

107TH CONGRESS
2D SESSION

S. 3104

To amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2002

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Marine Mammal Protection Act of 1972 to repeal the long-term goal for reducing to zero the incidental mortality and serious injury of marine mammals in commercial fishing operations, and to modify the goal of take reduction plans for reducing such takings.

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. MODIFICATION OF GOALS FOR REDUCING INCI-**
4 **DENTAL TAKE OF MARINE MAMMALS IN COM-**
5 **MERCIAL FISHING.**

6 (a) REPEAL OF ZERO MORTALITY GOAL.—Section
7 118 of the Marine Mammal Protection Act of 1972 (16

1 U.S.C. 1387) is amended by striking subsection (b), and
 2 by redesignating subsections (c) through (l) in order as
 3 subsections (b) through (k).

4 (b) CONFORMING AMENDMENTS.—Such Act is fur-
 5 ther amended as follows:

6 (1) In section 101(a)(2) (16 U.S.C. 1371(a)(2))
 7 by striking the third sentence.

8 (2) In section 101(a)(5)(E)(i)(III) (16 U.S.C.
 9 1371(a)(5)(E)(i)(III) by striking “subsection (d)”
 10 and inserting “subsection (c)”.

11 (3) In section 115(b)(4) (16 U.S.C. 1384(b)(4))
 12 by striking “section 118(f)(1)” and inserting “sec-
 13 tion 118(e)(1)”.

14 (4) In section 117(a)(4) (16 U.S.C. 1386(a)(4))
 15 in subparagraph (D) by striking “, and an analysis”
 16 and all that follows through the end of the subpara-
 17 graph and inserting a semicolon.

18 (5) In section 118 (16 U.S.C. 1387) by striking
 19 “subsection (c)(1)(A) (i)” each place it appears and
 20 inserting “subsection (b)(1)(A) (i)”.

21 (6) In section 118 (16 U.S.C. 1387) by striking
 22 “subsection (c)(1)(A)(i)” each place it appears and
 23 inserting “subsection (b)(1)(A)(i)”.

24 (7) In section 118(a)(1) (16 U.S.C. 1387(a)(1))
 25 by striking the last sentence.

1 (8) In section 118(b), as redesignated by this
 2 subsection (16 U.S.C. 1387(c)(1)(B)), by striking
 3 “subsection (e)” each place it appears and inserting
 4 “subsection (d)”.

5 (9) In section 118(c)(1)(B), as redesignated by
 6 this subsection (16 U.S.C. 1387(d)(1)(B)), by strik-
 7 ing “subsection (e)” and inserting “subsection (d)”.

8 (10) In section 118(e)(9)(D), as redesignated
 9 by this subsection (16 U.S.C. 1387(f)(9)(D)), by
 10 striking “subsection (d)” and inserting “subsection
 11 (c)”.

12 (11) In section 118(f)(1), as redesignated by
 13 this subsection (16 U.S.C. 1387(g)(1)), by striking
 14 “subsection (c)(1)(A)(iii)” each place it appears and
 15 inserting “subsection (b)(1)(A)(iii)”.

16 (12) In section 118(g), as redesignated by this
 17 subsection (16 U.S.C. 1387(h)), by striking “sub-
 18 section (c)” and inserting “subsection (b)”.

19 (13) In section 120(j)(2) (16 U.S.C.
 20 1389(j)(2)) by striking “118(f)(5)(A)” and inserting
 21 “118(e)(5)(A)”.

22 (c) MODIFICATION OF GOAL OF TAKE REDUCTION
 23 PLANS.—Section 118(e)(2) of such Act, as redesignated
 24 by subsection (a) of this section (16 U.S.C. 1387(f)(2)),
 25 is amended by striking the last sentence and inserting the

1 following: “The long-term goal of the plan shall be to re-
2 duce, within 5 years of its implementation, the incidental
3 mortality or serious injury of marine mammals inciden-
4 tally taken in the course of fishing operations taking into
5 account the economics of the fishery, the availability of
6 existing technology, and existing State and regional fish-
7 ery management plans.”.

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