



AMENDMENT NO. _____

Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 2802

To amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue and Response Grant Program, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. WICKER

Viz:

- 1 Strike section 2 and insert the following:
- 2 **SEC. 2. DATA COLLECTION AND DISSEMINATION.**
- 3 Section 402 of the Marine Mammal Protection Act
- 4 of 1972 (16 U.S.C. 1421a) is amended—
- 5 (1) in subsection (b)—
- 6 (A) in paragraph (1)(A), by inserting “or
- 7 entangled” after “stranded”;
- 8 (B) in paragraph (3)—
- 9 (i) by striking “strandings,” and in-
- 10 serting “strandings and entanglements, in-
- 11 cluding unusual mortality events,”;

1 (ii) by inserting “stranding” before
2 “region”; and

3 (iii) by striking “marine mammals;
4 and” and inserting “marine mammals and
5 entangled marine mammals to allow com-
6 parison of the causes of illness and deaths
7 in stranded marine mammals and entan-
8 gled marine mammals with physical, chem-
9 ical, and biological environmental param-
10 eters; and”; and

11 (C) in paragraph (4), by striking “anal-
12 yses, that would allow comparison of the causes
13 of illness and deaths in stranded marine mam-
14 mals with physical, chemical, and biological en-
15 vironmental parameters.” and inserting “anal-
16 yses.”; and

17 (2) by striking subsection (c) and inserting the
18 following:

19 “(c) INFORMATION REQUIRED TO BE SUBMITTED
20 AND COLLECTED.—

21 “(1) IN GENERAL.—After each response to a
22 stranding or entanglement event, the Secretary shall
23 collect (including from any staff of the National
24 Oceanic and Atmospheric Administration that re-
25 spond directly to such an event), and shall require

1 each stranding network participant who responds to
2 that stranding or entanglement to submit to the Ad-
3 ministrator of the National Oceanic and Atmos-
4 pheric Administration—

5 “(A) NOAA Form 89–864 (OMB #0648–
6 0178) and NOAA Form 89–878 (OMB #0648–
7 0178), or similar successor forms;

8 “(B) supplemental data to the data de-
9 scribed in subparagraph (A), which may in-
10 clude, as available, relevant information
11 about—

12 “(i) weather and tide conditions;

13 “(ii) offshore human, predator, or
14 prey activity;

15 “(iii) morphometrics;

16 “(iv) behavior;

17 “(v) health assessments;

18 “(vi) life history samples; or

19 “(vii) stomach and intestinal contents;

20 and

21 “(C) data and results from laboratory
22 analysis of tissues, which may include, as ap-
23 propriate and available—

24 “(i) histopathology;

25 “(ii) toxicology;

1 “(iii) microbiology

2 “(iv) virology; or

3 “(v) parasitology.

4 “(2) TIMELINE.—A stranding network partici-
5 pant shall submit—

6 “(A) the data described in paragraph
7 (1)(A) not later than 30 days after the date of
8 a response to a stranding or entanglement
9 event;

10 “(B) the compiled data described in para-
11 graph (1)(B) not later than 30 days after the
12 date on which the data is available to the
13 stranding network participant; and

14 “(C) the compiled data described in para-
15 graph (1)(C) not later than 30 days after the
16 date on which the laboratory analysis has been
17 reported to the stranding network participant.

18 “(d) AVAILABILITY OF DATA.—

19 “(1) IN GENERAL.—The Secretary shall develop
20 a program to make information, including any data
21 and metadata collected under paragraphs (3) or (4)
22 of subsection (b) or subsection (c), available to re-
23 searchers, stranding network participants, and the
24 public—

1 “(A) to improve real-time coordination of
2 response to stranding and entanglement events
3 across geographic areas and between stranding
4 coordinators;

5 “(B) to identify and quickly disseminate
6 information on potential public health risks;

7 “(C) to facilitate integrated interdiscipli-
8 nary research;

9 “(D) to facilitate peer-reviewed publica-
10 tions;

11 “(E) to archive regional data into 1 na-
12 tional database for future analyses; and

13 “(F) for education and outreach activities.

14 “(2) ACCESS TO DATA.—The Secretary shall
15 ensure that any data or metadata collected under
16 subsection (c)—

17 “(A) by staff of the National Oceanic and
18 Atmospheric Administration that responded di-
19 rectly to a stranding or entanglement event is
20 available to the public through the Health MAP
21 and the Observation System not later than 30
22 days after that data or metadata is collected by,
23 available to, or reported to the Secretary; and

24 “(B) by a stranding network participant
25 that responded directly to a stranding or entan-

1 gument event is made available to the public
2 through the Health MAP and the Observation
3 System 2 years after the date on which that
4 data is submitted to the Secretary under sub-
5 section (c).

6 “(3) EXCEPTIONS.—

7 “(A) WRITTEN RELEASE.—Notwith-
8 standing paragraph (2)(B), the Secretary may
9 make data described in paragraph (2)(B) pub-
10 licly available earlier than 2 years after the date
11 on which that data is submitted to the Sec-
12 retary under subsection (c), if the stranding
13 network participant has completed a written re-
14 lease stating that such data may be made pub-
15 licly available.

16 “(B) LAW ENFORCEMENT.—Notwith-
17 standing paragraph (2), the Secretary may
18 withhold data for a longer period than the pe-
19 riod of time described in paragraph (2) in the
20 event of a law enforcement action or legal ac-
21 tion that may be related to that data.

22 “(e) STANDARDS.—The Secretary, in consultation
23 with the marine mammal stranding community, shall—

24 “(1) make publically available guidance about
25 uniform data and metadata standards to ensure that

1 data collected in accordance with this section can be
2 archived in a form that is readily accessible and un-
3 derstandable to the public through the Health MAP
4 and the Observation System; and

5 “(2) periodically update such guidance.

6 “(f) MANAGEMENT POLICY.—In collaboration with
7 the regional stranding networks, the Secretary shall de-
8 velop, and periodically update, a data management and
9 public outreach collaboration policy for stranding or en-
10 tanglement events.”.

11 On page 5, strike lines 8 through 14, and insert the
12 following:

13 (a) IN GENERAL.—Section 403 of the Marine Mam-
14 mal Protection Act of 1972 (16 U.S.C. 1421b) is amend-
15 ed—

16 (1) in the section heading by inserting “**OR EN-**
17 **TANGLEMENT**” before “**RESPONSE**”;

18 (2) in subsection (a), by striking the period at
19 the end and inserting “or entanglement.”; and

20 (3) in subsection (b)—

21 (A) in paragraph (1), by striking “and”
22 after the semicolon;

23 (B) in paragraph (2), by striking the pe-
24 riod at the end and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(3) include a description of the data manage-
3 ment and public outreach policy established under
4 section 402(f).”.

5 On page 11, between lines 13 and 14, insert the fol-
6 lowing:

7 “(i) equitable distribution within the
8 stranding regions, including the sub re-
9 gions (including, but not limited to, the
10 Gulf of Mexico);”.

11 On page 12, between lines 3 and 4, insert the fol-
12 lowing:

13 “(C) STRANDINGS.—For the purposes of
14 this program, priority is to be given to applica-
15 tions focusing on marine mammal strandings.”.

16 On page 13, strike lines 6 through 9.

17 On page 24, line 1, strike “5 years” and insert “10
18 years”.

19 On page 24, strike lines 5 through 7 and insert the
20 following: “Secretary of Commerce shall—

1 “(A) make publicly available a report on
2 the data gap analysis described in paragraph
3 (2); and

4 “(B) provide a briefing to the appropriate
5 committees of Congress concerning that data
6 gap analysis.”.

7 On page 25, beginning on line 3, strike “shall sub-
8 mit” and all that follows through line 6 and insert the
9 following: “shall—

10 “(A) make publically available a report de-
11 scribing the response capabilities for sick and
12 injured marine mammals in the Arctic regions
13 of the United States; and

14 “(B) provide a briefing to the appropriate
15 committees of Congress on that report.”.

16 Beginning on page 28, strike line 25 and all that fol-
17 lows through line 2 on page 29, and insert the following:
18 “the date of enactment of this Act, the Undersecretary
19 of Commerce for Oceans and Atmosphere shall, in con-
20 sultation with the Secretary of the Interior and the Marine
21 Mammal Commission, conduct a”.

22 On page 29, line 7, strike “The” and all that follows
23 through “described” on line 10, and insert the following:

1 “The Undersecretary of Commerce for Oceans and Atmos-
2 phere, in consultation with the Secretary of the Interior
3 and the Marine Mammal Commission, shall prepare, post
4 to a publically available website, and brief the appropriate
5 committees of Congress on, a report containing the results
6 of the study described”.