

Nov. 4, 1992, 106 Stat. 5065; renumbered title IV, § 407, Pub. L. 103-238, § 24(b), Apr. 30, 1994, 108 Stat. 565; amended Pub. L. 117-263, div. J, title CIV, § 10405, Dec. 23, 2022, 136 Stat. 3984.)

Editorial Notes

AMENDMENTS

2022—Subsec. (c)(2)(A). Pub. L. 117-263, § 10405(1), substituted “marine mammal health and mortality and the health of” for “the health of marine mammals and”.

Subsec. (d). Pub. L. 117-263, § 10405(2), inserted “public” before “access” in introductory provisions.

§ 1421f-1. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund

(a) Definitions

In this section:

(1) Emergency assistance

(A) In general

The term “emergency assistance” means—

(i) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

(I) causes an immediate increase in the cost of a response, recovery, or rehabilitation that is greater than the usual cost of a response, recovery, or rehabilitation;

(II) is cyclical or endemic; or

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

(ii) financial assistance provided to respond to, or that results from, a stranding event or an entanglement event that—

(I) the applicable Secretary considers to be an emergency; or

(II) with the concurrence of the applicable Secretary, a State, territorial, or Tribal Government considers to be an emergency.

(B) Exclusions

The term “emergency assistance” does not include financial assistance to respond to an unusual mortality event.

(2) Secretary

The term “Secretary” has the meaning given that term in section 1362(12)(A) of this title.

(3) Stranding region

The term “stranding region” means a geographic region designated by the applicable Secretary for purposes of administration of this subchapter.

(b) John H. Prescott Marine Mammal Rescue and Response Grant Program

(1) In general

The applicable Secretary shall carry out a grant program, to be known as the “John H. Prescott Marine Mammal Rescue and Response Grant Program” (referred to in this section as the “grant program”), to award grants to eligible stranding network participants or stranding network collaborators, as described in this subsection.

(2) Purposes

The purposes of the grant program are to provide for—

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

(B) responses to marine mammal stranding events that require emergency assistance;

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

(D) facility operating costs that are directly related to activities described in subparagraph (A), (B), or (C); and

(E) development of stranding network capacity, including training for emergency response, where facilities do not exist or are sparse.

(3) Contract, grant, and cooperative agreement authority

(A) In general

The applicable Secretary may enter into a contract, grant, or cooperative agreement with any eligible stranding network participant or stranding network collaborator, as the Secretary determines to be appropriate, for the purposes described in paragraph (2).

(B) Emergency award flexibility

Following a request for emergency award flexibility and analysis of the merits of and necessity for such a request, the applicable Secretary may—

(i) amend any contract, grant, or cooperative agreement entered into under this paragraph, including provisions concerning the period of performance; or

(ii) waive the requirements under subsection (f) for grant applications submitted during the provision of emergency assistance.

(4) Equitable distribution of funds

(A) In general

The Secretary shall ensure, to the extent practicable, that funds awarded under the grant program are distributed equitably among the stranding regions.

(B) Considerations

In determining priorities among the stranding regions under this paragraph, the Secretary may consider—

(i) equitable distribution within the stranding regions, including the subregions (including, but not limited to, the Gulf of Mexico);

(ii) any episodic stranding, entanglement, or mortality events, except for unusual mortality events, that occurred in any stranding region in the preceding year;

(iii) any data with respect to average annual stranding, entanglements, and mortality events per stranding region;

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

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

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

(C) Strandings

For the purposes of this program, priority is to be given to applications focusing on marine mammal strandings.

(5) Application

To be eligible for a grant under the grant program, a stranding network participant shall—

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

(B) be in compliance with the data reporting requirements under section 1421a(d) of this title and any applicable reporting requirements of the United States Fish and Wildlife Service for species under its management jurisdiction.

(6) Grant criteria

The Secretary shall, in consultation with the Marine Mammal Commission, a representative from each of the stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science with respect to stranded marine mammals under that Department's jurisdiction, develop criteria for awarding grants under their respective grant programs.

(7) Maximum grant amount

No grant made under the grant program for a single award may exceed \$150,000 in any 12-month period.

(8) Administrative costs and expenses

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

(A) 6 percent of the amounts made available each fiscal year to carry out the grant program; or

(B) \$80,000.

(9) Transparency

The Secretary shall make publicly available a list of grant proposals for the upcoming fiscal year, funded grants, and requests for grant flexibility under this subsection.

(c) Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund

(1) In general

There is established in the Treasury of the United States an interest-bearing fund, to be known as the “Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund” (referred to in this section as the “Rapid Response Fund”).

(2) Use of funds

Amounts in the Rapid Response Fund shall be available only for use by the Secretary to provide emergency assistance.

(d) Authorization of appropriations

(1) In general

(A) Authorization of appropriations

There is authorized to be appropriated to carry out the grant program \$7,000,000 for each of fiscal years 2023 through 2028, to remain available until expended, of which for each fiscal year—

(i) \$6,000,000 shall be made available to the Secretary of Commerce; and

(ii) \$1,000,000 shall be made available to the Secretary of the Interior.

(B) Derivation of funds

Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after December 23, 2022.

(2) Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund

There is authorized to be appropriated to the Rapid Response Fund \$500,000 for each of fiscal years 2023 through 2028.

(e) Acceptance of donations

(1) In general

For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.

(2) Monetary donations

A monetary gift, devise, or bequest accepted by the Secretary under paragraph (1) shall be credited as discretionary offsetting collections to the currently applicable appropriation, account, or fund of the Department of Commerce and shall be made available for such purposes only to the extent and in the amounts provided in advance in appropriations Acts.

(f) Matching requirement

(1) In general

The non-Federal share of a project conducted with funds awarded under the grant program under this section shall be not less than 25 percent of such project.

(2) In-kind contributions

The Secretary may apply to the non-Federal share of a project conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the project.

(Pub. L. 92-522, title IV, § 408, as added Pub. L. 106-555, title II, § 202(a)(2), Dec. 21, 2000, 114 Stat. 2767; amended Pub. L. 117-263, div. J, title CIV, § 10406(a), (b), Dec. 23, 2022, 136 Stat. 3984, 3987.)

Editorial Notes

PRIOR PROVISIONS

A prior section 408 of Pub. L. 92-522 was renumbered section 409, and is classified to section 1421g of this title.

AMENDMENTS

2022—Pub. L. 117-263, § 10406(a)(1), substituted “Marine Mammal Rescue and Response Grant Program and

Rapid Response Fund" for "John H. Prescott Marine Mammal Rescue Assistance Grant Program" in section catchline.

Subsecs. (a) to (d). Pub. L. 117-263, §10406(a)(2), (4), added subsecs. (a) to (d) and struck out former subsecs. (a) to (d) which related to authorization of the John H. Prescott Marine Mammal Rescue Assistance Grant Program, grant applications, required consultations, and limitation of the grant amount, respectively.

Subsec. (e). Pub. L. 117-263, §10406(a)(4), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 117-263, §10406(a)(2), (3), redesignated subsec. (e) as (f) and struck out former subsec. (f). Prior to amendment, text of subsec. (f) read as follows: "Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this section."

Subsec. (f)(1). Pub. L. 117-263, §10406(b)(1), substituted "a project conducted with funds awarded under the grant program under this section shall be not less than 25 percent of such project" for "the costs of an activity conducted with a grant under this section shall be 25 percent of such costs".

Subsec. (f)(2). Pub. L. 117-263, §10406(b)(2), substituted "a project" for "an activity" and "the project" for "the activity".

Subsecs. (g), (h). Pub. L. 117-263, §10406(a)(2), struck out subsecs. (g) and (h) which defined "designated stranding region" and "Secretary" and authorized appropriations for fiscal years 2001 through 2003, respectively.

§ 1421f-2. Marine Mammal Health Monitoring and Analysis Platform (Health MAP)

(a) In general

Not later than 1 year after December 23, 2022, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—

- (1) establish a marine mammal health monitoring and analysis platform (referred to in this chapter as the "Health MAP");
- (2) incorporate the Health MAP into the Observation System; and
- (3) make the Health MAP—
 - (A) publicly accessible through the web portal of the Observation System; and
 - (B) interoperable with other national data systems or other data systems for management or research purposes, as practicable.

(b) Purposes

The purposes of the Health MAP are—

- (1) to promote—

(A) interdisciplinary research among individuals with knowledge and experience in marine mammal science, marine mammal veterinary and husbandry practices, medical science, and oceanography, and with other marine scientists;

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

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

(D) evaluation of marine mammal health in terms of mortality, as well as sublethal marine mammal health impacts;

(E) improved collaboration and forecasting of marine mammal and larger ecosystem health events;

(F) rapid communication and dissemination of information regarding marine mammal strandings that may have implications for human health, such as those caused by harmful algal blooms; and

(G) increased accessibility of data in a user friendly visual interface for public education and outreach; and

- (2) to contribute to an ocean health index that incorporates marine mammal health data.

(c) Requirements

The Health MAP shall—

(1) integrate in situ, remote, and other marine mammal health, stranding, and mortality data, including visualizations and metadata, collected by marine mammal stranding networks, Federal, State, local, and Tribal governments, private partners, and academia; and

- (2) be designed—

(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public within and across stranding network regions;

(B) to facilitate data and information access across scientific disciplines, scientists, and managers;

(C) to facilitate public access to national and regional marine mammal health, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

(D) in collaboration with, and with input from, States and stranding network participants.

(d) Procedures and guidelines

The Secretary shall establish and implement policies, protocols, and standards for—

(1) reporting marine mammal health data collected by stranding networks consistent with subsections (c) and (d) of section 1421a of this title;

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

(3) disseminating and making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

(4) integrating additional marine mammal health, stranding, or other relevant data as the Secretary determines appropriate.

(e) Consultation

The Administrator of the National Oceanic and Atmospheric Administration shall maintain and update the Health MAP in consultation with the Secretary of the Interior and the Marine Mammal Commission.

(f) Acceptance of donations

(1) In general

For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises,