

HR 2693

Marine Mammal Protection Act Amendments of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Animals

Introduced: Jul 10, 2003

Current Status: Placed on the Union Calendar, Calendar No. 268.

Latest Action: Placed on the Union Calendar, Calendar No. 268. (Apr 20, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/2693>

Sponsor

Name: Rep. Gilchrest, Wayne T. [R-MD-1]

Party: Republican • State: MD • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Pombo, Richard W. [R-CA-11]	R · CA		Jul 10, 2003

Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported by	Sep 25, 2003

Subjects & Policy Tags

Policy Area:

Animals

Related Bills

No related bills are listed.

Marine Mammal Protection Act Amendments of 2004 - (Sec. 4) Amends the Marine Mammal Protection Act of 1972 (the Act) to grant limited permission for a marine mammal product to be exported from the United States, including in cases where: (1) the product is legally possessed and exported by a U.S. citizen for noncommercial purposes in conjunction with travel; and (2) an Indian, Aleut, or Eskimo residing in Alaska exports the animal as part of a cultural exchange.

(Sec. 5) Extends through FY 2008 authorizations of appropriations to: (1) the Departments of Commerce and the Interior for specified marine mammal protection activities; and (2) the Secretaries of such Departments (relevant Secretaries) for cooperative agreements in Alaska.

(Sec. 6) Applies provisions concerning the incidental taking of marine mammals to all fishing operations (currently, only commercial fishing). Requires take reduction plans to track the number of animals from strategic stocks being incidentally lethally taken or seriously injured each year through recreational fishing (in addition to commercial fishing), and to publish proposals for reducing such incidents within a strategic stock under certain conditions. Requires the plan goal to be to reduce the mortality or serious injury of marine mammals taken incidentally in the course of commercial or recreational fishing within nine (currently, six) months of plan implementation. Adds additional representatives to take reduction teams. Directs the relevant Secretary to reconvene a take reduction team to explain any substantive differences between a take reduction plan proposed by a team and that published by the Secretary.

(Sec. 7) Requires research on the nonlethal removal and control of nuisance pinnipeds (seals and sea lions), including the development of new technologies to deter such creatures. Requires an annual report from the Secretary of Commerce to specified congressional committees on research results.

(Sec. 8) Repeals the 11-member minimum required number for the Marine Mammal Commission. Authorizes appropriations for the Commission through FY 2008.

(Sec. 9) Renews the scrimshaw exemption (allowing the processing and sale of pre-Endangered Species Act ivory) for the eight-year period beginning October 31, 1999.

(Sec. 10) Requires issuance of a permit for importation of polar bear parts (other than internal organs) from bears taken in sport hunts in Canada before February 18, 1997 (the previous date was April 30, 1994). Directs the Secretary of the Interior to make public semiannually information on the grant or denial of permits authorizing the importation of polar bear trophies.

(Sec. 11) Makes it unlawful for anyone under U.S. jurisdiction to release any captive marine mammal unless authorized under the Act.

(Sec. 12) Establishes stranding response requirements relating to entanglement. Extends through FY 2008 the authorization of appropriations for a grant program and a fund for stranding or entanglement response.

(Sec. 13) Redefines "harassment" with respect to a marine mammal as any act that: (1) injures or has the potential to injure in the wild; (2) disturbs or has the potential to disturb in the wild through the disruption of biologically significant factors; or (3) is directed toward a specific individual, group, or stock of mammals in the wild. Declares (1), above, as Level A harassment and (2) or (3) as Level B harassment.

(Sec. 14) Removes references to "small numbers" in connection with the incidental taking of marine mammals as part of animal research.

(Sec. 16) Makes the Secretary of Agriculture responsible for determining the adequacy of facilities holding captive marine mammals. Prohibits the relevant Secretary from requiring or requesting that any marine mammal remain subject to U.S. jurisdiction when that mammal or its progeny is located in waters or land subject to the jurisdiction of another country.

(Sec. 17) Directs the Secretary of Commerce (currently, the Secretary of the department in which the National Oceanic and Atmospheric Administration is operating) to carry out a research and development program to devise fishing methods and gear that reduce the incidental taking of marine mammals. Authorizes such Secretary to establish a grant program for the development of such fishing gear. Limits grants to \$20,000.

(Sec. 18) Authorizes the relevant Secretary to make grants or other financial assistance to Federal or State agencies, public or private institutions, or other persons to undertake research in subjects relevant to the protection and conservation of marine mammals and the ecosystem upon which they depend.

(Sec. 19) Increases under the Act: (1) personal civil fines and criminal penalties; and (2) vessel penalties.

### **Actions Timeline**

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- **Apr 20, 2004:** Reported (Amended) by the Committee on Resources. H. Rept. 108-464.
- **Apr 20, 2004:** Reported (Amended) by the Committee on Resources. H. Rept. 108-464.
- **Apr 20, 2004:** Placed on the Union Calendar, Calendar No. 268.
- **Nov 5, 2003:** Committee Consideration and Mark-up Session Held.
- **Nov 5, 2003:** Ordered to be Reported (Amended) by Voice Vote.
- **Sep 25, 2003:** Subcommittee Consideration and Mark-up Session Held.
- **Sep 25, 2003:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **Jul 24, 2003:** Subcommittee Hearings Held.
- **Jul 11, 2003:** Referred to the Subcommittee on Fisheries Conservation, Wildlife and Oceans.
- **Jul 10, 2003:** Introduced in House
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- **Jul 10, 2003:** Referred to the House Committee on Resources.