U.S.C. 3603).”.

6 **SEC. 12. STUDY ON MARINE MAMMAL MORTALITY.**

7 (a) IN GENERAL.—Not later than 12 months after
8 the date of enactment of this Act, the Undersecretary of
9 Commerce for Oceans and Atmosphere shall, in consulta-
10 tion with the Secretary of the Interior and the Marine
11 Mammal Commission, conduct a study evaluating the con-
12 nections among marine heat waves, frequency and inten-
13 sity of harmful algal blooms, prey availability, and habitat
14 degradation, and the impacts of these conditions on ma-
15 rine mammal mortality.

16 (b) REPORT.—The Undersecretary of Commerce for
17 Oceans and Atmosphere, in consultation with the Sec-
18 retary of the Interior and the Marine Mammal Commis-
19 sion, shall prepare, post to a publicly available website,
20 and brief the appropriate committees of Congress on, a
21 report containing the results of the study described in sub-
22 section (a). The report shall identify priority research ac-
23 tivities, opportunities for collaboration, and current gaps
24 in effort and resource limitations related to advancing sci-
25 entific understanding of how ocean heat waves, harmful

- 1 algae blooms, availability of prey, and habitat degradation
- 2 impact marine mammal mortality. The report shall include
- 3 recommendations for policies needed to mitigate and re-
- 4 spond to mortality events.

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S. 1289

A BILL

To amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

DECEMBER 17, 2021

Reported without amendment