

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.

(Pub. L. 92-522, title IV, § 408A, as added Pub. L. 117-263, div. J, title CIV, § 10407(a), Dec. 23, 2022, 136 Stat. 3988.)

§ 1421f-3. Reports to Congress

(a) Definition of appropriate committees of Congress

In this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Commerce, Science, and Transportation of the Senate;
- (2) the Committee on Environment and Public Works of the Senate;
- (3) the Committee on Natural Resources of the House of Representatives; and
- (4) the Committee on Science, Space, and Technology of the House of Representatives.

(b) Health MAP status report

(1) In general

Not later than 2 years after December 23, 2022, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and the National Ocean Research Leadership Council, shall submit to the appropriate committees of Congress a report describing the status of the Health MAP.

(2) Requirements

The report under paragraph (1) shall include—

- (A) a detailed evaluation of the data made publicly available through the Health MAP;
- (B) a detailed list of any gaps in data collected pursuant to the Health MAP, a description of the reasons for those gaps, and recommended actions to close those gaps;
- (C) an analysis of the effectiveness of using the website of the Observation System as the platform to collect, organize, visualize, archive, and disseminate marine mammal stranding and health data;
- (D) a list of publications, presentations, or other relevant work product resulting from, or produced in collaboration with, the Health MAP;
- (E) a description of emerging marine mammal health concerns and the applicability of those concerns to human health;
- (F) an analysis of the feasibility of the Observation System being used as an alert system during stranding events, entanglement events, and unusual mortality events for the stranding network, Observation System partners, Health MAP partners, Federal and State agencies, and local and Tribal governments;

(G) an evaluation of the use of Health MAP data to predict broader ecosystem events and changes that may impact marine mammal or human health and specific examples of proven or potential uses of Observation System data for those purposes; and

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

- (i) filling any identified data gaps;
- (ii) standards that could be used to improve data quality, accessibility, transmission, interoperability, and sharing;
- (iii) any other strategies that would contribute to the effectiveness and usefulness of the Health MAP; and
- (iv) the funding levels needed to maintain and improve the Health MAP.

(c) Data gap analysis

(1) In general

Not later than 5 years after the date on which the report required under subsection (b)(1) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Director of the United States Fish and Wildlife Service, shall—

- (A) make publicly available a report on the data gap analysis described in paragraph (2); and
- (B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

(2) Requirements

The data gap analysis under paragraph (1) shall include—

- (A) an overview of existing participants within a marine mammal stranding network;
- (B) an identification of coverage needs and participant gaps within a network;
- (C) an identification of data and reporting gaps from members of a network; and
- (D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, and Tribal governments, and the public.

(d) Marine mammal response capabilities in the Arctic

(1) In general

Not later than 1 year after December 23, 2022, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geologic Survey, in consultation with the Marine Mammal Commission, shall—

- (A) make publicly available a report describing the response capabilities for sick and injured marine mammals in the Arctic regions of the United States; and
- (B) provide a briefing to the appropriate committees of Congress on that report.

(2) Arctic

The term “Arctic” has the meaning given the term in section 4111 of title 15.

(3) Requirements

The report under paragraph (1) shall include—

(A) a description, developed in consultation with the Fish and Wildlife Service of the Department of the Interior, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, facilities and equipment, and data collection and analysis capabilities;

(B) a list of State and local government agencies that have personnel trained to respond to marine mammal strandings in the Arctic region of the United States;

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

(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

(F) an analysis of oiled marine mammal response and rehabilitation capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

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

(Pub. L. 92-522, title IV, § 408B, as added Pub. L. 117-263, div. J, title CIV, § 10408(a), Dec. 23, 2022, 136 Stat. 3990.)

§ 1421g. Authorization of appropriations

There is authorized to be appropriated—

(1) to the Secretary for carrying out this subchapter (other than sections 1421d and 1421f of this title) \$250,000 for each of fiscal years 2023 through 2028;

(2) to the Secretary for carrying out section 1421f of this title, \$250,000 for each of fiscal years 2023 through 2028; and

(3) to the Fund, \$500,000 for for¹ each of fiscal years 2023 through 2028.

(Pub. L. 92-522, title IV, § 409, formerly title III, § 308, as added Pub. L. 102-587, title III, § 3003(a), Nov. 4, 1992, 106 Stat. 5066; renumbered title IV, § 408, and amended Pub. L. 103-238, § 24(b), (c)(5), (6), Apr. 30, 1994, 108 Stat. 565, 566; renumbered § 409, Pub. L. 106-555, title II, § 202(a)(1), Dec. 21, 2000, 114 Stat. 2767; Pub. L. 117-263, div. J, title CIV, § 10409, Dec. 23, 2022, 136 Stat. 3992.)

Editorial Notes

AMENDMENTS

2022—Par. (1). Pub. L. 117-263, § 10409(1), substituted “2023 through 2028;” for “1993 and 1994;”.

Par. (2). Pub. L. 117-263, § 10409(2), substituted “2023 through 2028;” for “1993 and 1994;”.

Par. (3). Pub. L. 117-263, § 10409(3), substituted “for each of fiscal years 2023 through 2028.” for “fiscal year 1993.”

¹ So in original.

1994—Par. (1). Pub. L. 103-238, § 24(c)(5), made technical amendment to references to sections 1421d and 1421f of this title to reflect renumbering of corresponding sections of original act.

Par. (2). Pub. L. 103-238, § 24(c)(6), made technical amendment to reference to section 1421f of this title to reflect renumbering of corresponding section of original act.

§ 1421h. Definitions

In this subchapter, the following definitions apply:

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

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

(B) in waters under the jurisdiction of the United States, including any navigable waters.

(2) Except as used in section 1421f-1 of this title, the term “Fund” means the Marine Mammal Unusual Mortality Event Fund established by section 1421d(a) of this title.

(3) The term “Health MAP” means the Marine Mammal Health Monitoring and Analysis Platform established under section 1421f-2(a)(1) of this title.

(4) The term “Observation System” means the National Integrated Coastal and Ocean Observation System established under section 3603 of title 33.

(5) The term “Office” means the Office of Protected Resources, in the National Marine Fisheries Service.

(6) The term “stranding” means an event in the wild in which—

(A) a marine mammal is dead and is—

(i) on a beach or shore of the United States; or

(ii) in waters under the jurisdiction of the United States (including any navigable waters); or

(B) a marine mammal is alive and is—

(i) on a beach or shore of the United States and unable to return to the water;

(ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or

(iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance.

(7) The term “stranding network participant” means a person who is authorized by an agreement under section 1382(c) of this title to take marine mammals as described in section 1379(h)(1) of this title in response to a stranding.

(8) The term “Tissue Bank” means the National Marine Tissue Bank provided for under section 1421f(a) of this title.

(9) The term “unusual mortality event” means a stranding that—

(A) is unexpected;