

107TH CONGRESS  
2D SESSION

# H. R. 4781

To reauthorize the Marine Mammal Protection Act of 1972, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2002

Mr. GILCHREST introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To reauthorize the Marine Mammal Protection Act of 1972,  
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 Pro-  
5       tection Act Amendments of 2002”.

6       **SEC. 2. AMENDMENT REFERENCES.**

7       Except as otherwise expressly provided, whenever in  
8       this Act an amendment or repeal is expressed in terms  
9       of an amendment to, or repeal of, a section or other provi-  
10      sion, the reference shall be considered to be made to such

1 section or other provision of the Marine Mammal Protec-  
 2 tion Act of 1972 (16 U.S.C. 1361 et seq.).

3 **SEC. 3. TECHNICAL CORRECTIONS.**

4 (a) COMMITTEE REFERENCES.—The Marine Mam-  
 5 mal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is  
 6 amended by striking “Committee on Merchant Marine and  
 7 Fisheries” each place it appears and inserting “Committee  
 8 on Resources”.

9 (b) OBSOLETE REFERENCE TO REPLACED SEC-  
 10 TION.—Section 118(c)(3)(A)(i) (16 U.S.C.  
 11 1387(c)(3)(A)(i)) is amended by striking “, except that”  
 12 and all that follows through “is valid”.

13 **SEC. 4. LIMITED AUTHORITY TO EXPORT NATIVE HANDI-**  
 14 **CRAFTS.**

15 Section 101(a)(6) (16 U.S.C. 1371(a)(6)) is amended  
 16 by redesignating subparagraph (B) as subparagraph (C),  
 17 and by inserting after subparagraph (A) the following:

18 “(B) A marine mammal product may be exported  
 19 from the United States if the product—

20 “(i) is legally possessed and exported as  
 21 part of a cultural exchange, by an Indian,  
 22 Aleut, or Eskimo residing in Alaska; or

23 “(ii) is owned by a Native inhabitant of  
 24 Russia, Canada, or Greenland and is exported  
 25 for noncommercial purposes—

1 “(I) in conjunction with, and upon the  
 2 completion of, travel within the United  
 3 States; or

4 “(II) as part of a cultural exchange  
 5 with an Indian, Aleut, or Eskimo residing  
 6 in Alaska.”.

7 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) DEPARTMENT OF COMMERCE.—Section 116(a)  
 9 (16 U.S.C. 1384(a)) is amended to read as follows:

10 “(a) DEPARTMENT OF COMMERCE.—(1) There are  
 11 authorized to be appropriated to the Department of Com-  
 12 merce, for purposes of carrying out its functions and re-  
 13 sponsibilities under this title (other than sections 117 and  
 14 118) and title IV—

15 “(A) \$16,615,000 for 2003;

16 “(B) \$17,280,000 for 2004;

17 “(C) \$17,971,000 for 2005;

18 “(D) \$18,670,000 for 2006; and

19 “(E) \$19,418,000 for 2007.

20 “(2) There are authorized to be appropriated to the  
 21 Department of Commerce, for purposes of carrying out  
 22 sections 117 and 118, \$20,000,000 for each of the fiscal  
 23 years 2003 through 2007.”.

24 (b) DEPARTMENT OF THE INTERIOR.—Section  
 25 116(b) (16 U.S.C. 1384(b)) is amended to read as follows:

1       “(b) DEPARTMENT OF THE INTERIOR.—There are  
 2 authorized to be appropriated to the Department of the  
 3 Interior, for purposes of carrying out its functions and re-  
 4 sponsibilities under this title—

5               “(1) \$11,800,000 for 2003;

6               “(2) \$12,300,000 for 2004;

7               “(3) \$12,800,000 for 2005;

8               “(4) \$13,300,000 for 2006; and

9               “(5) \$13,800,000 for 2007.”.

10 **SEC. 6. TAKE REDUCTION PLANS.**

11       Section 118 (16 U.S.C. 1387) is amended—

12               (1) in subsections (f)(4)(B) and (f)(5)(B), by  
 13 inserting “and recreational” after “commercial”;

14               (2) in subsection (f)(6)(C) in the second sen-  
 15 tence, by inserting before the period the following:  
 16 “, a representative of the office of General Counsel  
 17 of the National Oceanic and Atmospheric Adminis-  
 18 tration, a representative of the National Marine  
 19 Fisheries Service having responsibilities related to  
 20 fisheries science, a representative of the National  
 21 Marine Fisheries Service having responsibilities re-  
 22 lated to law enforcement, and a representative of the  
 23 appropriate National Marine Fisheries Service Re-  
 24 gional Administrator”;

1           (3) in subsection (f)(7)(B)(i) by adding at the  
2           end the following: “Before publishing any plan that  
3           is different than the draft plan proposed by a take  
4           reduction team, the Secretary shall reconvene the  
5           team and explain to the team the differences be-  
6           tween the published plan and the draft plan pro-  
7           posed by the team.”; and

8           (4) in subsection (j) by inserting “including ob-  
9           server, research, and education and outreach pro-  
10          grams,” after “For purposes of carrying out this  
11          section,”.

12 **SEC. 7. PINNIPED RESEARCH.**

13          Section 120 (16 U.S.C. 1389) is amended by adding  
14          at the end the following:

15          “(k) RESEARCH ON NONLETHAL REMOVAL AND  
16          CONTROL.—(1) The Secretary shall conduct research on  
17          the nonlethal removal and control of nuisance pinnipeds.  
18          The research shall include a review of measures that have  
19          been taken to effect such removal and control, the effec-  
20          tiveness of these measures, and the development of new  
21          technologies to deter nuisance pinnipeds.

22          “(2) The Secretary shall include, among the individ-  
23          uals that develop the research program under this sub-  
24          section, representatives of the commercial and recreational  
25          fishing industries.

1 “(3) The Secretary is encouraged, where appropriate,  
2 to use independent marine mammal research institutions  
3 in developing and in conducting the research program.

4 “(4) The Secretary shall, by December 31 of each  
5 year, submit an annual report on the results of research  
6 under this subsection to the Committee on Resources of  
7 the House of Representatives and the Committee on Com-  
8 merce, Science, and Transportation of the Senate.”.

9 **SEC. 8. MARINE MAMMAL COMMISSION.**

10 (a) NUMBER OF EMPLOYEES.—Section 206(5) (16  
11 U.S.C. 1406(5)) is amended by striking “; except that no  
12 fewer than 11 employees must be employed under para-  
13 graph (1) at any time”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 207 (16 U.S.C. 1407) is amended to read as follows:

16 **“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to the Ma-  
18 rine Mammal Commission for purposes of carrying out  
19 this title—

20 “(1) \$2,000,000 for fiscal year 2003;

21 “(2) \$2,050,000 for fiscal year 2004;

22 “(3) \$2,100,000 for fiscal year 2005;

23 “(4) \$2,150,000 for fiscal year 2006; and

24 “(5) \$2,200,000 for fiscal year 2007.”.

1 **SEC. 9. SCRIMSHAW EXEMPTION.**

2 Any valid certificate of exemption referred to in sec-  
3 tion 18 of Public Law 103–238 (16 U.S.C. 1539 note)  
4 that was valid under that section on April 29, 1999, shall  
5 be valid during the 8-year period beginning October 31,  
6 1999.

7 **SEC. 10. EMERGENCY ASSISTANCE FOR SUBSISTENCE**  
8 **WHALE HUNTERS.**

9 Section 5 of the Whaling Convention Act of 1949 (16  
10 U.S.C. 916c) is amended by adding at the end the fol-  
11 lowing:

12 “(c) The prohibitions of this section shall not apply  
13 to use of a vessel to tow a whale taken in a traditional  
14 subsistence whale hunt permitted by Federal law and con-  
15 ducted in waters off the coast of Alaska, if such towing  
16 is performed upon a request for emergency assistance  
17 made by a subsistence whale hunting organization for-  
18 mally recognized by an agency of the United States Gov-  
19 ernment, or made by a member of such an organization,  
20 to prevent the loss of a whale.”.

21 **SEC. 11. EXTENSION.**

22 Section 104(c)(5)(D) (16 U.S.C. 1374(c)(5)(D)) is  
23 amended by striking “the date of the enactment of the  
24 Marine Mammal Protection Act Amendments of 1994”  
25 and inserting “February 18, 1997”.

1 **SEC. 12. POLAR BEAR PERMITS.**

2 Section 104 (16 U.S.C. 1374) is amended—

3 (1) in subsection (d)(2) by inserting before the  
4 period at the end of the first sentence the following:  
5 “, except for an application for a permit to import  
6 polar bear parts under subsection (c)(5)”;

7 (2) in subsection (d)(5) by inserting before the  
8 period at the end of the last sentence the following:  
9 “if a notice of application was published pursuant to  
10 paragraph (2) with respect to the permit”; and

11 (3) in subsection (c)(5) by adding at the end  
12 the following:

13 “(E) The Secretary shall make available to the public  
14 on a semiannual basis information concerning the permits  
15 issued or denied under this paragraph.”.

16 **SEC. 13. CAPTIVE RELEASE PROHIBITION.**

17 Section 102(a) (16 U.S.C. 1372(a)) is amended—

18 (1) in paragraph (4) by striking “subsection  
19 104(c); and” and inserting “section 104(c);”;

20 (2) in paragraph (5) by striking the period and  
21 inserting “; and”; and

22 (3) by adding at the end the following:

23 “(6) for any person that is subject to the juris-  
24 diction of the United States to release any captive  
25 marine mammal unless specifically authorized to do



1       so under section 104(c)(3)(A), 104(c)(4)(A), or  
2       109(h).”.

3 **SEC. 14. MARINE MAMMAL COMMISSION ADMINISTRATION.**

4       Section 206(4) (16 U.S.C. 1406(4)) is amended by  
5       striking “(but at rates for individuals not to exceed \$100  
6       per diem)”.

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