

118TH CONGRESS
1ST SESSION

S. 2086

To require the Secretary of Commerce to establish the Sea Turtle Rescue Assistance Grant Program.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Mr. MARKEY (for himself, Mr. CORNYN, Mr. VAN HOLLEN, Mr. GRAHAM, Mr. WICKER, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Commerce to establish the Sea Turtle Rescue Assistance Grant Program.

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 “Sea Turtle Rescue As-
5 sistance Act of 2023”.

6 **SEC. 2. SEA TURTLE RESCUE ASSISTANCE GRANT PRO-**
7 **GRAM.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a grant program to be known as the “Sea Turtle Rescue

1 Assistance Grant Program”, to encourage and facilitate
2 coordinated rapid response and rescue by awarding grants
3 for the purposes described in subsection (c).

4 (b) DESIGNATION OF STRANDING REGIONS.—The
5 Secretary shall designate geographic regions of the United
6 States as stranding regions for the purposes of carrying
7 out this section.

8 (c) PURPOSES.—The purposes of the Program are to
9 provide for—

10 (1) the recovery, short- or long-term care,
11 transportation, and treatment of stranded marine
12 turtles;

13 (2) the release of rescued and recovered marine
14 turtles;

15 (3) the collection of data and samples, including
16 tagging information, from stranded marine turtles
17 for scientific research or assessments, or both, that
18 inform the understanding of causes of mortality; and

19 (4) facility operation costs that are directly re-
20 lated to activities described in paragraphs (1), (2),
21 and (3).

22 (d) EQUITABLE DISTRIBUTION OF FUNDS.—The
23 Secretary shall ensure, to the extent practicable, that
24 funds awarded under this section are distributed equitably
25 among stranding regions, taking into account—

1 (1) the number of strandings that occurred in
2 each stranding region in the preceding 5 years;

3 (2) region-specific factors that increase risks of
4 strandings; and

5 (3) the conservation priorities and recovery
6 needs of species of marine turtles that are threat-
7 ened or endangered under the Endangered Species
8 Act of 1973 (16 U.S.C. 1531 et seq.).

9 (e) APPLICATIONS.—

10 (1) IN GENERAL.—An applicant for a grant
11 under this section that is an eligible applicant de-
12 scribed in paragraph (2) shall submit an application
13 in such form and manner as the Secretary shall pre-
14 scribe.

15 (2) ELIGIBLE APPLICANTS.—An entity is an eli-
16 gible applicant if the entity is—

17 (A) a nonprofit member of the Sea Turtle
18 Stranding and Salvage Network;

19 (B) an Indian Tribe;

20 (C) an institution of higher education; or

21 (D) another public or private organization
22 with an established record in the rescue, recov-
23 ery, rehabilitation, transportation, or release of
24 stranded marine turtles.

25 (f) GRANT CRITERIA.—

1 (1) DEVELOPMENT OF CRITERIA.—The Sec-
2 retary shall, in consultation with the Director of the
3 United States Fish and Wildlife Service, develop cri-
4 teria for awarding grants under this section and pro-
5 vide such criteria for formal public notice and com-
6 ment.

7 (2) STAKEHOLDER ENGAGEMENT.—As part of
8 the process for developing and finalizing criteria
9 under paragraph (1), the Secretary shall, in con-
10 sultation with the Director of the United States Fish
11 and Wildlife Service, provide opportunities for en-
12 gagement with representatives from—

13 (A) stranding regions;
14 (B) Indian Tribes;
15 (C) institutions of higher education; and
16 (D) public or private organizations with an
17 established record in—

18 (i) the rescue, recovery, rehabilitation,
19 transportation, or release of stranded ma-
20 rine turtles; or

21 (ii) scientific research, marine con-
22 servation, or forensic science, with respect
23 to stranded marine turtles.

24 (3) REQUIRED CRITERIA.—In developing cri-
25 teria under paragraph (1), the Secretary shall

1 prioritize awarding grants to applicants with an es-
2 tablished record of rescuing, recovering, rehabili-
3 tating, transporting, or releasing stranded marine
4 turtles or conducting scientific research pertinent to
5 the causes of strandings.

6 (g) ACCEPTANCE OF DONATIONS.—For the purposes
7 of carrying out this section, the Secretary may solicit, ac-
8 cept, receive, hold, administer, and use gifts, devises, and
9 bequests without any further approval or administrative
10 action.

11 (h) LIABILITY WAIVER.—

12 (1) IN GENERAL.—A person who is acting
13 under the authority of an entity awarded a grant
14 under this section is deemed to be an employee of
15 the government for purposes of chapter 171 of title
16 28, United States Code, with respect to actions of
17 the person that—

18 (A) are in support of rescue, recovery, re-
19 habilitation, transportation, or release efforts;

20 (B) are in accordance with the purposes of
21 subsection (c); and

22 (C) reflect sound professional judgment
23 and are consistent with the directions of any
24 on-site coordinator or incident commander.

1 (2) LIMITATION.—Paragraph (1) does not
2 apply to actions of a person described in that para-
3 graph that are grossly negligent or that constitute
4 willful misconduct.

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary to carry
7 out this section \$5,000,000 for each of fiscal years 2024
8 through 2029 to remain available until expended.

9 (j) DEFINITIONS.—In this section:

10 (1) INDIAN TRIBE.—The term “Indian Tribe”
11 has the meaning given the term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 (2) INSTITUTION OF HIGHER EDUCATION.—

15 (A) IN GENERAL.—The term “institution
16 of higher education” means an educational in-
17 stitution in any State, district, commonwealth,
18 territory, or possession of the United States,
19 which—

20 (i) admits as regular students only
21 persons having a certificate of graduation
22 from a school providing secondary edu-
23 cation, or the recognized equivalent of such
24 a certificate;

1 (ii) is legally authorized within such
2 State, district, commonwealth, territory, or
3 possession to provide a program of edu-
4 cation beyond secondary education;

5 (iii) provides an educational program
6 for which a bachelor's degree or any other
7 higher degree is awarded;

8 (iv) is a public or other nonprofit in-
9 stitution; and

10 (v) is accredited by a nationally recog-
11 nized accrediting agency or association.

12 (B) INCLUSIONS.—The term “institution
13 of higher education” includes a research foun-
14 dation maintained by an institution of higher
15 education described in subparagraph (A).

16 (3) MARINE TURTLE.—The term “marine tur-
17 tle” means any member of the family Cheloniidae or
18 Dermochelyidae.

19 (4) PROGRAM.—The term “Program” means
20 the Sea Turtle Rescue Assistance Grant Program
21 established under subsection (a).

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Commerce.

24 (6) STRANDING.—The term “stranding” means
25 an event in which—

1 (A) a marine turtle is dead and is—

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

4 (ii) in State, district, commonwealth,
5 territory, or possession, or Federal, waters
6 of the United States; or

7 (iii) outside of its natural habitat and
8 is in the United States; or

9 (B) a marine turtle is alive and is—

10 (i) on a beach or shore of the United
11 States and in need of medical attention or
12 other necessary intervention to aid its like-
13 lihood of survival;

14 (ii) in State, district, commonwealth,
15 territory, or possession, or Federal, waters
16 of the United States and in need of med-
17 ical attention or other necessary interven-
18 tion to aid its likelihood of survival; or

19 (iii) outside of its natural habitat, is
20 unable to return unassisted, and is in the
21 United States.

22 (7) STRANDING REGION.—The term “stranding
23 region” means a geographic region designated by the
24 Secretary under subsection (b).

1 (8) UNITED STATES.—The term “United
2 States” means any land or water of the several
3 States of the United States, the District of Colum-
4 bia, the Commonwealth of Puerto Rico, Guam,
5 American Samoa, the United States Virgin Islands,
6 the Commonwealth of the Northern Mariana Is-
7 lands, and any other commonwealth, territory, or
8 possession over which the United States has jurisdic-
9 tion, including internal waters, State waters, the ter-
10 ritorial sea, and the exclusive economic zone of the
11 United States.

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