

HR 5104

Prescott Marine Mammal Stranding Program Amendments of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Animals

Introduced: Sep 17, 2004

Current Status: Placed on the Union Calendar, Calendar No. 481.

Latest Action: Placed on the Union Calendar, Calendar No. 481. (Nov 19, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/5104>

Sponsor

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

Party: Republican • **State:** MD • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Natural Resources Committee	House	Reported By	Nov 20, 2004

Subjects & Policy Tags

Policy Area:

Animals

Related Bills

No related bills are listed.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Prescott Marine Mammal Stranding Program Amendments of 2004 - (Sec. 3) Amends the Marine Mammal Protection Act of 1972 (MMPA) to authorize appropriations for FY 2005 through 2009 for: (1) the John H. Prescott Marine Mammal Rescue Assistance Grant Program (for grants to eligible stranding network participants for the recovery or treatment of marine mammals, and related activities); (2) the Marine Mammal Unusual Mortality Event Fund (to compensate persons for certain special costs associated with the contingency plan for responding to any unusual marine mammal mortality event); and (3) related administrative costs and expenses.

(Sec. 5) Limits the export of marine mammal products to noncommercial or cultural exchange activities of specified groups.

(Sec. 6) Repeals the limitation of such law to commercial fishing and fisheries (thus extending it to recreational and other kinds of fishing and fisheries).

Requires the Secretary of Commerce (Secretary) to: (1) publish in the Federal Register for public comment necessary changes to the list of commercial and recreational fisheries that have frequent, occasional, or remote likelihood of incidental mortality and serious injury of marine mammals; and (2) develop and implement a take reduction plan designed to assist in the recovery, or prevent the depletion of, each strategic stock that interacts with a fishery. Revises certain time requirements with respect to such plans, including requiring the plans and marine mammal stock assessments to include a review of the conservation benefits from current State and regional fishery management regulations.

(Sec. 7) Directs the Secretary to conduct research on the nonlethal removal and control of nuisance pinnipeds (seals and sea lions), including a review of the effectiveness of measures that have been taken to effect such removal and control, and the development of new technologies to deter nuisance pinnipeds. Directs the Secretary to report annually on the results of such research to specified congressional committees. Authorizes the Secretary to provide grants to eligible applicants to carry out such nonlethal control projects. Sets forth certain grant and project requirements. Sets the Federal share of project costs at a maximum of 75 percent.

Authorizes appropriations for FY 2005 through 2009.

(Sec. 8) Eliminates the requirement of a minimum of 11 staff members employed at any time by the Marine Mammal Commission.

(Sec. 9) Extends for a ten-year period any valid certificate renewing an exemption from the prohibition against the export or import of any finished scrimshaw products, or raw material for such products, lawfully held on December 28, 1973. Defines "scrimshaw product" as any art which involves the substantial etching or engraving of designs upon, or the substantial carving of figures, patterns, or designs from, any bone or tooth of any mammal of the order Cetacea.

(Sec. 10) Makes it unlawful for any person subject to U.S. jurisdiction to release any captive marine mammal (except temporarily if maintained in captivity for national defense purposes) unless the person taking such mammal: (1) is issued a permit for scientific research or for enhancing the survival or recovery of a species or stock; or (2) has taken, as part of their official duties as an employee, such mammal in a humane manner (including euthanasia).

(Sec. 11) Amends the Dolphin Protection Consumer Information Act to revise the degrees of longitude in the definition of "eastern tropical Pacific Ocean" to 150 (currently, 160) degrees west longitude.

(Sec. 12) Amends the MMPA to revise the prohibition against the export of marine mammals for public display unless the receiving facility meets standards, to specify that the Secretary of Agriculture must evaluate and verify, and thereafter notify the Secretary, that the receiving facility meets such standards.

Prohibits the Secretary from requiring or requesting, through comity or any other means, that any marine mammal or its progeny remain subject to U.S. jurisdiction when located in waters or on lands subject to the jurisdiction of another country.

Directs the Secretary and the Secretary of the Interior to jointly conduct a review of the inventory of all mammals (and progeny) possessed pursuant to a permit, the use of the information in such inventory, and the costs, benefits, and issues associated with the development of an on-line inventory. Directs the Secretary to report to specified congressional committees on the review's findings.

(Sec. 13) Revises requirements for a research and development program to devise improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. Specifies the Secretary as responsible for such program (currently, the Secretary of the department in which the National Oceanic and Atmospheric Administration (NOAA) is operating). Requires the Secretary, also, to make every practicable effort to develop, evaluate, and make available to owners and operators of fishing vessels such gear and fishing method improvements as quickly as possible.

Authorizes the Secretary to establish a research mini-grant program to foster the use of gear that reduces the incidental taking of marine mammals. Sets forth certain grant requirements.

Authorizes appropriations for FY 2005 through 2009.

(Sec. 14) Expands the marine mammal research grant program to include research into ecosystems, including, but not limited to, the Bering/Chukchi Sea ecosystem and the California coastal marine ecosystem.

Authorizes appropriations for FY 2005 through 2009.

(Sec. 15) Increases maximum penalties for MMPA violations: (1) from \$10,000 to \$20,000 for civil penalties; and (2) from \$20,000 to \$30,000 for criminal fines. Increases from \$25,000 to \$35,000 the maximum civil penalty for any vessel employed in any manner in the unlawful taking of any marine mammal.

(Sec. 16) Authorizes the use of Alaska Native organizations to enforce MMPA.

Authorizes the Secretary to enter into cooperative management agreements with such organizations to conserve and manage stocks of marine mammals and provide comanagement of subsistence use by Alaska Natives. Authorizes such agreements to include a harvest management plan governing Alaska Native subsistence use for those stocks or species covered by the agreement.

Makes it unlawful for any Alaska Native within the geographic area to which a harvest management plan covers to take, transport, sell, or possess a marine mammal in violation of any regulation adopted by an Alaska Native organization to implement and enforce a harvest management plan.

Allows a cooperative management agreement to include a grant to Alaska Native organizations for: (1) collecting and analyzing data on marine mammal populations; (2) monitoring the harvest of marine mammals for subsistence and handicraft uses; (3) participating in marine mammal research conducted by the Federal Government, the State of Alaska, academic institutions, and private organizations; and (4) developing marine mammal comanagement structures with Federal and State agencies, and implementing, and enforcing any harvest management plan included in the agreement.

Authorizes appropriations for FY 2005 through 2009.

(Sec. 17) Directs the head of a Federal agency that conducts and provides funds for research on marine mammals to report annually to specified congressional committees on funding provided and marine mammal research conducted.

Actions Timeline

- **Nov 19, 2004:** Reported by the Committee on Resources. H. Rept. 108-787.
- **Nov 19, 2004:** Placed on the Union Calendar, Calendar No. 481.
- **Sep 22, 2004:** Committee Consideration and Mark-up Session Held.
- **Sep 22, 2004:** Ordered to be Reported by Voice Vote.
- **Sep 17, 2004:** Introduced in House
- **Sep 17, 2004:** Referred to the House Committee on Resources.

LegiList

CONGRESS, MADE CLEAR.

Search Every Federal Bill, Law, and Vote

LegiList is the fastest way to research Congress. Track any bill from introduction to enactment, see how every legislator voted, follow committee activity, and read the full text of every bill — all in one place, always up to date.

legilist.com

Free Course: Learn How Congress Actually Works

LegiList Learn is a free, self-paced course that walks through the entire legislative process — from drafting a bill to a presidential signature. Seven modules, plain language, no politics. Earn a certificate when you finish.

legilist.com/learn

Developer API: Build Apps on Legislative Data

The LegiList API gives developers direct access to bills, votes, legislators, committees, and more. Start free with 1,000 requests per day — no credit card required. Upgrade to Pro when you need to scale.

legilist.com/api

Public data belongs to the public. — legilist.com