

111TH CONGRESS  
1ST SESSION

# H. R. 844

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 2009

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To amend the provisions of law relating to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Marine Mammal Res-  
3 cue Assistance Amendments of 2009”.

4 **SEC. 2. STRANDING AND ENTANGLEMENT RESPONSE.**

5 (a) COLLECTION AND UPDATING OF INFORMA-  
6 TION.—Section 402(b)(1)(A) of the Marine Mammal Pro-  
7 tection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amend-  
8 ed by inserting “or entangled” after “stranded”.

9 (b) ENTANGLEMENT RESPONSE AGREEMENTS.—

10 (1) IN GENERAL.—Section 403 of such Act (16  
11 U.S.C. 1421b) is amended—

12 (A) by amending the section heading to  
13 read as follows:

14 **“SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE**  
15 **AGREEMENTS.”;**

16 and

17 (B) in subsection (a) by inserting “or en-  
18 tanglement” before the period.

19 (2) CLERICAL AMENDMENT.—The table of con-  
20 tents at the end of the first section is amended by  
21 striking the item relating to section 403 and insert-  
22 ing the following:

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

23 (c) LIABILITY.—Section 406(a) of such Act (16  
24 U.S.C. 1421e(a)) is amended by inserting “or entangle-  
25 ment” after “stranding”.

1 (d) ENTANGLEMENT DEFINED.—

2 (1) IN GENERAL.—Section 410 of such Act (16  
3 U.S.C. 1421h) is amended—

4 (A) by redesignating paragraphs (1)  
5 through (6) in order as paragraphs (2) through  
6 (7); and

7 (B) by inserting before paragraph (2) (as  
8 so redesignated) the following:

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

13 “(A) on a beach or shore of the United  
14 States; or

15 “(B) in waters under the jurisdiction of  
16 the United States.”.

17 (2) CONFORMING AMENDMENT.—Section  
18 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f–  
19 1(a)(2)(B)(i)) is amended by striking “section  
20 410(6)” and inserting “section 410(7)”.

21 (e) JOHN H. PRESCOTT MARINE MAMMAL RESCUE  
22 ASSISTANCE GRANT PROGRAM.—

23 (1) AUTHORIZATION OF APPROPRIATIONS FOR  
24 GRANT PROGRAM.—Section 408(h) of such Act (16  
25 U.S.C. 1421f–1(h)) is amended—

1 (A) by striking “\$5,000,000 for each of  
2 fiscal years 2001 through 2003” and inserting  
3 “\$7,000,000 for each of fiscal years 2010  
4 through 2013”; and

5 (B) in paragraph (1) by striking  
6 “\$4,000,000” and inserting “\$6,000,000”.

7 (2) ADMINISTRATIVE COSTS AND EXPENSES.—  
8 Section 408 of such Act (16 U.S.C. 1421f–1) is  
9 amended—

10 (A) by adding at the end of subsection  
11 (a)(1) the following: “All funds available to im-  
12 plement this section shall be distributed to eligi-  
13 ble stranding network participants for the pur-  
14 poses set forth in this paragraph and paragraph  
15 (2), except as provided in subsection (f).”; and

16 (B) by amending subsection (f) to read as  
17 follows:

18 “(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of  
19 the amounts available each fiscal year to carry out this  
20 section, the Secretary may expend not more than 6 per-  
21 cent or \$80,000, whichever is greater, to pay the adminis-  
22 trative costs and administrative expenses to implement the  
23 grant program under subsection (a). Any such funds re-  
24 tained by the Secretary for a fiscal year for such costs  
25 and expenses that are not used for such costs and ex-

1   pens before the end of the fiscal year shall be provided  
2   as grants under subsection (a).”.

3           (3) EMERGENCY ASSISTANCE.—Section 408 of  
4   such Act (16 U.S.C. 1421f–1) is amended—

5           (A) in subsection (a) by redesignating  
6           paragraph (2) as paragraph (3), and by insert-  
7           ing after paragraph (1) the following:

8           “(2) Subject to the availability of appropriations, the  
9   Secretary may also enter into cooperative agreements, con-  
10   tracts, or such other agreements or arrangements as the  
11   Secretary considers appropriate to address stranding  
12   events requiring emergency assistance.”;

13           (B) in subsection (d) by inserting “(1)”  
14           before the text, and by adding at the end the  
15           following:

16           “(2) Funding for emergency stranding projects shall  
17   not be subject to the funding limit established in para-  
18   graph (1).”;

19           (C) in subsection (e)—

20           (i) in paragraph (1) by striking “The  
21           non-Federal” and inserting “Except as  
22           provided in paragraph (2), the non-Fed-  
23           eral”;

24           (ii) by redesignating paragraph (2) as  
25           paragraph (3); and

1 (iii) by inserting after paragraph (1)  
2 the following:

3 “(2) EMERGENCY ASSISTANCE.—No non-Fed-  
4 eral contribution shall be required for funding for a  
5 response to an emergency stranding event.”; and

6 (D) in subsection (g) by redesignating  
7 paragraph (2) as paragraph (3) and inserting  
8 after paragraph (1) the following:

9 “(2) EMERGENCY ASSISTANCE.—The term  
10 ‘emergency assistance’ means assistance provided for  
11 a stranding event that—

12 “(A) is not an unusual mortality event as  
13 defined in section 409(6);

14 “(B) leads to an immediate increase in re-  
15 quired costs for stranding response, recovery, or  
16 rehabilitation in excess of regularly scheduled  
17 costs;

18 “(C) may be cyclical or endemic; and

19 “(D) may involve out-of-habitat animals.”.

20 (4) CONTRIBUTIONS.—Section 408 of such Act  
21 (16 U.S.C. 1421f–1) is amended by adding at the  
22 end the following:

23 “(i) CONTRIBUTIONS.—For purposes of carrying out  
24 this section, the Secretary may solicit, accept, receive,  
25 hold, administer, and use gifts, devises, and bequests.”.

1       (f) AUTHORIZATION OF APPROPRIATIONS FOR MA-  
2 RINE MAMMAL UNUSUAL MORTALITY EVENT FUND.—  
3 Section 409(3) of such Act (16 U.S.C. 1421g(3)) is  
4 amended by striking “fiscal year 1993” and inserting  
5 “each of fiscal years 2010 through 2013”.

Passed the House of Representatives March 2,  
2009.

Attest:                   LORRAINE C. MILLER,  
*Clerk.*