

109TH CONGRESS
1ST SESSION

H. R. 3839

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2005

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

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. FINDINGS.**

4 The Congress finds the following:

5 (1) The goal of the Marine Mammal Protection
6 Act of 1972 (16 U.S.C. 1361 et seq.) is to maintain

1 marine mammal species and population stocks at
2 their optimum sustainable populations.

3 (2) If the annual removals of individuals of a
4 species or population stock of marine mammals do
5 not exceed the potential biological removal level, the
6 species or population stock will be maintained at, or
7 reach, its optimum sustainable population.

8 (3) Requiring that commercial fishermen
9 achieve a zero mortality rate goal for a species or
10 population stock of marine mammals that is equal to
11 or less than 10 percent of the potential biological re-
12 moval of a given marine mammal species or popu-
13 lation stock is unnecessary to achieve that Act's goal
14 of maintaining species and stocks at their optimum
15 sustainable population and penalizes commercial
16 fishermen.

17 (4) The Congress intended that the zero mor-
18 tality rate goal under that Act would be met if fish-
19 ermen use the best technology that is economically
20 and technologically feasible.

21 (5) Species and populations stocks of marine
22 mammal that have reached historic levels are imped-
23 ing the recovery of endangered species and threat-
24 ened species through predation or competition in the
25 ecosystem.

1 (6) The fundamental principles of ecosystem
2 management are defeated by giving one species a
3 preeminent position in the ecosystem through, im-
4 position of a zero mortality rate goal.

5 (7) All persons that interact with marine mam-
6 mals should seek to reduce and eliminate marine
7 mammal injuries and mortalities through the use of
8 the best equipment and techniques that are economi-
9 cally and technologically feasible.

10 **SEC. 2. MODIFICATION OF GOALS FOR REDUCING INCI-**
11 **DENTAL TAKE OF MARINE MAMMALS IN COM-**
12 **MERCIAL FISHING.**

13 (a) REPEAL OF ZERO MORTALITY GOAL.—Section
14 118 of the Marine Mammal Protection Act of 1972 (16
15 U.S.C. 1387) is amended by striking subsection (b), and
16 by redesignating subsections (c) through (l) in order as
17 subsections (b) through (k).

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

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

22 (2) In section 101(a)(5)(E)(i)(III) (16 U.S.C.
23 1371(a)(5)(E)(i)(III) by striking “subsection (d)”
24 and inserting “subsection (c)”.

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

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

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

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

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

16 (8) In section 118(b), as redesignated by sub-
17 section (a) of this section 16 U.S.C. 1387(c)(1)(B)),
18 by striking “subsection (e)” each place it appears
19 and inserting “subsection (d)”.

20 (9) In section 118(c)(1)(B), as redesignated by
21 subsection (a) of this section (16 U.S.C.
22 1387(d)(1)(B)), by striking “subsection (e)” and in-
23 serting “subsection (d)”.

24 (10) In section 118(e)(9)(D), as redesignated
25 by subsection (a) of this section (16 U.S.C.

1 1387(f)(9)(D)), by striking “subsection (d)” and in-
2 serting “subsection (c)”.

3 (11) In section 118(f)(1), as redesignated by
4 subsection (a) of this section (16 U.S.C.
5 1387(g)(1)), by striking “subsection (c)(1)(A)(iii)”
6 each place it appears and inserting “subsection
7 (b)(1)(A)(iii)”.

8 (12) In section 118(g), as redesignated by sub-
9 section (a) of this section (16 U.S.C. 1387(h)), by
10 striking “subsection (c)” and inserting “subsection
11 (b)”.

12 (13) In section 120(j)(2) (16 U.S.C.
13 1389(j)(2)) by striking “118(f)(5)(A)” and inserting
14 “118(e)(5)(A)”.

15 (c) MODIFICATION OF GOAL OF TAKE REDUCTION
16 PLANS.—Section 118(e)(2) of such Act, as redesignated
17 by subsection (a) of this section (16 U.S.C. 1387(f)(2)),
18 is amended by striking the last sentence and inserting the
19 following: “The long-term goal of the plan shall be to re-
20 duce, within 5 years after its implementation, the inci-
21 dental mortality or serious injury of marine mammals inci-
22 dentally taken in the course of fishing operations taking
23 into account the economics of the fishery, the availability

1 of existing technology, and existing State or regional fish-
2 ery management plans.”.

