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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Marine Mammal Protection Act of 1972 to direct the Secretary of Commerce to establish a climate impact management plan for the conservation of certain marine mammal species, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. BROWNLEY introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Marine Mammal Protection Act of 1972 to direct the Secretary of Commerce to establish a climate impact management plan for the conservation of certain marine mammal species, 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 Cli-
5 mate Change Protection Act of 2026”.

1 **SEC. 2. CONSERVATION OF MARINE MAMMALS ADVERSELY**
2 **AFFECTED BY CLIMATE CHANGE.**

3 (a) IN GENERAL.—The Marine Mammal Protection
4 Act of 1972 (16 U.S.C. 1361 et seq.) is amended by in-
5 serting after section 120 the following:

6 **“SEC. 121. CONSERVATION OF MARINE MAMMALS AD-**
7 **VERSELY AFFECTED BY CLIMATE CHANGE.**

8 “(a) CLIMATE IMPACT MANAGEMENT PLANS.—

9 “(1) Within 24 months after the date of enact-
10 ment of this section, the Secretary, in consultation
11 with the Marine Mammal Commission, shall publish
12 in the Federal Register, after notice and opportunity
13 for public comment, a list of those marine mammal
14 species and population stocks in waters under the
15 jurisdiction of the United States for which climate
16 change, alone or in combination or interaction with
17 other factors, is more likely than not to result in a
18 decline in population abundance, of impeding popu-
19 lation recovery, or of reducing carrying capacity.
20 The list shall identify—

21 “(A) any species or population stock for
22 which such impacts are likely to occur within
23 20 years; and

24 “(B) any species or population stock listed
25 as a threatened species or endangered species
26 under the Endangered Species Act of 1973 (16

1 U.S.C. 1531 et seq.) for which such impacts
2 have more than a remote possibility of occur-
3 ring within 100 years.

4 “(2)(A) The Secretary, in consultation with the
5 Marine Mammal Commission, shall review the list
6 adopted pursuant to paragraph (1) at least once
7 every 5 years, or more frequently if significant new
8 information becomes available, and, after notice and
9 opportunity for public comment, shall publish a re-
10 vised list in the Federal Register.

11 “(B) Within 12 months after receiving the peti-
12 tion of an interested person under section 553(e) of
13 title 5, United States Code, to add a marine mam-
14 mal species or population stock to the list published
15 under paragraph (1), the Secretary, in consultation
16 with the Marine Mammal Commission and after no-
17 tice and opportunity for public comment, shall pub-
18 lish in the Federal Register its finding of whether
19 the petitioned action is warranted. If the petitioned
20 action is deemed warranted, the Secretary shall pub-
21 lish at the same time the revision adding such spe-
22 cies or population stock.

23 “(3)(A)(i) The Secretary shall publish in the
24 Federal Register a draft climate impact management

1 plan for each marine mammal species or population
2 stock—

3 “(I) listed under paragraph (1)(A), within
4 18 months after the listing; and

5 “(II) listed under paragraph (1)(B), within
6 30 months after the listing.

7 “(ii) Each draft climate impact management
8 plan shall be developed in consultation with the Ma-
9 rine Mammal Commission and, as appropriate, other
10 Federal agencies, and shall be made available for
11 public review and comment for a period not to ex-
12 ceed 90 days.

13 “(iii) No later than 120 days after the close of
14 the comment period required under clause (ii), the
15 Secretary shall issue a final climate impact manage-
16 ment plan and implementing regulations that are
17 consistent with the other provisions of this section
18 and, to the full extent available under the Sec-
19 retary’s authorities under this Act and other stat-
20 utes, implement the conservation and management
21 measures identified in the plan.

22 “(iv)(I) If there is insufficient funding available
23 to develop and implement a climate impact manage-
24 ment plan under this subparagraph for each marine
25 mammal species and population stock included on

1 the list published under paragraph (1), the Sec-
2 retary, after consultation with the Marine Mammal
3 Commission, shall give highest priority to each ma-
4 rine mammal species and population stock for which
5 the impacts described in paragraph (1) are most sig-
6 nificant and for which a climate impact management
7 plan will best promote the conservation of the ma-
8 rine mammal species or population stock.

9 “(II) Any marine mammal species or population
10 stock included on the list published under paragraph
11 (1) for which a climate impact management plan is
12 not developed or implemented due to insufficient
13 funding shall be deemed to be—

14 “(aa) depleted for purposes of imple-
15 menting section 101(a)(3)(B); and

16 “(bb) a strategic stock for purposes of im-
17 plementing this title.

18 “(B) Each climate impact management plan
19 under subparagraph (A) shall include a comprehen-
20 sive strategy for conserving and recovering of such
21 marine mammal stocks and species given the antici-
22 pated direct and indirect effects of climate change
23 and increasing resiliency in the species or population
24 stock, and shall identify conservation and manage-
25 ment measures to—

1 “(i) conserve and recover such species and
2 population stocks given the anticipated adverse
3 effects of climate change on such species and
4 population stocks and their prey;

5 “(ii) monitor, reduce, and prevent inter-
6 actions with fisheries and other human activi-
7 ties that may occur as a result of changes in
8 marine mammal distribution or other indirect
9 effects of climate change;

10 “(iii) increase resiliency by materially re-
11 ducing other human impacts on such species
12 and population stocks, including the reduction
13 of incidental taking of marine mammals and of
14 the degradation of the habitat of such species
15 and population stocks, and by managing prey
16 species to improve the availability of prey to
17 such species and population stocks; and

18 “(iv) take any other action as may be nec-
19 essary to implement the strategy set forth in
20 the climate impact management plan.

21 “(C) Each climate impact management plan
22 under subparagraph (A) shall include objective,
23 measurable criteria for evaluating the effectiveness
24 and sufficiency of such measures to meet the pur-
25 poses of this Act.

1 “(D)(i) All other Federal agencies shall, in con-
2 sultation with and with the assistance of the Sec-
3 retary, utilize their authorities in furtherance of the
4 strategy and conservation and management meas-
5 ures set forth in climate impact management plans
6 developed under this subsection and ensure that
7 their actions do not conflict or interfere with the ob-
8 jectives of such climate impact management plans.
9 The Secretary shall consult with the Marine Mam-
10 mal Commission and, as may be warranted, other
11 agencies in the implementation of such climate im-
12 pact management plans.

13 “(ii) With respect to any Federal agency action
14 authorized, funded, or undertaken by such agency
15 that, in the view of the Secretary or of the agency,
16 may conflict or interfere with the objectives of such
17 climate impact management plans, such agency
18 shall, in consultation with the Secretary, ensure that
19 such action is consistent with the climate impact
20 management plans. To the extent that the Secretary
21 determines it is impossible for such action to be con-
22 sistent with the climate impact management plan,
23 the Secretary shall require measures to minimize
24 any such conflicts, in addition to any other measures

1 required by law, and the agency shall adopt such
2 measures required by the Secretary.

3 “(E) When appropriate, the Secretary may, and
4 is encouraged to, integrate climate impact manage-
5 ment plans into conservation plans adopted under
6 section 115(b) or recovery plans adopted under sec-
7 tion 4(f) of the Endangered Species Act of 1973 (16
8 U.S.C. 1533(f)).

9 “(F) The Secretary shall review climate impact
10 management plans and implementing regulations at
11 least once every 5 years, and shall revise and amend
12 them as necessary to meet the goals and require-
13 ments of this section. Any changes shall be subject
14 to the procedures and requirements applicable to the
15 adoption of the initial climate impact management
16 plans and regulations.

17 “(4) The Secretary shall report to Congress 4
18 years after the date of enactment of this section,
19 and every 2 years thereafter, on—

20 “(A) actions taken to implement this sec-
21 tion;

22 “(B) any backlog in meeting the schedule
23 set forth in this subsection for adopting, review-
24 ing, and implementing climate impact manage-

1 ment plans, or additional resources necessary to
2 address any such backlog; and

3 “(C) the effectiveness of implementation
4 and sufficiency of the measures adopted in cli-
5 mate impact management plans, and any rec-
6 ommendations for improving the process or the
7 applicable legislation.

8 “(b) MONITORING OF CLIMATE IMPACTS.—The Sec-
9 retary shall establish a program within the National Oce-
10 anic and Atmospheric Administration to monitor the ad-
11 verse impacts of climate change on marine mammals. The
12 purposes of the monitoring program shall be to—

13 “(1) improve models of projected future
14 changes in marine mammal distribution and den-
15 sities resulting from climate change;

16 “(2) identify and monitor interactions with fish-
17 eries and other human activities that may occur as
18 a result of changes in marine mammal distribution
19 or other effects of climate change;

20 “(3) monitor the abundance of species and pop-
21 ulation stocks, to an extent sufficient to detect a 20
22 percent population decline over 20 years;

23 “(4) improve understanding of the impacts of
24 climate change on marine mammal species and pop-
25 ulation stocks; and

1 “(5) assess the direct and indirect contributions
2 of marine mammals to carbon reduction, including
3 through carbon sequestration and nutrient cycling.

4 “(c) PROMULGATION OF REGULATIONS FOR LISTING
5 MARINE MAMMALS ADVERSELY IMPACTED BY CLIMATE
6 CHANGE.—The Secretary shall, within 120 days after the
7 date of the enactment of this section—

8 “(1) publish in the Federal Register for public
9 comment, for a period of not less than 60 days, reg-
10 ulations for listing marine mammal species and pop-
11 ulation stocks adversely impacted by climate change,
12 alone or in combination or interaction with other
13 factors, as described in paragraphs (1) and (2) of
14 subsection (a), taking into account both quantitative
15 and qualitative indicators of adverse impacts of cli-
16 mate change and human activities on such species
17 and stocks, including—

18 “(A) direct and indirect mortality and seri-
19 ous injury;

20 “(B) loss or degradation of habitat;

21 “(C) changes in the distribution or avail-
22 ability of prey;

23 “(D) changes in the distribution of marine
24 mammal species and population stocks;

1 “(E) decreased genetic diversity or repro-
2 ductive success;

3 “(F) increased susceptibility to pathogens;
4 and

5 “(G) increased likelihood of interactions
6 with fisheries and other human activities; and

7 “(2) no later than 90 days after the close of the
8 period for such public comment, publish in the Fed-
9 eral Register final regulations for listing marine
10 mammals as required by paragraphs (1) and (2) of
11 subsection (a), to be reviewed at least once every 3
12 years.

13 “(d) LACK OF QUANTITATIVE INFORMATION.—The
14 lack of quantitative information shall not be a basis for
15 a determination that a species or population stock is not
16 adversely impacted by climate change, alone or in com-
17 bination or interaction with other factors, as described in
18 paragraphs (1) and (2) of subsection (a).

19 “(e) ESTIMATION OF POTENTIAL BIOLOGICAL RE-
20 MOVAL.—

21 “(1) The Secretary, in estimating the potential
22 biological removal level in stock assessments pre-
23 pared in accordance with section 117, shall consider
24 the adverse impacts of climate change in deter-
25 mining the recovery factor applied to each stock.

1 “(2) The Secretary, in preparing stock assess-
2 ments in accordance with section 117, shall reexam-
3 ine the stock definition and geographic range of ma-
4 rine mammal species and population stocks to iden-
5 tify climate-related changes in spatial distribution
6 and stock definition and to identify how such
7 changes may affect human impacts to the species.

8 “(f) AUTHORITY TO ENTER INTO AGREEMENTS.—
9 The Secretary shall—

10 “(1) periodically review the status of agree-
11 ments with foreign governments under section
12 108(a) concerning the management of transbound-
13 ary marine mammal species and population stocks,
14 and their prey species, that are, or may be affected
15 by climate change; and

16 “(2) through the Secretary of State, initiate the
17 amendment of any such agreement, or negotiations
18 for the development of bilateral or multinational
19 agreements, consistent with the goals and policies of
20 this section.

21 “(g) CONSTRUCTION.—This section shall not be con-
22 strued to limit or restrict any other responsibility of the
23 Secretary or of any other person under this Act or any
24 other statute.

25 “(h) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) There is authorized to be appropriated to
2 the Administrator carry out this section,
3 \$10,000,000 for each of fiscal years 2027 through
4 2031.

5 “(2) There is authorized to be appropriated to
6 the Secretary of the Interior to carry out this sec-
7 tion, \$5,000,000 for each of fiscal years 2027
8 through 2031.

9 “(3) There is authorized to be appropriated to
10 the Marine Mammal Commission to carry out this
11 section, \$1,000,000 for each of fiscal years 2027
12 through 2031.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in the first section of such Act is amended by inserting
15 after the item relating to section 120 the following:

 “Sec. 121. Conservation of marine mammals adversely affected by climate
 change.”.