

## **Marine Mammal Protection Act**

**Agencies:** National Oceanic and Atmospheric Administration (National Marine Fisheries Service) and U.S. Fish & Wildlife Service

**Citation:** [16 U.S.C. §§ 1361 et seq.](#)

**Enacted as:** the "Marine Mammal Protection Act of 1972", on October 21, 1972

### **Summary:**

The [Marine Mammal Protection Act \(MMPA or Act\)](#) prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of [marine mammals](#) and marine mammal products into the U.S. The MMPA gives the Secretary of Commerce, working through the National Oceanic and Atmospheric Administration's National Marine Fisheries Service, authority and duties under the Act for all Cetaceans (whales, dolphins, and porpoises) and Pinnipeds (seals and sea lions, except walruses), and gives authority for other species of marine mammals to the Secretary of the Interior, working through the U.S. Fish & Wildlife Service. The Secretaries are also required to prepare and periodically revise stock assessments of marine mammal stocks (section 117). In addition, the Secretary of Commerce must publish in the Federal Register and revise at least annually a list of commercial fisheries that categorizes the fisheries based on the incidence of serious injury and mortality of marine mammals (section 118(c)).

Congress passed the Marine Mammal Protection Act of 1972 based on the following findings and policies:

- Some marine mammal species or stocks may be in danger of extinction or depletion as a result of human activities;
- These species or stocks must not be permitted to fall below their optimum sustainable population level ("[depleted](#)");
- Measures should be taken to replenish these species or stocks;
- There is inadequate knowledge of the ecology and population dynamics; and
- Marine mammals have proven to be resources of great international significance.

The MMPA was amended substantially in 1994 to provide for:

- Certain exceptions to the take prohibitions, including for small takes incidental to specified activities, when access by Alaska Natives to marine mammal subsistence resources can be preserved, and [permits and authorizations](#) for scientific research;
- A program to authorize and control the taking of marine mammals incidental to [commercial fishing operations](#);
- Preparation of [stock assessments](#) for all marine mammal stocks in waters under U.S. jurisdiction; and
- Studies of pinniped-fishery interactions.

**Source:** <http://www.nmfs.noaa.gov/pr/laws/mmpa/>

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