

Calendar No. 690

114TH CONGRESS
2D SESSION**S. 3059****[Report No. 114–386]**

To reauthorize and amend the John H. Prescott Marine Mammal Rescue
and Response Grant Program and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2016

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

NOVEMBER 28, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To reauthorize and amend 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 2016”.

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 “and entangled marine
15 mammals to allow comparison of the
16 causes of illness and deaths in stranded
17 and entangled marine mammals with phys-
18 ical, chemical, and biological environmental
19 parameters; and”; and

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

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

3 “(c) DATA AVAILABILITY.—

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

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

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

15 “(C) to facilitate integrated interdiscipli-
16 nary research;

17 “(D) to facilitate peer-reviewed publica-
18 tions;

19 “(E) to archive regional data into one na-
20 tional database for future analyses; and

21 “(F) for education and outreach activities.

22 “(2) PUBLIC ACCESS.—The Secretary shall en-
23 sure that—

24 “(A) all information, including data and
25 metadata, collected under subsection (b) is

1 archived in a form that is readily accessible, un-
2 derstandable, and can be easily shared with, the
3 public, as appropriate, through the Marine
4 Mammal Health Map established under section
5 408A; and

6 “(B) not later than 60 days after the date
7 that any information, including any data and
8 metadata, collected under paragraph (1), (2), or
9 (3) of subsection (b), is made readily available
10 to stranding network participants, other quali-
11 fied scientists, employees of the Federal Gov-
12 ernment, and the public through the Marine
13 Mammal Health Map and the Integrated Ocean
14 Observation System.

15 “(d) DATA REPORTING REQUIREMENTS.—The Sec-
16 retary shall require each stranding network participant to
17 submit to the National Oceanic and Atmospheric Adminis-
18 tration, for inclusion in the Marine Mammal Health Map
19 established under section 408A the following:

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

1 ~~“(2) The information, including any data and~~
 2 ~~metadata, described in paragraphs (1) and (2) of~~
 3 ~~subsection (b), not later than 30 days after the date~~
 4 ~~that the information is available or updated, as ap-~~
 5 ~~plicable.~~

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

11 **SEC. 3. STRANDING OR ENTANGLEMENT RESPONSE AGREE-**
 12 **MENTS.**

13 Section 403 of the Marine Mammal Protection Act
 14 of 1972 (16 U.S.C. 1421b) is amended—

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

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

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

20 (a) **USES OF THE MARINE MAMMAL UNUSUAL MOR-**
 21 **TALITY EVENT FUND.**—Subsection (b) of section 405 of
 22 the Marine Mammal Protection Act of 1972 (16 U.S.C.
 23 1421d) is amended to read as follows:

24 **“(b) USES.—**Amounts in the Fund—

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

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

14 “(B) for reimbursing any stranding net-
 15 work participant for costs incurred in the prep-
 16 aration, analysis, and transportation of marine
 17 mammal tissues collected with respect to an un-
 18 usual mortality event, including such transpor-
 19 tation, for the Tissue Bank; and

20 “(C) for care and maintenance of marine
 21 mammal seized under section 104(c)(2)(D); and

22 “(2) shall remain available until expended.”.

23 (b) DEPOSITS INTO THE FUND.—Subsection (e) of
 24 section 405 of the Marine Mammal Protection Act of 1972
 25 (16 U.S.C. 1421d) is amended—

1 (1) in paragraph (2), by striking “and” at the
2 end;

3 (2) in paragraph (3), by striking the period at
4 the end and inserting a semicolon; and

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

6 “~~(4) sums received for marine mammal con-~~
7 ~~servation, including assessment costs, fines, pen-~~
8 ~~alties, restitution, natural resource damages, and~~
9 ~~forfeitures of property for violations of any provision~~
10 ~~of this Act or other environmental statute and sums~~
11 ~~received from emergency declaration grants for ma-~~
12 ~~rine mammal conservation; and~~

13 “~~(5) up to \$750,000 per fiscal year, as deter-~~
14 ~~mined by the Secretary of Commerce and the Sec-~~
15 ~~retary of the Interior, from amounts appropriated to~~
16 ~~the Secretary for carrying out this title and other ti-~~
17 ~~ties of this Act.”.~~

18 **SEC. 5. LIABILITY.**

19 Section 406(a) of the Marine Mammal Protection Act
20 of 1972 (16 U.S.C. 1421e(a)) is amended by inserting “or
21 entanglement” after “to a stranding”.

22 **SEC. 6. NATIONAL MARINE MAMMAL TISSUE BANK AND TIS-**
23 **SUE ANALYSIS.**

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

1 (1) in subsection (c)(2)(A), by striking “the
2 health of marine mammals” and inserting “marine
3 mammal health and mortality and the health of”;
4 and

5 (2) in subsection (d), by inserting “public” be-
6 fore “access”.

7 **SEC. 7. JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND**
8 **RESPONSE GRANT PROGRAM AND RAPID RE-**
9 **SPONSE FUND.**

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

13 **“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**
14 **AND RESPONSE GRANT PROGRAM AND RAPID**
15 **RESPONSE FUND.**

16 “(a) JOHN H. PRESCOTT MARINE MAMMAL RESCUE
17 AND RESPONSE GRANT PROGRAM.—

18 “(1) IN GENERAL.—Subject to the availability
19 of appropriations, the Secretary shall conduct a
20 grant program to be known as the John H. Prescott
21 Marine Mammal Rescue and Response Grant Pro-
22 gram (hereinafter in this section referred to as the
23 ‘Grant Program’) to award grants to eligible strand-
24 ing network participants or stranding network col-
25 laborators as described in this subsection.

1 ~~“(2) PURPOSES.—The purposes of the Grant~~
2 ~~Program are to provide for—~~

3 ~~“(A) the recovery or treatment of sick, in-~~
4 ~~jured, or entangled marine mammals;~~

5 ~~“(B) marine mammal stranding events~~
6 ~~that require emergency assistance;~~

7 ~~“(C) the collection of data and samples~~
8 ~~from living or dead stranded marine mammals~~
9 ~~for scientific research regarding marine mam-~~
10 ~~mal health;~~

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

14 ~~“(E) development of Stranding Network~~
15 ~~capacity, including training for emergency re-~~
16 ~~sponse, where facilities do not exist or are~~
17 ~~sparse.~~

18 ~~“(3) CONTRACT, GRANT, AND COOPERATIVE~~
19 ~~AGREEMENT AUTHORITY.—The Secretary may enter~~
20 ~~into a contract, grant, or cooperative agreement with~~
21 ~~any person, as the Secretary determines appropriate,~~
22 ~~for the purposes described in paragraph (2).~~

23 ~~“(4) EQUITABLE DISTRIBUTION OF FUNDS.—~~

24 ~~“(A) IN GENERAL.—The Secretary shall~~
25 ~~ensure, to the extent practicable, that funds~~

1 awarded under the Grant Program are distrib-
2 uted equitably among the stranding regions.

3 “(B) PREFERENCES.—The Secretary shall
4 give preference to awarding funds under the
5 Grant Program in each stranding region to any
6 facility with an established record of marine
7 mammal rescue and rehabilitation; or of sci-
8 entific data collection and research on sick,
9 stranded, or entangled marine mammals where
10 such facilities exist.

11 “(C) CONSIDERATIONS.—In determining
12 priorities among the stranding regions under
13 this paragraph, the Secretary may consider—

14 “(i) any episodic stranding, entangle-
15 ment, or mortality event, except for an un-
16 usual mortality event, that occurred in any
17 stranding region in the preceding year;

18 “(ii) any data regarding average an-
19 nual stranding, entanglements, and mor-
20 tality events per stranding region;

21 “(iii) the size of the marine mammal
22 populations inhabiting a geographic area
23 within a stranding region; and

24 “(iv) the conservation of threatened or
25 endangered marine mammal species.

1 “(5) APPLICATION.—To apply for a grant
2 under the Grant Program a stranding network par-
3 ticipant shall—

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

6 “(B) comply with the data reporting re-
7 quirements of section 402(d).

8 “(6) CONSULTATION.—The Secretary shall con-
9 sult with the Marine Mammal Commission, a rep-
10 resentative from each of the stranding regions, and
11 other individuals who represent public and private
12 organizations that are actively involved in rescue, re-
13 habilitation, release, scientific research, marine con-
14 servation, and forensic science regarding stranded
15 marine mammals to develop criteria for awarding
16 grants under the Grant Program.

17 “(7) LIMITATIONS.—

18 “(A) MAXIMUM GRANT AMOUNT.—No
19 grant made under the Grant Program for a sin-
20 gle project may exceed \$200,000 in any 12-
21 month period.

22 “(B) UNEXPENDED FUNDS.—Any funds
23 awarded under the Grant Program that are un-
24 expended or unobligated at the end a 12-month
25 period—

1 “(i) shall remain available until ex-
2 pended; and

3 “(ii) shall not be taken into account
4 for any other 12-month period for the pur-
5 poses of subparagraph (A).

6 ~~“(8) MATCHING REQUIREMENT.—The non-Fed-~~
7 eral share of the costs of an activity conducted with
8 funds awarded under the Grant Program shall be 25
9 percent of such costs.

10 ~~“(9) ADMINISTRATIVE COSTS AND EXPENSES.—~~
11 Of the amounts available each fiscal year to carry
12 out the Grant Program, the Secretary may expend
13 not more than 6 percent or \$80,000, whichever is
14 greater, to pay the administrative costs and expenses
15 related to reviewing and awarding grants under the
16 Grant Program.

17 ~~“(b) JOHN H. PRESCOTT MARINE MAMMAL RESCUE~~
18 ~~AND RAPID RESPONSE FUND.—~~

19 ~~“(1) IN GENERAL.—There is established in the~~
20 Treasury of the United States an interest-bearing
21 fund to be known as the ‘John H. Prescott Marine
22 Mammal Rescue and Rapid Response Fund’ (herein-
23 after in this section referred to as the ‘Fund’).

1 “(2) USE OF FUNDS.—Amounts in the Fund
2 shall be available only for use by the Secretary to
3 provide emergency assistance.

4 “(3) MATCHING REQUIREMENT.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), the non-Federal share of the
7 costs of an activity conducted with amounts
8 from the Fund shall be 25 percent of such
9 costs.

10 “(B) WAIVER.—The Secretary may waive
11 the matching requirement under subparagraph
12 (A) for activities to provide emergency assist-
13 ance.

14 “(C) IN-KIND CONTRIBUTIONS.—The Sec-
15 retary may apply to the non-Federal share of
16 an activity conducted with amounts from the
17 Fund, the amount of funds and the fair market
18 value of property and services provided by non-
19 Federal sources and used for the activity.

20 “(e) EMERGENCY ASSISTANCE DEFINED.—In this
21 section:

22 “(1) IN GENERAL.—The term ‘emergency as-
23 sistance’ means—

24 “(A) financial assistance provided for a
25 stranding event or entangling event that—

1 “(i) causes an immediate increase in
 2 the cost of a response, recovery, or reha-
 3 bilitation that is greater than the usual or
 4 allocated cost of a response, recovery, or
 5 rehabilitation;

6 “(ii) is cyclical or endemic; and

7 “(iii) involves a marine mammal that
 8 is out of the normal habitat for that ma-
 9 rine mammal; or

10 “(B) financial assistance provided for a
 11 stranding event or an entanglement event that
 12 the Secretary considers to be an emergency.

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

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There is authorized to be
 18 appropriated to carry out the Grant Program
 19 \$7,000,000 for each of fiscal years 2017 through
 20 2022, to remain available until expended, of which
 21 for each fiscal year—

22 “(A) \$6,000,000 may be available to the
 23 Secretary of Commerce; and

24 “(B) \$1,000,000 may be available to the
 25 Secretary of the Interior.

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

3 ~~“(A) AUTHORIZATION OF APPROPRIA-~~
 4 ~~TIONS.—There is authorized to be appropriated~~
 5 ~~to the Fund \$500,000 for each of fiscal years~~
 6 ~~2016 through 2021.~~

7 ~~“(B) TRANSFER OF FUNDS.—In addition~~
 8 ~~to amounts appropriated pursuant to an au-~~
 9 ~~thorization of appropriations in subparagraph~~
 10 ~~(A), there shall be deposited into the Fund up~~
 11 ~~to \$500,000 for each fiscal year (as determined~~
 12 ~~by the Secretary) from amounts appropriated to~~
 13 ~~the Secretary for carrying out this title and~~
 14 ~~other titles of this Act.~~

15 ~~“(C) AVAILABILITY OF FUNDS.—Amounts~~
 16 ~~in the Fund shall remain available until ex-~~
 17 ~~pende without regard to any law related to the~~
 18 ~~negotiation, award, or administration of any~~
 19 ~~contract, grant, or cooperative agreement.~~

20 ~~“(e) ACCEPTANCE OF DONATIONS.—For purposes of~~
 21 ~~carrying out this section, the Secretary may solicit, accept,~~
 22 ~~receive, hold, administer, and use gifts, devises, and be-~~
 23 ~~quests without any further approval or administrative ac-~~
 24 ~~tion.”.~~

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 is amended by striking the item re-
 4 lated to section 408 and inserting the following:

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

5 **SEC. 8. MARINE MAMMAL HEALTH MAP.**

6 (a) IN GENERAL.—The Marine Mammal Protection
 7 Act of 1972 (16 U.S.C. 1361 et seq.) is amended by in-
 8 serting after section 408 the following:

9 **“SEC. 408A. MARINE MAMMAL HEALTH MAP.**

10 “(a) IN GENERAL.—Not later than 1 year after the
 11 date of the enactment of the Marine Mammal Research
 12 and Response Act of 2016, the Secretary, acting through
 13 the Administrator of the National Oceanic and Atmos-
 14 pheric Administration, in consultation with the Secretary
 15 of the Interior and the Marine Mammal Commission,
 16 shall—

17 “(1) establish a national marine mammal health
 18 and stranding observing system referred to as the
 19 Marine Mammal Health Map;

20 “(2) incorporate the Marine Mammal Health
 21 Map into the National Integrated Coastal and Ocean
 22 Observation System established under section 12304
 23 of the Integrated Coastal and Ocean Observation
 24 System Act of 2009 (33 U.S.C. 3603); and

1 ~~“(3) make the Marine Mammal Health Map—~~

2 ~~“(A) publically accessible through the Inte-~~
 3 ~~grated Coastal and Ocean Observation System’s~~
 4 ~~web portal; and~~

5 ~~“(B) interoperable with other national data~~
 6 ~~systems or for management or research pur-~~
 7 ~~poses; as practicable.~~

8 ~~“(b) PURPOSES.—The purposes of the Marine Mam-~~
 9 ~~mal Health Map are to promote—~~

10 ~~“(1) interdisciplinary research among individ-~~
 11 ~~uals with knowledge and experience in marine mam-~~
 12 ~~mal science; marine mammal veterinary and hus-~~
 13 ~~bandry practices; and medical science; oceanog-~~
 14 ~~raphers; and other marine scientists;~~

15 ~~“(2) the timely and sustained dissemination~~
 16 ~~and availability of marine mammal health; strand-~~
 17 ~~ing; entanglement; and mortality data;~~

18 ~~“(3) the identification of spatial and temporal~~
 19 ~~patterns of marine mammal mortality; disease; and~~
 20 ~~stranding;~~

21 ~~“(4) the evaluation of marine mammal health in~~
 22 ~~terms of mortality as well as sublethal marine mam-~~
 23 ~~mal health impacts;~~

1 “(5) the improved collaboration and forecasting
2 of marine mammal and larger ecosystem health
3 events;

4 “(6) rapid communication and dissemination of
5 marine mammal strandings that may have implica-
6 tions for human health, such as harmful algal
7 blooms;

8 “(7) the increased accessibility of data in a user
9 friendly visual interface for public education and
10 outreach activities; and

11 “(8) contribute to an ocean health index which
12 incorporates marine mammal health data.

13 “(c) REQUIREMENTS.—The Marine Mammal Health
14 Map shall—

15 “(1) integrate in situ, remote, and other marine
16 mammal health, stranding, and mortality data, in-
17 cluding visualization and metadata, from persons au-
18 thorized to collect data on marine mammals, includ-
19 ing the stranding network, Federal, State, and tribal
20 governments, private partners, and academia;

21 “(2) be designed to enhance data and informa-
22 tion availability, including data sharing between
23 stranding network participants, scientists, and the
24 public across stranding network regions;

1 “(3) be designed to facilitate data and informa-
 2 tion access across scientific disciplines, scientists,
 3 and managers; and

4 “(4) be designed to facilitate public access to
 5 national and regional marine mammal health,
 6 stranding, entanglement, and mortality data, includ-
 7 ing visualizations and metadata, through the Inte-
 8 grated Coastal and Ocean Observation System’s na-
 9 tional and regional data portals.

10 “(d) PROCEDURES AND GUIDELINES.—The Sec-
 11 retary shall implement policies, protocols, and standards
 12 for—

13 “(1) the reporting requirements for marine
 14 mammal health data collected by stranding networks
 15 consistent with subsections (c) and (d) of section
 16 402;

17 “(2) the timely transmission of health data
 18 from the stranding networks and other appropriate
 19 data providers to the Marine Mammal Health Map;

20 “(3) the timely and sustained dissemination
 21 and availability to the public of marine mammal
 22 health, stranding, entanglement, and mortality data;
 23 and

1 “(4) the integration of other marine mammal
2 health, stranding, or other data as the Secretary de-
3 termines appropriate.

4 “(e) COORDINATION.—The Administrator of the Na-
5 tional Oceanic and Atmospheric Administration shall
6 carry out the Marine Mammal Health Map in consultation
7 with the Secretary of the Interior, the Marine Mammal
8 Commission, and the National Ocean Research Leadership
9 Council.

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

14 “(b) TABLE OF CONTENTS AMENDMENT.—The table
15 of contents in the first section of the Marine Mammal Pro-
16 tection Act of 1972, as amended by section 7(b), is amend-
17 ed further by inserting after the item related to section
18 408 the following:

“Sec. 408A. Marine Mammal Health Map.”.

19 **SEC. 9. REPORTS TO CONGRESS.**

20 “(a) IN GENERAL.—The Marine Mammal Protection
21 Act of 1972 (16 U.S.C. 1361 et seq.), as amended by sec-
22 tion 8(a), is further amended by inserting after section
23 408A the following:

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

2 ~~“(a) APPROPRIATE COMMITTEES OF CONGRESS.—In~~
3 this section, the term ‘appropriate committees of Con-
4 gress’ means the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on Nat-
6 ural Resources and the Committee on Science, Space, and
7 Technology of the House of Representatives.

8 ~~“(b) MARINE MAMMAL HEALTH MAP STATUS RE-~~
9 PORT.—Not later than 1 year after the date of the enact-
10 ment of the Marine Mammal Research and Response Act
11 of 2016, the Administrator of the National Oceanic and
12 Atmospheric Administration, in consultation with the Ma-
13 rine Mammal Commission, the Secretary of the Interior,
14 and the National Ocean Research Leadership Council,
15 shall submit to the appropriate committees of Congress
16 a report on the status of the Marine Mammal Health Map.
17 Such report shall include the following:

18 ~~“(1) A detailed evaluation of the data made~~
19 publically available through the Marine Mammal
20 Health Map.

21 ~~“(2) A detailed list of any gaps in data col-~~
22 lected pursuant to the Marine Mammal Health Map,
23 a description of the reasons for such gaps, and rec-
24 ommendations to close such gaps.

25 ~~“(3) An analysis of the effectiveness of using~~
26 the website of the Integrated Coastal and Ocean Ob-

1 servation System as a tool to collect, organize, vis-
2 ualize, archive, and disseminate marine mammal
3 stranding and health data.

4 “(4) A list of publications, presentations, or
5 other relevant work product resulting from, or in
6 collaboration with, such Marine Mammal Health
7 Map.

8 “(5) A description of emerging marine mammal
9 health concerns and the applicability of such con-
10 cerns to human health.

11 “(6) An analysis of the feasibility of the Inte-
12 grated Coastal and Ocean Observation System to be
13 used as an alert during stranding events, entangle-
14 ment events, and unusual mortality events for the
15 stranding network, Integrated Coastal and Ocean
16 Observation System partners, Marine Mammal
17 Health Map partners, Federal and State agencies,
18 and local and tribal governments.

19 “(7) An evaluation of the use of Marine Mam-
20 mal Health Map data to predict broader ecosystem
21 events and changes that may impact marine mam-
22 mal or human health and specific examples of prov-
23 en or potential uses of Integrated Coastal and Ocean
24 Observation System data for these purposes.

1 “(8) Recommendations for the Marine Mammal
2 Health Map related to—

3 “(A) filling any identified data gaps;

4 “(B) data standards that could be used to
5 improve data accessibility, transmission, inter-
6 operability, and sharing;

7 “(C) any other strategies that would con-
8 tribute to the effectiveness and usefulness of
9 the Marine Mammal Health Map; and

10 “(D) the funding levels needed to carry out
11 the Marine Mammal Health Map.

12 “(e) DATA GAP ANALYSIS.—Not later than 5 years
13 after date that the report required by subsection (b) is
14 submitted, and every 5 years thereafter, the Administrator
15 of the National Oceanic and Atmospheric Administration,
16 in consultation with the Marine Mammal Commission and
17 the Secretary of the Interior, shall submit to the appro-
18 priate committees of Congress a data gap analysis. Such
19 analysis shall include the following:

20 “(1) An overview of existing participants within
21 the Marine Mammal Stranding Network.

22 “(2) An identification of participant gaps with-
23 in the Network.

24 “(3) An identification of data and reporting
25 gaps from members of the Network.

1 “(4) An analysis of how stranding and health
2 data is shared and made available to scientists, aca-
3 demies, State, local, and tribal governments, and the
4 public.”.

5 “(d) RESCUE AND RESPONSE CAPABILITIES IN THE
6 ARCTIC.—Not later than 1 year after the date of the en-
7 actment of the Marine Mammal Research and Response
8 Act of 2016, the Administrator of the National Oceanic
9 and Atmospheric Administration, in consultation with the
10 Marine Mammal Commission and the Director of the
11 United States Fish and Wildlife Service, shall submit to
12 the appropriate committees of Congress a report on the
13 response capabilities for sick and injured marine mammals
14 in the Arctic regions of the United States. Such report
15 shall include the following:

16 “(1) A description of all stranding agreements
17 in place in the Arctic regions of the United States,
18 including species covered, response capabilities, fa-
19 cilities, and data collection and analysis capabilities.

20 “(2) A list of State and local government agen-
21 cies that have personnel trained to respond to
22 strandings in the Arctic regions of the United
23 States.

24 “(3) An assessment of potential response and
25 data collection partners and sources of local infor-

1 mation and knowledge, including Alaska Native peo-
 2 ple and villages.

3 “(4) An analysis of spatial and temporal trends
 4 in strandings over time in response to changing envi-
 5 ronmental conditions in the Arctic regions of the
 6 United States and the relationships to other unusual
 7 mortality events, including birds and fish.

8 “(5) A description of training and other re-
 9 source needs to meet emerging response require-
 10 ments in the Arctic regions of the United States.

11 “(6) An analysis of oiled marine mammal and
 12 bird response and rehabilitation capabilities in the
 13 Arctic regions of the United States, including equip-
 14 ment, facilities, training, and husbandry capabilities,
 15 and an assessment of likely success rates.

16 “(7) Recommendations for future stranding re-
 17 sponse needs in the Arctic regions of the United
 18 States.”.

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, as amended by section 8(b), is amend-
 22 ed further by inserting after the item related to section
 23 408A the following:

“Sec. 408B. Reports to Congress.”.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

4 (1) in paragraph (1), by striking “1993 and
5 1994,” and inserting “2017 through 2022,”;

6 (2) in paragraph (2), by striking “1993 and
7 1994,” and inserting “2017 through 2022,”; and

8 (3) in paragraph (3), by striking “fiscal year
9 1993.” and inserting “for each of the fiscal years
10 2017 through 2022.”.

11 **SEC. 11. DEFINITIONS.**

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

14 (1) by redesignating paragraphs (5) and (6) as
15 paragraphs (7) and (8), respectively;

16 (2) by redesignating paragraphs (1), (2) ; (3),
17 and (4) as paragraphs (2), (3), (4), and (5), respec-
18 tively;

19 (3) by inserting before paragraph (2), as redes-
20 igned, 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.”; and~~

5 (4) by inserting after paragraph (5), as redesignated,
 6 the following:

7 ~~“(6) STRANDING REGION.—The term ‘strand-~~
 8 ~~ing region’ means a geographic region designated by~~
 9 ~~the Secretary for purposes of administration of this~~
 10 ~~Act.”.~~

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Marine Mammal Re-*
 13 *search and Response Act of 2016”.*

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

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

17 *(1) in subsection (b)—*

18 *(A) in paragraph (1)(A), by inserting “or*
 19 *entangled” after “stranded”;*

20 *(B) in paragraph (3)—*

21 *(i) by striking “strandings,” and in-*
 22 *serting “strandings and entanglements, in-*
 23 *cluding unusual mortality events,”;*

24 *(ii) by inserting “stranding” before*
 25 *“region”; and*

1 (iii) by striking “marine mammals;
 2 and” and inserting “and entangled marine
 3 mammals to allow comparison of the causes
 4 of illness and deaths in stranded and entan-
 5 gled marine mammals with physical, chem-
 6 ical, and biological environmental param-
 7 eters; and”;

8 (C) in paragraph (4), by striking “analyses,
 9 that would allow comparison of the causes of ill-
 10 ness and deaths in stranded marine mammals
 11 with physical, chemical, and biological environ-
 12 mental parameters.” and inserting “analyses.”;
 13 and

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

16 “(c) DATA AVAILABILITY.—

17 “(1) IN GENERAL.—The Secretary shall develop
 18 a program to make information, including any data
 19 and metadata, collected under subsection (b) available
 20 to researchers, stranding networks, and the public—

21 “(A) to improve real-time coordination of
 22 response to stranding and entanglement events
 23 across geographic areas and between stranding
 24 coordinators;

1 “(B) to identify and quickly disseminate in-
2 formation on potential public health risks;

3 “(C) to facilitate integrated interdiscipli-
4 nary research;

5 “(D) to facilitate peer-reviewed publica-
6 tions;

7 “(E) to archive regional data into one na-
8 tional database for future analyses; and

9 “(F) for education and outreach activities.

10 “(2) *PUBLIC ACCESS*.—The Secretary shall en-
11 sure that—

12 “(A) all information, including data and
13 metadata, collected under subsection (b) is
14 archived in a form that is readily accessible, un-
15 derstandable, and can be easily shared with, the
16 public, as appropriate, through the Marine
17 Mammal Health Map established under section
18 408A; and

19 “(B) not later than 60 days after the date
20 that any information, including any data and
21 metadata, collected under paragraph (1), (2), or
22 (3) of subsection (b), is made readily available to
23 stranding network participants, other qualified
24 scientists, employees of the Federal Government,
25 and the public through the Marine Mammal

1 *Health Map and the Integrated Ocean Observa-*
 2 *tion System.*

3 “(d) *DATA REPORTING REQUIREMENTS.—The Sec-*
 4 *retary shall require each stranding network participant to*
 5 *submit to the National Oceanic and Atmospheric Adminis-*
 6 *tration, for inclusion in the Marine Mammal Health Map*
 7 *established under section 408A the following:*

8 “(1) *NOAA Form 89–864 (OMB #0648–0178)*
 9 *and NOAA Form 89–878 (OMB #0648–0178), or*
 10 *similar successor form, not later than 30 days after*
 11 *the date of a response to a stranding or entanglement*
 12 *event.*

13 “(2) *The information, including any data and*
 14 *metadata, described in paragraphs (1) and (2) of sub-*
 15 *section (b), not later than 30 days after the date that*
 16 *the information is available or updated, as applica-*
 17 *ble.*

18 “(3) *The information, including any data and*
 19 *metadata, described in paragraphs (3) and (4) of sub-*
 20 *section (b), not later than 30 days after the date that*
 21 *the stranding network responds to a stranding or en-*
 22 *tanglement event.*

23 “(e) *PUBLIC DISPLAY OF MARINE MAMMALS.—*

24 “(1) *RESCUING FACILITY.—The facility rescuing*
 25 *and rehabilitating a stranded marine mammal that*

1 *meets the public display criteria of this Act shall be*
 2 *given preference when the National Oceanic and At-*
 3 *mospheric Administration decides permanent place-*
 4 *ment of a marine mammal deemed non-releasable for*
 5 *public display purposes if—*

6 *“(A) the marine mammal is deemed non-re-*
 7 *leasable; and*

8 *“(B) the facility—*

9 *“(i) meets the public display criteria of*
 10 *the Act and the Animal Welfare Act (7*
 11 *U.S.C. 2131 et seq.); and*

12 *“(ii) meets the requirements for main-*
 13 *tenance and care established by the Animal*
 14 *and Plant Health Inspection Service of the*
 15 *United States Department of Agriculture.*

16 *“(2) EXPLANATION.—If the facility that rescued*
 17 *and rehabilitated the marine mammal was not chosen*
 18 *for permanent placement, the National Oceanic and*
 19 *Atmospheric Administration shall provide written*
 20 *documentation to that facility explaining why the ap-*
 21 *plicant has not met the requirements of this Act and*
 22 *the Animal Welfare Act.*

23 *“(3) OTHER FACILITY.—A licensed public dis-*
 24 *play facility in a contiguous geographic area where*
 25 *a marine mammal stranded and later deemed non-re-*

1 *leasable by a stranding facility shall be given pref-*
 2 *erence to acquire the marine mammal.”.*

3 **SEC. 3. STRANDING OR ENTANGLEMENT RESPONSE AGREE-**
 4 **MENTS.**

5 *Section 403 of the Marine Mammal Protection Act of*
 6 *1972 (16 U.S.C. 1421b) is amended—*

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

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

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

12 *(a) USES OF THE MARINE MAMMAL UNUSUAL MOR-*
 13 *TALITY EVENT FUND.—Subsection (b) of section 405 of the*
 14 *Marine Mammal Protection Act of 1972 (16 U.S.C. 1421d)*
 15 *is amended to read as follows:*

16 *“(b) USES.—Amounts in the Fund—*

17 *“(1) shall be available only for use by the Sec-*
 18 *retary, in consultation with the Secretary of the Inte-*
 19 *rior and dispersed among claimants based on budgets*
 20 *approved by the Secretary prior to expenditure—*

21 *“(A) to make advance, partial, or progress*
 22 *payments under contracts or other funding*
 23 *mechanisms for property, supplies, salaries, serv-*
 24 *ices, and travel costs incurred in acting in ac-*
 25 *cordance with the contingency plan issued under*

1 *section 404(b) or under the direction of an On-*
 2 *site Coordinator for an unusual mortality event;*

3 *“(B) for reimbursing any stranding net-*
 4 *work participant for costs incurred in the collec-*
 5 *tion, preparation, analysis, and transportation*
 6 *of marine mammal tissues and samples collected*
 7 *with respect to an unusual mortality event, in-*
 8 *cluding such transportation, for the Tissue Bank;*
 9 *and*

10 *“(C) for care and maintenance of marine*
 11 *mammal seized under section 104(c)(2)(D); and*
 12 *“(2) shall remain available until expended.”.*

13 *(b) DEPOSITS INTO THE FUND.—Subsection (c) of sec-*
 14 *tion 405 of the Marine Mammal Protection Act of 1972 (16*
 15 *U.S.C. 1421d) is amended—*

16 *(1) in paragraph (2), by striking “and” at the*
 17 *end;*

18 *(2) in paragraph (3), by striking the period at*
 19 *the end and inserting a semicolon; and*

20 *(3) by adding at the end the following:*

21 *“(4) sums received for marine mammal con-*
 22 *servation, including assessment costs, fines, penalties,*
 23 *restitution, and forfeitures of property for violations*
 24 *of any provision of this Act or other environmental*

1 *statute and sums received from emergency declaration*
 2 *grants for marine mammal conservation; and*

3 “(5) up to \$750,000 per fiscal year, as deter-
 4 *mined by the Secretary of Commerce and the Sec-*
 5 *retary of the Interior, from amounts appropriated to*
 6 *the Secretary for carrying out this title and other ti-*
 7 *tles of this Act.”.*

8 **SEC. 5. LIABILITY.**

9 *Section 406(a) of the Marine Mammal Protection Act*
 10 *of 1972 (16 U.S.C. 1421e(a)) is amended by inserting “or*
 11 *entanglement” after “to a stranding”.*

12 **SEC. 6. NATIONAL MARINE MAMMAL TISSUE BANK AND TIS-**
 13 **SUE ANALYSIS.**

14 *Section 407 of the Marine Mammal Protection Act of*
 15 *1972 (16 U.S.C. 1421f) is amended—*

16 (1) *in subsection (c)(2)(A), by striking “the*
 17 *health of marine mammals and” and inserting “ma-*
 18 *rine mammal health and mortality and the health*
 19 *of”; and*

20 (2) *in subsection (d), by inserting “public” be-*
 21 *fore “access”.*

1 **SEC. 7. JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND**
 2 **RESPONSE GRANT PROGRAM AND RAPID RE-**
 3 **SPONSE FUND.**

4 (a) *IN GENERAL.*—Section 408 of the Marine Mammal
 5 Protection Act of 1972 (16 U.S.C. 1421f–1) is amended to
 6 read as follows:

7 **“SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE**
 8 **AND RESPONSE GRANT PROGRAM AND RAPID**
 9 **RESPONSE FUND.**

10 “(a) *JOHN H. PRESCOTT MARINE MAMMAL RESCUE*
 11 *AND RESPONSE GRANT PROGRAM.*—

12 “(1) *IN GENERAL.*—Subject to the availability of
 13 appropriations, the Secretary shall conduct a grant
 14 program to be known as the John H. Prescott Marine
 15 Mammal Rescue and Response Grant Program (here-
 16 inafter in this section referred to as the ‘Grant Pro-
 17 gram’) to award grants to eligible stranding network
 18 participants or stranding network collaborators as de-
 19 scribed in this subsection.

20 “(2) *PURPOSES.*—The purposes of the Grant
 21 Program are to provide for—

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

24 “(B) marine mammal stranding events that
 25 require emergency assistance;

1 “(C) the collection of data and samples from
 2 living or dead stranded marine mammals for
 3 scientific research regarding marine mammal
 4 health;

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

8 “(E) development of Stranding Network ca-
 9 pacity, including training for emergency re-
 10 sponse, where facilities do not exist or are sparse.

11 “(3) CONTRACT, GRANT, AND COOPERATIVE
 12 AGREEMENT AUTHORITY.—The Secretary may enter
 13 into a contract, grant, or cooperative agreement with
 14 any eligible stranding network participant or strand-
 15 ing network collaborator, as the Secretary determines
 16 appropriate, for the purposes described in paragraph
 17 (2).

18 “(4) EQUITABLE DISTRIBUTION OF FUNDS.—

19 “(A) IN GENERAL.—The Secretary shall en-
 20 sure, to the extent practicable, that funds award-
 21 ed under the Grant Program are distributed eq-
 22 uitably among the stranding regions.

23 “(B) PREFERENCES.—The Secretary shall
 24 give preference to awarding funds under the
 25 Grant Program in each stranding region to any

1 *facility with an established record of marine*
 2 *mammal rescue and rehabilitation.*

3 “(C) *CONSIDERATIONS.—In determining*
 4 *priorities among the stranding regions under*
 5 *this paragraph, the Secretary may consider—*

6 “(i) *any episodic stranding, entangle-*
 7 *ment, or mortality event, except for an un-*
 8 *usual mortality event, that occurred in any*
 9 *stranding region in the preceding year;*

10 “(ii) *any data regarding average an-*
 11 *nual stranding, entanglements, and mor-*
 12 *tality events per stranding region;*

13 “(iii) *the size of the marine mammal*
 14 *populations inhabiting a geographic area*
 15 *within a stranding region; and*

16 “(iv) *the conservation of protected,*
 17 *threatened, or endangered marine mammal*
 18 *species.*

19 “(5) *APPLICATION.—To apply for a grant under*
 20 *the Grant Program a stranding network participant*
 21 *shall—*

22 “(A) *submit an application in such form*
 23 *and manner as the Secretary prescribes; and*

24 “(B) *comply with the data reporting re-*
 25 *quirements of section 402(d).*

1 “(6) *CONSULTATION.*—*The Secretary shall con-*
 2 *sult with the Marine Mammal Commission, a rep-*
 3 *resentative from each of the stranding regions, and*
 4 *other individuals who represent public and private*
 5 *organizations that are actively involved in rescue, re-*
 6 *habilitation, release, scientific research, marine con-*
 7 *servation, and forensic science regarding stranded*
 8 *marine mammals to develop criteria for awarding*
 9 *grants under the Grant Program.*

10 “(7) *LIMITATIONS.*—

11 “(A) *MAXIMUM GRANT AMOUNT.*—*No grant*
 12 *made under the Grant Program for a single*
 13 *project may exceed \$150,000 in any 12-month*
 14 *period.*

15 “(B) *UNEXPENDED FUNDS.*—*Any funds*
 16 *awarded under the Grant Program that are un-*
 17 *expended or unobligated at the end a 12-month*
 18 *period shall remain available until expended.*

19 “(C) *LIMITATION.*—*A new grant shall not*
 20 *be awarded until the first grants funds are ex-*
 21 *pended.*

22 “(8) *MATCHING REQUIREMENT.*—*The non-Fed-*
 23 *eral share of the costs of an activity conducted with*
 24 *funds awarded under the Grant Program shall be 25*
 25 *percent of such costs.*

1 “(9) *ADMINISTRATIVE COSTS AND EXPENSES.*—
 2 *Of the amounts available each fiscal year to carry out*
 3 *the Grant Program, the Secretary may expend not*
 4 *more than 6 percent or \$80,000, whichever is greater,*
 5 *to pay the administrative costs and expenses related*
 6 *to reviewing and awarding grants under the Grant*
 7 *Program.*

8 “(b) *JOHN H. PRESCOTT MARINE MAMMAL RESCUE*
 9 *AND RAPID RESPONSE FUND.*—

10 “(1) *IN GENERAL.*—*There is established in the*
 11 *Treasury of the United States an interest-bearing*
 12 *fund to be known as the ‘John H. Prescott Marine*
 13 *Mammal Rescue and Rapid Response Fund’ (herein-*
 14 *after in this section referred to as the ‘Fund’).*

15 “(2) *USE OF FUNDS.*—*Amounts in the Fund*
 16 *shall be available only for use by the Secretary to pro-*
 17 *vide emergency assistance.*

18 “(3) *MATCHING REQUIREMENT.*—

19 “(A) *IN GENERAL.*—*Except as provided in*
 20 *subparagraph (B), the non-Federal share of the*
 21 *costs of an activity conducted with amounts from*
 22 *the Fund shall be 25 percent of such costs.*

23 “(B) *WAIVER.*—*The Secretary may waive*
 24 *the matching requirement under subparagraph*

1 (A) *for activities to provide emergency assist-*
 2 *ance.*

3 “(C) *IN-KIND CONTRIBUTIONS.*—*The Sec-*
 4 *retary may apply to the non-Federal share of an*
 5 *activity conducted with amounts from the Fund,*
 6 *the amount of funds and the fair market value*
 7 *of property and services provided by non-Federal*
 8 *sources and used for the activity.*

9 “(c) *EMERGENCY ASSISTANCE DEFINED.*—*In this sec-*
 10 *tion:*

11 “(1) *IN GENERAL.*—*The term ‘emergency assist-*
 12 *ance’ means—*

13 “(A) *financial assistance provided for a*
 14 *stranding event or entangling event that—*

15 “(i) *causes an immediate increase in*
 16 *the cost of a response, recovery, or rehabili-*
 17 *tation that is greater than the usual or allo-*
 18 *cated cost of a response, recovery, or reha-*
 19 *bilitation;*

20 “(ii) *is cyclical or endemic; and*

21 “(iii) *involves a marine mammal that*
 22 *is out of the normal habitat for that marine*
 23 *mammal; or*

1 “(B) *financial assistance provided for a*
 2 *stranding event or an entanglement event that*
 3 *the Secretary considers to be an emergency.*

4 “(2) *EXCLUSIONS.—The term ‘emergency assist-*
 5 *ance’ does not include financial assistance to respond*
 6 *to an unusual mortality event.*

7 “(d) *AUTHORIZATION OF APPROPRIATIONS.—*

8 “(1) *IN GENERAL.—There is authorized to be ap-*
 9 *propriated to carry out the Grant Program*
 10 *\$7,000,000 for each of fiscal years 2017 through 2022,*
 11 *to remain available until expended, of which for each*
 12 *fiscal year—*

13 “(A) *\$6,000,000 may be available to the*
 14 *Secretary of Commerce; and*

15 “(B) *\$1,000,000 may be available to the*
 16 *Secretary of the Interior.*

17 “(2) *JOHN H. PRESCOTT MARINE MAMMAL RES-*
 18 *CUE AND RAPID RESPONSE FUND.—*

19 “(A) *AUTHORIZATION OF APPROPRIA-*
 20 *TIONS.—There is authorized to be appropriated*
 21 *to the Fund \$500,000 for each of fiscal years*
 22 *2016 through 2021.*

23 “(B) *TRANSFER OF FUNDS.—In addition to*
 24 *amounts appropriated pursuant to an authoriza-*
 25 *tion of appropriations in subparagraph (A),*

1 *there shall be deposited into the Fund up to*
 2 *\$500,000 for each fiscal year (as determined by*
 3 *the Secretary) from amounts appropriated to the*
 4 *Secretary for carrying out this title and other ti-*
 5 *ties of this Act.*

6 “(C) *AVAILABILITY OF FUNDS.—Amounts in*
 7 *the Fund shall remain available until expended*
 8 *without regard to any law related to the negotia-*
 9 *tion, award, or administration of any contract,*
 10 *grant, or cooperative agreement.*

11 “(e) *ACCEPTANCE OF DONATIONS.—For purposes of*
 12 *carrying out this section, the Secretary may solicit, accept,*
 13 *receive, hold, administer, and use gifts, devises, and bequests*
 14 *without any further approval or administrative action.”.*

15 “(b) *TABLE OF CONTENTS AMENDMENT.—The table of*
 16 *contents in the first section of the Marine Mammal Protec-*
 17 *tion Act of 1972 is amended by striking the item related*
 18 *to section 408 and inserting the following:*

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

19 **SEC. 8. MARINE MAMMAL HEALTH MAP.**

20 “(a) *IN GENERAL.—The Marine Mammal Protection*
 21 *Act of 1972 (16 U.S.C. 1361 et seq.) is amended by insert-*
 22 *ing after section 408 the following:*

1 **“SEC. 408A. MARINE MAMMAL HEALTH MAP.**

2 “(a) *IN GENERAL.*—Not later than 1 year after the
3 date of the enactment of the Marine Mammal Research and
4 Response Act of 2016, the Secretary, acting through the Ad-
5 ministrator of the National Oceanic and Atmospheric Ad-
6 ministration, in consultation with the Secretary of the Inte-
7 rior and the Marine Mammal Commission, shall—

8 “(1) *establish a national marine mammal health*
9 *and stranding observing system referred to as the Ma-*
10 *rine Mammal Health Map;*

11 “(2) *incorporate the Marine Mammal Health*
12 *Map into the National Integrated Coastal and Ocean*
13 *Observation System established under section 12304*
14 *of the Integrated Coastal and Ocean Observation Sys-*
15 *tem Act of 2009 (33 U.S.C. 3603); and*

16 “(3) *make the Marine Mammal Health Map—*

17 “(A) *publically accessible through the Inte-*
18 *grated Coastal and Ocean Observation System’s*
19 *web portal; and*

20 “(B) *interoperable with other national data*
21 *systems or for management or research purposes,*
22 *as practicable.*

23 “(b) *PURPOSES.*—*The purposes of the Marine Mam-*
24 *mal Health Map are to promote—*

25 “(1) *interdisciplinary research among individ-*
26 *uals with knowledge and experience in marine mam-*

1 *mal science, marine mammal veterinary and hus-*
 2 *bandry practices, and medical science, oceanog-*
 3 *raphers, and other marine scientists;*

4 *“(2) the timely and sustained dissemination and*
 5 *availability of marine mammal health, stranding, en-*
 6 *tanglement, and mortality data;*

7 *“(3) the identification of spatial and temporal*
 8 *patterns of marine mammal mortality, disease, and*
 9 *stranding;*

10 *“(4) the evaluation of marine mammal health in*
 11 *terms of mortality as well as sublethal marine mam-*
 12 *mal health impacts;*

13 *“(5) the improved collaboration and forecasting*
 14 *of marine mammal and larger ecosystem health*
 15 *events;*

16 *“(6) rapid communication and dissemination of*
 17 *marine mammal strandings that may have implica-*
 18 *tions for human health, such as harmful algal blooms;*

19 *“(7) the increased accessibility of data in a user*
 20 *friendly visual interface for public education and out-*
 21 *reach activities; and*

22 *“(8) contribute to an ocean health index which*
 23 *incorporates marine mammal health data.*

24 *“(c) REQUIREMENTS.—The Marine Mammal Health*
 25 *Map shall—*

1 “(1) *integrate in situ, remote, and other marine*
 2 *mammal health, stranding, and mortality data, in-*
 3 *cluding visualization and metadata, from persons au-*
 4 *thorized to collect data on marine mammals, includ-*
 5 *ing the stranding network, Federal, State, and tribal*
 6 *governments, private partners, and academia;*

7 “(2) *be designed to enhance data and informa-*
 8 *tion availability, including data sharing between*
 9 *stranding network participants, scientists, and the*
 10 *public across stranding network regions;*

11 “(3) *be designed to facilitate data and informa-*
 12 *tion access across scientific disciplines, scientists, and*
 13 *managers;*

14 “(4) *be designed to facilitate public access to na-*
 15 *tional and regional marine mammal health, strand-*
 16 *ing, entanglement, and mortality data, including vis-*
 17 *ualizations and metadata, through the Integrated*
 18 *Coastal and Ocean Observation System’s national*
 19 *and regional data portals.; and*

20 “(5) *be designed in collaboration with, and with*
 21 *input from, States and stranding network partici-*
 22 *pants.*

23 “(d) *PROCEDURES AND GUIDELINES.—The Secretary*
 24 *shall implement policies, protocols, and standards for—*

1 “(1) the reporting requirements for marine
2 mammal health data collected by stranding networks
3 consistent with subsections (c) and (d) of section 402;

4 “(2) the timely transmission of health data from
5 the stranding networks and other appropriate data
6 providers to the Marine Mammal Health Map;

7 “(3) the timely and sustained dissemination and
8 availability to the public of marine mammal health,
9 stranding, entanglement, and mortality data; and

10 “(4) the integration of other marine mammal
11 health, stranding, or other data as the Secretary de-
12 termines appropriate.

13 “(e) COORDINATION.—The Administrator of the Na-
14 tional Oceanic and Atmospheric Administration shall carry
15 out the Marine Mammal Health Map in consultation with
16 the Secretary of the Interior, the Marine Mammal Commis-
17 sion, and the National Ocean Research Leadership Council.

18 “(f) CONTRIBUTIONS.—For purposes of carrying out
19 this section, the Secretary may solicit, accept, receive, hold,
20 administer, and use gifts, devises, and bequests without any
21 further approval or administrative action.”.

22 (b) TABLE OF CONTENTS AMENDMENT.—The table of
23 contents in the first section of the Marine Mammal Protec-
24 tion Act of 1972, as amended by section 7(b), is amended

1 *further by inserting after the item related to section 408*
 2 *the following:*

“Sec. 408A. Marine Mammal Health Map.”.

3 **SEC. 9. REPORTS TO CONGRESS.**

4 *(a) IN GENERAL.—The Marine Mammal Protection*
 5 *Act of 1972 (16 U.S.C. 1361 et seq.), as amended by section*
 6 *8(a), is further amended by inserting after section 408A the*
 7 *following:*

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

9 *“(a) APPROPRIATE COMMITTEES OF CONGRESS.—In*
 10 *this section, the term ‘appropriate committees of Congress’*
 11 *means the Committee on Commerce, Science, and Transpor-*
 12 *tation of the Senate and the Committee on Natural Re-*
 13 *sources and the Committee on Science, Space, and Tech-*
 14 *nology of the House of Representatives.*

15 *“(b) MARINE MAMMAL HEALTH MAP STATUS RE-*
 16 *PORT.—Not later than 1 year after the date of the enact-*
 17 *ment of the Marine Mammal Research and Response Act*
 18 *of 2016, the Administrator of the National Oceanic and At-*
 19 *mospheric Administration, in consultation with the Marine*
 20 *Mammal Commission, the Secretary of the Interior, and the*
 21 *National Ocean Research Leadership Council, shall submit*
 22 *to the appropriate committees of Congress a report on the*
 23 *status of the Marine Mammal Health Map. Such report*
 24 *shall include the following:*

1 “(1) *A detailed evaluation of the data made pub-*
 2 *lically available through the Marine Mammal Health*
 3 *Map.*

4 “(2) *A detailed list of any gaps in data collected*
 5 *pursuant to the Marine Mammal Health Map, a de-*
 6 *scription of the reasons for such gaps, and rec-*
 7 *ommendations to close such gaps.*

8 “(3) *An analysis of the effectiveness of using the*
 9 *website of the Integrated Coastal and Ocean Observa-*
 10 *tion System as a tool to collect, organize, visualize,*
 11 *archive, and disseminate marine mammal stranding*
 12 *and health data.*

13 “(4) *A list of publications, presentations, or*
 14 *other relevant work product resulting from, or in col-*
 15 *laboration with, such Marine Mammal Health Map.*

16 “(5) *A description of emerging marine mammal*
 17 *health concerns and the applicability of such concerns*
 18 *to human health.*

19 “(6) *An analysis of the feasibility of the Inte-*
 20 *grated Coastal and Ocean Observation System to be*
 21 *used as an alert during stranding events, entangle-*
 22 *ment events, and unusual mortality events for the*
 23 *stranding network, Integrated Coastal and Ocean Ob-*
 24 *servaion System partners, Marine Mammal Health*

1 *Map partners, Federal and State agencies, and local*
 2 *and tribal governments.*

3 *“(7) An evaluation of the use of Marine Mammal*
 4 *Health Map data to predict broader ecosystem events*
 5 *and changes that may impact marine mammal or*
 6 *human health and specific examples of proven or po-*
 7 *tential uses of Integrated Coastal and Ocean Observa-*
 8 *tion System data for these purposes.*

9 *“(8) Recommendations for the Marine Mammal*
 10 *Health Map related to—*

11 *“(A) filling any identified data gaps;*

12 *“(B) data standards that could be used to*
 13 *improve data accessibility, transmission, inter-*
 14 *operability, and sharing;*

15 *“(C) any other strategies that would con-*
 16 *tribute to the effectiveness and usefulness of the*
 17 *Marine Mammal Health Map; and*

18 *“(D) the funding levels needed to carry out*
 19 *the Marine Mammal Health Map.*

20 *“(c) DATA GAP ANALYSIS.—Not later than 5 years*
 21 *after the date that the report required by subsection (b) is*
 22 *submitted, and every 5 years thereafter, the Administrator*
 23 *of the National Oceanic and Atmospheric Administration,*
 24 *in consultation with the Marine Mammal Commission and*
 25 *the Secretary of the Interior, shall submit to the appro-*

1 *priate committees of Congress a data gap analysis. Such*
 2 *analysis shall include the following:*

3 “(1) *An overview of existing participants within*
 4 *the Marine Mammal Stranding Network.*

5 “(2) *An identification of participant gaps with-*
 6 *in the Network.*

7 “(3) *An identification of data and reporting*
 8 *gaps from members of the Network.*

9 “(4) *An analysis of how stranding and health*
 10 *data is shared and made available to scientists, aca-*
 11 *demics, State, local, and tribal governments, and the*
 12 *public.*

13 “(d) *RESCUE AND RESPONSE CAPABILITIES IN THE*
 14 *ARCTIC.—Not later than 1 year after the date of the enact-*
 15 *ment of the Marine Mammal Research and Response Act*
 16 *of 2016, the Administrator of the National Oceanic and At-*
 17 *mospheric Administration, in consultation with the Marine*
 18 *Mammal Commission and the Director of the United States*
 19 *Fish and Wildlife Service, shall submit to the appropriate*
 20 *committees of Congress a report on the response capabilities*
 21 *for sick and injured marine mammals in the Arctic regions*
 22 *of the United States. Such report shall include the following:*

23 “(1) *A description of all stranding agreements in*
 24 *place in the Arctic regions of the United States, in-*

1 *cluding species covered, response capabilities, facili-*
2 *ties, and data collection and analysis capabilities.*

3 *“(2) A list of State and local government agen-*
4 *cies that have personnel trained to respond to*
5 *strandings in the Arctic regions of the United States.*

6 *“(3) An assessment of potential response and*
7 *data collection partners and sources of local informa-*
8 *tion and knowledge, including Alaska Native people*
9 *and villages.*

10 *“(4) An analysis of spatial and temporal trends*
11 *in strandings over time in response to changing envi-*
12 *ronmental conditions in the Arctic regions of the*
13 *United States and the relationships to other unusual*
14 *mortality events, including birds and fish.*

15 *“(5) A description of training and other resource*
16 *needs to meet emerging response requirements in the*
17 *Arctic regions of the United States.*

18 *“(6) An analysis of oiled marine mammal and*
19 *bird response and rehabilitation capabilities in the*
20 *Arctic regions of the United States, including equip-*
21 *ment, facilities, training, and husbandry capabilities,*
22 *and an assessment of likely success rates.*

23 *“(7) Recommendations for future stranding re-*
24 *sponse needs in the Arctic regions of the United*
25 *States.”.*

1 (b) *TABLE OF CONTENTS AMENDMENT.*—*The table of*
 2 *contents in the first section of the Marine Mammal Protec-*
 3 *tion Act of 1972, as amended by section 8(b), is amended*
 4 *further by inserting after the item related to section 408A*
 5 *the following:*

“Sec. 408B. Reports to Congress.”.

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 *Section 409 of the Marine Mammal Protection Act of*
 8 *1972 (16 U.S.C. 1421g) is amended—*

9 (1) *in paragraph (1), by striking “1993 and*
 10 *1994;” and inserting “2017 through 2022;”;*

11 (2) *in paragraph (2), by striking “1993 and*
 12 *1994;” and inserting “2017 through 2022;”;* and

13 (3) *in paragraph (3), by striking “fiscal year*
 14 *1993.” and inserting “for each of the fiscal years*
 15 *2017 through 2022.”.*

16 **SEC. 11. DEFINITIONS.**

17 *Section 410 of the Marine Mammal Protection Act of*
 18 *1972 (16 U.S.C. 1421h) is amended—*

19 (1) *by redesignating paragraphs (5) and (6) as*
 20 *paragraphs (7) and (8), respectively;*

21 (2) *by redesignating paragraphs (1), (2), (3),*
 22 *and (4) as paragraphs (2), (3), (4), and (5), respec-*
 23 *tively;*

24 (3) *by inserting before paragraph (2), as redesign-*
 25 *ated, the following:*

1 “(1) *The term ‘entangle’ or ‘entanglement’ means*
2 *an event in the wild in which a living or dead ma-*
3 *rine mammal has gear, rope, line, net, or other mate-*
4 *rial wrapped around or attached to the marine mam-*
5 *mal and is—*

6 “(A) *on a beach or shore of the United*
7 *States; or*

8 “(B) *in navigable waters of the United*
9 *States.”; and*

10 (4) *by inserting after paragraph (5), as redesign-*
11 *ated, the following:*

12 “(6) *The term ‘stranding region’ means a geo-*
13 *graphic region designated by the Secretary for pur-*
14 *poses of administration of this Act.”.*

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2D Session

S. 3059

[Report No. 114-386]

A BILL

To reauthorize and amend the John H. Prescott
Marine Mammal Rescue and Response Grant
Program and for other purposes.

NOVEMBER 28, 2016

Reported with an amendment