

Calendar No. 476

118TH CONGRESS
2D 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, Mr. CARPER, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 1, 2024

Reported by Ms. CANTWELL, with an amendment

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

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”.

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

3 (a) **ESTABLISHMENT.**—The Secretary shall establish
4 a grant program to be known as the “Sea Turtle Rescue
5 Assistance Grant Program”, to encourage and facilitate
6 coordinated rapid response and rescue by awarding grants
7 for the purposes described in subsection (c).

8 (b) **DESIGNATION OF STRANDING REGIONS.**—The
9 Secretary shall designate geographic regions of the United
10 States as stranding regions for the purposes of carrying
11 out this section.

12 (c) **PURPOSES.**—The purposes of the Program are to
13 provide for—

14 (1) the recovery, short- or long-term care,
15 transportation, and treatment of stranded marine
16 turtles;

17 (2) the release of rescued and recovered marine
18 turtles;

19 (3) the collection of data and samples, including
20 tagging information, from stranded marine turtles
21 for scientific research or assessments, or both, that
22 inform the understanding of causes of mortality; and

23 (4) facility operation costs that are directly re-
24 lated to activities described in paragraphs (1), (2),
25 and (3).

1 (d) **EQUITABLE DISTRIBUTION OF FUNDS.**—The
 2 Secretary shall ensure, to the extent practicable, that
 3 funds awarded under this section are distributed equitably
 4 among stranding regions, taking into account—

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

7 (2) region-specific factors that increase risks of
 8 strandings; and

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

13 (e) **APPLICATIONS.**—

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

19 (2) **ELIGIBLE APPLICANTS.**—An entity is an eli-
 20 gible applicant if the entity is—

21 (A) a nonprofit member of the Sea Turtle
 22 Stranding and Salvage Network;

23 (B) an Indian Tribe;

24 (C) an institution of higher education; or

1 (D) another public or private organization
 2 with an established record in the rescue, recovery,
 3 rehabilitation, transportation, or release of
 4 stranded marine turtles.

5 (f) GRANT CRITERIA.—

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

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

18 (A) stranding regions;

19 (B) Indian Tribes;

20 (C) institutions of higher education; and

21 (D) public or private organizations with an
 22 established record in—

23 (i) the rescue, recovery, rehabilitation,
 24 transportation, or release of stranded ma-
 25 rine turtles; or

1 (ii) scientific research, marine con-
2 servation, or forensic science, with respect
3 to stranded marine turtles.

4 (3) REQUIRED CRITERIA.—In developing cri-
5 teria under paragraph (1), the Secretary shall
6 prioritize awarding grants to applicants with an es-
7 tablished record of rescuing, recovering, rehabili-
8 tating, transporting, or releasing stranded marine
9 turtles or conducting scientific research pertinent to
10 the causes of strandings.

11 (g) ACCEPTANCE OF DONATIONS.—For the purposes
12 of carrying out this section, the Secretary may solicit, ac-
13 cept, receive, hold, administer, and use gifts, devises, and
14 bequests without any further approval or administrative
15 action.

16 (h) LIABILITY WAIVER.—

17 (1) IN GENERAL.—A person who is acting
18 under the authority of an entity awarded a grant
19 under this section is deemed to be an employee of
20 the government for purposes of chapter 171 of title
21 28, United States Code, with respect to actions of
22 the person that—

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

1 (B) are in accordance with the purposes of
2 subsection (e); and

3 (C) reflect sound professional judgment
4 and are consistent with the directions of any
5 on-site coordinator or incident commander.

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

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

14 (j) DEFINITIONS.—In this section:

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

19 (2) INSTITUTION OF HIGHER EDUCATION.—

20 (A) IN GENERAL.—The term “institution
21 of higher education” means an educational in-
22 stitution in any State, district, commonwealth,
23 territory, or possession of the United States,
24 which—

1 (i) admits as regular students only
2 persons having a certificate of graduation
3 from a school providing secondary edu-
4 cation, or the recognized equivalent of such
5 a certificate;

6 (ii) is legally authorized within such
7 State, district, commonwealth, territory, or
8 possession to provide a program of edu-
9 cation beyond secondary education;

10 (iii) provides an educational program
11 for which a bachelor's degree or any other
12 higher degree is awarded;

13 (iv) is a public or other nonprofit in-
14 stitution; and

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

17 (B) INCLUSIONS.—The term “institution
18 of higher education” includes a research foun-
19 dation maintained by an institution of higher
20 education described in subparagraph (A).

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

1 (4) PROGRAM.—The term “Program” means
2 the Sea Turtle Rescue Assistance Grant Program
3 established under subsection (a).

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

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

8 (A) a marine turtle is dead and is—

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

11 (ii) in State, district, commonwealth,
12 territory, or possession, or Federal, waters
13 of the United States; or

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

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

17 (i) on a beach or shore of the United
18 States and in need of medical attention or
19 other necessary intervention to aid its like-
20 lihood of survival;

21 (ii) in State, district, commonwealth,
22 territory, or possession, or Federal, waters
23 of the United States and in need of med-
24 ical attention or other necessary interven-
25 tion to aid its likelihood of survival; or

1 (1) *in subsection (b), by adding at the end the*
2 *following:*

3 “(10) *SEA TURTLE RESCUE, REHABILITATION,*
4 *AND RESPONSE.—*

5 “(A) *IN GENERAL.—Subject to the avail-*
6 *ability of appropriations specific to address sea*
7 *turtle rescue, rehabilitation, and response, the*
8 *Secretary of Commerce and the Director of the*
9 *United States Fish and Wildlife Service shall in-*
10 *clude separate eligibility for grants under this*
11 *subsection to address the purposes described in*
12 *paragraph (2) with respect to sea turtles.*

13 “(B) *CONDITIONS OF GRANT.—A grant*
14 *awarded under this subsection to address sea tur-*
15 *tle rescue, rehabilitation, and response shall in-*
16 *clude the equivalent grant criteria and adminis-*
17 *tration authorities and requirements described*
18 *under paragraphs (3) through (9), developed, as*
19 *appropriate, and awarded separately for sea tur-*
20 *tles and in consultation with the United States*
21 *Fish and Wildlife Service in lieu of the Marine*
22 *Mammal Commission.*

23 “(C) *ELIGIBILITY CRITERIA.—In order to*
24 *apply for a grant awarded under this subsection*

1 to address sea turtle rescue, rehabilitation, and
2 response, an entity shall—

3 “(i) submit an application described
4 in paragraph (5) to the Secretary of Com-
5 merce with respect to sea turtles;

6 “(ii) be authorized by and in compli-
7 ance with—

8 “(I) an authorization issued
9 under section 10(a)(1)(A) of the En-
10 dangered Species Act of 1973 (16
11 U.S.C. 1539(a)(1)(A)) with respect to
12 sea turtles; or

13 “(II) a cooperative agreement en-
14 tered into under section 6 of the En-
15 dangered Species Act of 1973 (16
16 U.S.C. 1535) with respect to sea tur-
17 tles;

18 “(iii) comply with the standard condi-
19 tions for care and maintenance of captive
20 sea turtles prescribed by the Secretary of the
21 Interior when relevant facilities will be uti-
22 lized for such purposes; and

23 “(iv) comply with all relevant data re-
24 porting, requirements, such as the Sea Tur-

1 *the Stranding and Salvage Network data*
2 *collection requirements.”;*

3 *(2) by striking subsection (c) and inserting the*
4 *following:*

5 *“(c) RESCUE AND RAPID RESPONSE FUNDS.—*

6 *“(1) IN GENERAL.—There is established in the*
7 *Treasury of the United States—*

8 *“(A) an interest-bearing fund to be known*
9 *as the ‘Joseph R. Geraci Marine Mammal Rescue*
10 *and Rapid Response Fund’; and*

11 *“(B) an interest-bearing fund to be known*
12 *as the ‘Sea Turtle Rescue, Rehabilitation, and*
13 *Rapid Response Fund’.*

14 *“(2) USE OF FUNDS.—Amounts in the funds es-*
15 *tablished under paragraph (1) shall be available only*
16 *for use by the Secretary to provide emergency assist-*
17 *ance.”; and*

18 *(3) in subsection (d)—*

19 *(A) in paragraph (1)—*

20 *(i) in subparagraph (A), by inserting*
21 *“marine mammal rescue and response”*
22 *after “to carry out the”;*

23 *(ii) by redesignating subparagraph (B)*
24 *as subparagraph (C);*

1 (iii) by inserting after clause (ii) of
2 subparagraph (A) the following:

3 “(B) *AUTHORIZATION OF APPROPRIATIONS*
4 *WITH RESPECT TO SEA TURTLE RESCUE, REHA-*
5 *BILITATION, AND RESPONSE.—There is author-*
6 *ized to be appropriated for the Secretary of Com-*
7 *merce to carry out the sea turtle rescue, rehabili-*
8 *tation, and response grant program under sub-*
9 *section (b)(10), \$5,000,000 for each of fiscal*
10 *years 2025 through 2030, to remain available*
11 *until expended.”; and*

12 (iv) in subparagraph (C), as redesign-
13 nated by clause (ii), by inserting “or (B)”
14 after “subparagraph (A)”; and

15 (B) by striking paragraph (2) and inserting
16 the following:

17 “(2) *RESCUE AND RAPID RESPONSE FUNDS.—*
18 *There is authorized to be appropriated—*

19 “(A) *to the Joseph R. Geraci Marine Mam-*
20 *mal Rescue and Rapid Response Fund \$500,000*
21 *for each of fiscal years 2025 through 2030; and*

22 “(B) *to the Sea Turtle Rescue, Rehabilita-*
23 *tion, and Rapid Response Fund \$500,000 for*
24 *each of fiscal years 2025 through 2030.”.*

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