

116TH CONGRESS
1ST SESSION

S. 2802

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 2019

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue and Response 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 2019”.

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

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

1 (1) in subsection (b)—

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

4 (B) in paragraph (3)—

5 (i) by striking “strandings,” and in-
6 serting “strandings and entanglements, in-
7 cluding unusual mortality events,”;

8 (ii) by inserting “stranding” before
9 “region”; and

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

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

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

1 “(c) DATA AVAILABILITY.—

2 “(1) IN GENERAL.—The Secretary shall develop
3 a program to make information, including any data
4 and metadata collected under subsection (b), avail-
5 able to researchers, stranding network participants,
6 and the public—

7 “(A) to improve real-time coordination of
8 response to stranding and entanglement events
9 across geographic areas and between stranding
10 coordinators;

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

13 “(C) to facilitate integrated interdiscipli-
14 nary research;

15 “(D) to facilitate peer-reviewed publica-
16 tions;

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

19 “(F) for education and outreach activities.

20 “(2) PUBLIC ACCESS.—The Secretary shall en-
21 sure that—

22 “(A) all information, including data and
23 metadata, collected under subsection (b) is
24 archived in a form that is readily accessible and
25 understandable to, and can be easily shared

1 with, the public, as appropriate, through the
2 Marine Mammal Health Monitoring and Anal-
3 ysis Platform (Health MAP); and

4 “(B) not later than 60 days after the date
5 on which any information, including any data
6 and metadata collected under paragraph (1),
7 (2), or (3) of subsection (b), is collected, that
8 information is made readily available to strand-
9 ing network participants, other qualified sci-
10 entists, employees of the Federal Government,
11 and the public through the Health MAP and
12 the Observation System.

13 “(d) DATA REPORTING REQUIREMENTS.—The Sec-
14 retary shall require each stranding network participant to
15 submit to the Administrator of the National Oceanic and
16 Atmospheric Administration, for inclusion in the Health
17 MAP—

18 “(1) NOAA Form 89–864 (OMB #0648–0178)
19 and NOAA Form 89–878 (OMB #0648–0178), or
20 similar successor forms, not later than 30 days after
21 the date of a response to a stranding or entangle-
22 ment event;

23 “(2) the information, including any data and
24 metadata described in paragraphs (1) and (2) of
25 subsection (b), not later than 30 days after the date

1 on which the information is available or updated, as
 2 applicable; and

3 “(3) the information, including any data and
 4 metadata described in paragraphs (3) and (4) of
 5 subsection (b), not later than 30 days after the date
 6 on which the stranding network responds to a
 7 stranding or entanglement event.”.

8 **SEC. 3. STRANDING OR ENTANGLEMENT RESPONSE AGREE-**
 9 **MENTS.**

10 (a) **IN GENERAL.**—Section 403 of the Marine Mam-
 11 mal Protection Act of 1972 (16 U.S.C. 1421b) is amend-
 12 ed—

13 (1) in the section heading by inserting “**OR EN-**
 14 **TANGLEMENT**” before “**RESPONSE**”; and

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

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

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

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

23 Section 405 the Marine Mammal Protection Act of
 24 1972 (16 U.S.C. 1421d) is amended—

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

3 “(b) USES.—Amounts in the Fund—

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

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

18 “(B) for reimbursing any stranding net-
19 work participant for costs incurred in the collec-
20 tion, preparation, analysis, and transportation
21 of marine mammal tissues and samples col-
22 lected with respect to an unusual mortality
23 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) except as provided by section 1000(a)(3)
13 of division B of the Act entitled “An Act making
14 consolidated appropriations for the fiscal year end-
15 ing September 30, 2000, and for other purposes”,
16 approved November 29, 1999 (16 U.S.C. 1375a),
17 sums collected as fines, penalties, or forfeitures of
18 property for violations of any provision of this Act;

19 “(5) sums received from emergency declaration
20 grants for marine mammal conservation; and

21 “(6) not more than \$750,000 per fiscal year, as
22 determined by the Secretary of Commerce and the
23 Secretary of the Interior, from each of the amounts
24 appropriated to the Secretary or the Secretary of the
25 Interior for carrying out this Act.”.

1 **SEC. 5. LIABILITY.**

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

5 (1) by inserting “or entanglement” after “to a
6 stranding”; and

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

9 **SEC. 6. NATIONAL MARINE MAMMAL TISSUE BANK AND TIS-**
10 **SUE ANALYSIS.**

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

13 (1) in subsection (c)(2)(A), by striking “the
14 health of marine mammals and” and inserting “ma-
15 rine mammal health and mortality and the health
16 of”; and

17 (2) in subsection (d), in the matter preceding
18 paragraph (1), by inserting “public” before “ac-
19 cess”.

20 **SEC. 7. JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND**
21 **RESPONSE GRANT PROGRAM AND RAPID RE-**
22 **SPONSE FUND.**

23 (a) IN GENERAL.—Section 408 of the Marine Mam-
24 mal Protection Act of 1972 (16 U.S.C. 1421f–1) is
25 amended to read as follows:

1 **“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**
2 **AND RESPONSE GRANT PROGRAM AND RAPID**
3 **RESPONSE FUND.**

4 “(a) DEFINITION OF EMERGENCY ASSISTANCE.—

5 “(1) IN GENERAL.—In this section, the term
6 ‘emergency assistance’ means—

7 “(A) financial assistance provided to re-
8 spond to, or that results from, a stranding
9 event or entanglement event that—

10 “(i) causes an immediate increase in
11 the cost of a response, recovery, or reha-
12 bilitation that is greater than the usual
13 cost of a response, recovery, or rehabilita-
14 tion;

15 “(ii) is cyclical or endemic; and

16 “(iii) involves a marine mammal that
17 is out of the normal range for that marine
18 mammal; or

19 “(B) financial assistance provided to re-
20 spond to, or that results from, a stranding
21 event or an entanglement event that the Sec-
22 retary considers to be an emergency.

23 “(2) EXCLUSIONS.—The term ‘emergency as-
24 sistance’ does not include financial assistance to re-
25 spond to an unusual mortality event.

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

3 “(1) IN GENERAL.—Subject to the availability
4 of appropriations or other funding, the Secretary
5 shall carry out a grant program, to be known as the
6 ‘John H. Prescott Marine Mammal Rescue and Re-
7 sponse Grant Program’ (referred to in this section
8 as the ‘grant program’), to award grants to eligible
9 stranding network participants or stranding network
10 collaborators, as described in this subsection.

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

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

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

17 “(C) the collection of data and samples
18 from living or dead stranded marine mammals
19 for scientific research or assessments regarding
20 marine mammal health;

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

24 “(E) development of stranding network ca-
25 pacity, including training for emergency re-

1 sponse, where facilities do not exist or are
2 sparse.

3 “(3) CONTRACT, GRANT, AND COOPERATIVE
4 AGREEMENT AUTHORITY.—The Secretary may enter
5 into a contract, grant, or cooperative agreement with
6 any eligible stranding network participant or strand-
7 ing network collaborator, as the Secretary deter-
8 mines to be appropriate, for the purposes described
9 in paragraph (2).

10 “(4) EQUITABLE DISTRIBUTION OF FUNDS.—

11 “(A) IN GENERAL.—The Secretary shall
12 ensure, to the extent practicable, that funds
13 awarded under the grant program are distrib-
14 uted equitably among the stranding regions.

15 “(B) CONSIDERATIONS.—In determining
16 priorities among the stranding regions under
17 this paragraph, the Secretary may consider—

18 “(i) any episodic stranding, entangle-
19 ment, or mortality events, except for un-
20 usual mortality events, that occurred in
21 any stranding region in the preceding year;

22 “(ii) any data with respect to average
23 annual stranding, entanglements, and mor-
24 tality events per stranding region;

1 “(iii) the size of the marine mammal
2 populations inhabiting a stranding region;
3 and

4 “(iv) the conservation of protected,
5 depleted, threatened, or endangered marine
6 mammal species.

7 “(5) APPLICATION.—To be eligible for a grant
8 under the grant program, a stranding network par-
9 ticipant shall—

10 “(A) submit an application in such form
11 and manner as the Secretary prescribes; and

12 “(B) be in compliance with the data re-
13 porting requirements under section 402(d).

14 “(6) GRANT CRITERIA.—The Secretary and the
15 Secretary of the Interior shall, in consultation with
16 the Marine Mammal Commission, a representative
17 from each of the stranding regions, and other indi-
18 viduals who represent public and private organiza-
19 tions that are actively involved in rescue, rehabilita-
20 tion, release, scientific research, marine conserva-
21 tion, and forensic science with respect to stranded
22 marine mammals, develop criteria for awarding
23 grants under the grant program.

24 “(7) LIMITATIONS.—

1 “(A) MAXIMUM GRANT AMOUNT.—No
2 grant made under the grant program for a sin-
3 gle project may exceed \$150,000 in any 12-
4 month period.

5 “(B) UNEXPENDED FUNDS.—Any funds
6 that have been awarded under the grant pro-
7 gram but that are unexpended at the end of the
8 12-month period described in subparagraph (A)
9 shall remain available until expended.

10 “(C) LIMITATION.—A new grant may not
11 be awarded to a project until the funds of a
12 previous grant are expended.

13 “(8) MATCHING REQUIREMENT.—The non-Fed-
14 eral share of the costs of a project conducted with
15 funds awarded under the grant program shall be not
16 less than 25 percent of the costs of that project.

17 “(9) ADMINISTRATIVE COSTS AND EXPENSES.—
18 The Secretary’s administrative costs and expenses
19 related to reviewing and awarding grants under the
20 grant program, in any fiscal year may not exceed
21 the greater of—

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

25 “(B) \$80,000.

1 “(c) JOHN H. PRESCOTT MARINE MAMMAL RESCUE
2 AND RAPID RESPONSE FUND.—

3 “(1) IN GENERAL.—There is established in the
4 Treasury of the United States an interest-bearing
5 fund, to be known as the ‘John H. Prescott Marine
6 Mammal Rescue and Rapid Response Fund’ (re-
7 ferred to in this section as the ‘Rapid Response
8 Fund’).

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

12 “(3) MATCHING REQUIREMENT.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the non-Federal share of the
15 costs of an activity conducted with amounts
16 from the Rapid Response Fund shall be not less
17 than 25 percent of the costs.

18 “(B) WAIVER.—The Secretary may waive
19 the matching requirement under subparagraph
20 (A) for emergency assistance.

21 “(C) IN-KIND CONTRIBUTIONS.—In deter-
22 mining whether the requirement under subpara-
23 graph (A) is met, the Secretary may apply to
24 the non-Federal share of an activity conducted
25 with amounts from the Rapid Response Fund

1 the amount of funds and the fair market value
2 of property and services provided by non-Fed-
3 eral sources and used for the activity.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There is authorized to be
6 appropriated to carry out the grant program
7 \$7,000,000 for each of fiscal years 2020 through
8 2025, to remain available until expended, of which
9 for each fiscal year—

10 “(A) \$6,000,000 shall be made available to
11 the Secretary of Commerce; and

12 “(B) \$1,000,000 shall be made available to
13 the Secretary of the Interior.

14 “(2) JOHN H. PRESCOTT MARINE MAMMAL RES-
15 CUE AND RAPID RESPONSE FUND.—

16 “(A) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There is authorized to be appropriated
18 to the Rapid Response Fund \$500,000 for each
19 of fiscal years 2020 through 2025.

20 “(B) TRANSFER OF FUNDS.—In addition
21 to amounts appropriated pursuant to an au-
22 thorization of appropriations under subpara-
23 graph (A), there shall be deposited into the
24 Fund not more than \$500,000 for each fiscal
25 year (as determined by the Secretary) from

1 amounts appropriated to the Secretary for car-
 2 rying out this title and other titles of this Act.

3 “(C) AVAILABILITY OF FUNDS.—Amounts
 4 in the Fund shall remain available until ex-
 5 pended, without regard to any law related to
 6 the negotiation, award, or administration of any
 7 contract, grant, or cooperative agreement.

8 “(e) ACCEPTANCE OF DONATIONS.—For the pur-
 9 poses of carrying out this section, the Secretary may so-
 10 licit, accept, receive, hold, administer, and use gifts, de-
 11 vises, and bequests without any further approval or ad-
 12 ministrative action.”.

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

“Sec. 408. John H. Prescott Marine Mammal Rescue and Response Grant Pro-
 gram and Rapid Response Fund.”.

18 **SEC. 8. HEALTH MAP.**

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

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

3 “(a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of the Marine Mammal Research and
5 Response Act of 2019, the Secretary, acting through the
6 Administrator of the National Oceanic and Atmospheric
7 Administration, in consultation with the Secretary of the
8 Interior and the Marine Mammal Commission, shall—

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

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

14 “(3) make the Health MAP—

15 “(A) publicly accessible through the web
16 portal of the Observation System; and

17 “(B) interoperable with other national data
18 systems or other data systems for management
19 or research purposes, as practicable.

20 “(b) PURPOSES.—The purposes of the Health MAP
21 are—

22 “(1) to promote—

23 “(A) interdisciplinary research among indi-
24 viduals with knowledge and experience in ma-
25 rine mammal science, marine mammal veteri-
26 nary and husbandry practices, medical science,

1 and oceanography, and with other marine sci-
2 entists;

3 “(B) timely and sustained dissemination
4 and availability of marine mammal health,
5 stranding, entanglement, and mortality data;

6 “(C) identification of spatial and temporal
7 patterns of marine mammal mortality, disease,
8 and stranding;

9 “(D) evaluation of marine mammal health
10 in terms of mortality, as well as sublethal ma-
11 rine mammal health impacts;

12 “(E) improved collaboration and fore-
13 casting of marine mammal and larger eco-
14 system health events;

15 “(F) rapid communication and dissemina-
16 tion of information regarding marine mammal
17 strandings that may have implications for
18 human health, such as those caused by harmful
19 algal blooms; and

20 “(G) increased accessibility of data in a
21 user friendly visual interface for public edu-
22 cation and outreach; and

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

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

1 “(1) integrate in situ, remote, and other marine
2 mammal health, stranding, and mortality data, in-
3 cluding visualizations and metadata, collected by
4 marine mammal stranding networks, Federal, State,
5 local, and Tribal governments, private partners, and
6 academia; and

7 “(2) be designed—

8 “(A) to enhance data and information
9 availability, including data sharing among
10 stranding network participants, scientists, and
11 the public within and across stranding network
12 regions;

13 “(B) to facilitate data and information ac-
14 cess across scientific disciplines, scientists, and
15 managers;

16 “(C) to facilitate public access to national
17 and regional marine mammal health, stranding,
18 entanglement, and mortality data, including vis-
19 ualizations and metadata, through the national
20 and regional data portals of the Observation
21 System; and

22 “(D) in collaboration with, and with input
23 from, States and stranding network partici-
24 pants.

1 “(d) PROCEDURES AND GUIDELINES.—The Sec-
2 retary shall establish and implement policies, protocols,
3 and standards for—

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

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

10 “(3) disseminating and making publicly avail-
11 able data on marine mammal health, stranding, en-
12 tanglement, and mortality data in a timely and sus-
13 tained manner; and

14 “(4) integrating additional marine mammal
15 health, stranding, or other relevant data as the Sec-
16 retary determines appropriate.

17 “(e) CONSULTATION.—The Administrator of the Na-
18 tional Oceanic and Atmospheric Administration shall
19 maintain and update the Health MAP in consultation with
20 the Secretary of the Interior and the Marine Mammal
21 Commission.

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

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

“Sec. 408A. Health MAP.”.

6 **SEC. 9. REPORTS TO CONGRESS.**

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

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

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

15 “(1) the Committee on Commerce, Science, and
 16 Transportation of the Senate;

17 “(2) the Committee on Natural Resources of
 18 the House of Representatives; and

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

21 “(b) HEALTH MAP STATUS REPORT.—

22 “(1) IN GENERAL.—Not later than 2 year after
 23 the date of enactment of the Marine Mammal Re-
 24 search and Response Act of 2019, the Administrator
 25 of the National Oceanic and Atmospheric Adminis-

1 tration, in consultation with the Marine Mammal
2 Commission, the Secretary of the Interior, and the
3 National Ocean Research Leadership Council, shall
4 submit to the appropriate committees of Congress a
5 report describing the status of the Health MAP.

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

8 “(A) a detailed evaluation of the data
9 made publicly available through the Health
10 MAP;

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

15 “(C) an analysis of the effectiveness of
16 using the website of the Observation System as
17 the platform to collect, organize, visualize, ar-
18 chive, and disseminate marine mammal strand-
19 ing and health data;

20 “(D) a list of publications, presentations,
21 or other relevant work product resulting from,
22 or produced in collaboration with, the Health
23 MAP;

1 “(E) a description of emerging marine
2 mammal health concerns and the applicability
3 of those concerns to human health;

4 “(F) an analysis of the feasibility of the
5 Observation System being used as an alert sys-
6 tem during stranding events, entanglement
7 events, and unusual mortality events for the
8 stranding network, Observation System part-
9 ners, Health MAP partners, Federal and State
10 agencies, and local and Tribal governments;

11 “(G) an evaluation of the use of Health
12 MAP data to predict broader ecosystem events
13 and changes that may impact marine mammal
14 or human health and specific examples of prov-
15 en or potential uses of Observation System data
16 for those purposes; and

17 “(H) recommendations for the Health
18 MAP with respect to—

19 “(i) filling any identified data gaps;

20 “(ii) standards that could be used to
21 improve data quality, accessibility, trans-
22 mission, interoperability, and sharing;

23 “(iii) any other strategies that would
24 contribute to the effectiveness and useful-
25 ness of the Health MAP; and

1 “(iv) the funding levels needed to
2 maintain and improve the Health MAP.

3 “(c) DATA GAP ANALYSIS.—

4 “(1) IN GENERAL.—Not later than 5 years
5 after the date on which the report required under
6 subsection (b)(1) is submitted, and every 5 years
7 thereafter, the Administrator of the National Ocea-
8 nic and Atmospheric Administration, in consulta-
9 tion with the Marine Mammal Commission and the
10 Secretary of the Interior, shall submit to the appro-
11 priate committees of Congress a data gap analysis,
12 as described in paragraph (2).

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

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

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

19 “(C) an identification of data and report-
20 ing gaps from members of a network; and

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

1 “(d) RESCUE AND RESPONSE CAPABILITIES IN THE
2 ARCTIC.—

3 “(1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of the Marine Mammal Re-
5 search and Response Act of 2019, the Administrator
6 of the National Oceanic and Atmospheric Adminis-
7 tration, in consultation with the Marine Mammal
8 Commission and the Director of the United States
9 Fish and Wildlife Service, shall submit to the appro-
10 priate committees of Congress a report describing
11 the response capabilities for sick and injured marine
12 mammals in the Arctic regions of the United States.

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

15 “(A) a description of all stranding agree-
16 ments in place in the Arctic regions of the
17 United States, including species covered, re-
18 sponse capabilities, facilities, and data collection
19 and analysis capabilities;

20 “(B) a list of State and local government
21 agencies that have personnel trained to respond
22 to strandings in the Arctic regions of the
23 United States;

24 “(C) an assessment of potential response
25 and data collection partners and sources of

1 local information and knowledge, including
2 Alaska Native people and villages;

3 “(D) an analysis of spatial and temporal
4 trends in strandings in response to changing
5 environmental conditions in the Arctic regions
6 of the United States and the relationships to
7 unusual mortality events involving other spe-
8 cies, including birds and fish;

9 “(E) a description of training and other
10 resource needs to meet emerging response re-
11 quirements in the Arctic regions of the United
12 States;

13 “(F) an analysis of oiled marine mammal
14 and bird response and rehabilitation capabilities
15 in the Arctic regions of the United States, in-
16 cluding equipment, facilities, training, and hus-
17 bandry capabilities, and an assessment of likely
18 success rates; and

19 “(G) recommendations to address future
20 stranding response needs in the Arctic regions
21 of the United States.”.

22 (b) TABLE OF CONTENTS AMENDMENT.—The table
23 of contents in the first section of the Marine Mammal Pro-
24 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)

1 (as amended by section 8(b)) is amended by inserting after
2 the item related to section 408A the following:

“Sec. 408B. Reports to Congress.”.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

6 (1) in paragraph (1), by striking “1993 and
7 1994;” and inserting “2020 through 2025;”;

8 (2) in paragraph (2), by striking “1993 and
9 1994;” and inserting “2020 through 2025;” and

10 (3) in paragraph (3), by striking “fiscal year
11 1993.” and inserting “for each of fiscal years 2020
12 through 2025.”.

13 **SEC. 11. DEFINITIONS.**

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

16 (1) by redesignating paragraphs (1) through
17 (6) as paragraphs (2), (5), (6), (7), (9), and (10),
18 respectively;

19 (2) by inserting before paragraph (2) (as so re-
20 designated) the following:

21 “(1) The term ‘entangle’ or ‘entanglement’
22 means an event in the wild in which a living or dead
23 marine mammal has gear, rope, line, net, or other
24 material wrapped around or attached to the marine
25 mammal and is—

1 “(A) on a beach or shore of the United
2 States; or

3 “(B) in navigable waters of the United
4 States.”;

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

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

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

13 “(4) The term ‘Observation System’ means the
14 National Integrated Coastal and Ocean Observation
15 System established under section 12304 of the Inte-
16 grated Coastal and Ocean Observation System Act
17 of 2009 (33 U.S.C. 3603).”; and

18 (5) by inserting after paragraph (7) (as so re-
19 designated) the following:

20 “(8) The term ‘stranding region’ means a geo-
21 graphic region designated by the Secretary for pur-
22 poses of administration of this Act.”.

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

24 (a) IN GENERAL.—Not later than 6 months after the
25 date of enactment of this Act, the Secretary of Commerce

1 shall make appropriate arrangements with the National
2 Academies of Sciences, Engineering, and Medicine under
3 which the National Academies shall conduct a study re-
4 garding the connection between marine heat waves, harm-
5 ful algal blooms, prey availability, habitat degradation,
6 and marine mammal mortality. The study shall evaluate
7 how ocean heat waves impact harmful algae blooms, avail-
8 ability of prey, and habitat degradation.

9 (b) REPORT.—In entering into an arrangement under
10 subsection (a), the Secretary of Commerce shall request
11 that the National Academies transmit to Congress a re-
12 port containing the results of the study described in sub-
13 section (a). The report shall include recommendations for
14 policies needed to mitigate and respond to mortality
15 events.

○