

# 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.

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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]

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## 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    tles 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          pended 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 redес-  
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           *servaion, 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 *ties 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          servation 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.”.*

Calendar No. 690

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3059**

[Report No. 114-386]

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## **A BILL**

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

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NOVEMBER 28, 2016

Reported with an amendment