

These excerpts from the United States Marine Mammal Protection Act and "the United States Code of Federal Regulations" are provided for information only. Before relying on any portion of the Act as it appears here, reference should be made to the official report of the Act in the United States Code. NOAA Fisheries is responsible for management, conservation and enforcement activities for whales, dolphins, porpoises, seals and sea lions under this statute.

MARINE MAMMAL PROTECTION ACT

FINDINGS AND DECLARATIONS OF POLICY (16 U.S.C. 1361)

The United States Congress finds that -

(1) certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;

(2) such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population. Further measures should be immediately taken to replenish any species or population stock which has already diminished below that population. In particular, efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;

(6) marine mammals have proven themselves to be resources of great international significance, esthetic, recreational, as well as economic, and it is the sense of the Congress that they should be protected and encouraged to develop to the greatest extent feasible commensurate with the sound policies of resource management and that the primary objective of their management should be to maintain the health and stability of the marine ecosystem. Whenever consistent with this primary objective, it should be the goal to obtain an optimum sustainable population keeping in mind the carrying capacity of the habitat.

DEFINITIONS (16 U.S.C. 1362)

Sec. 3. For the purposes of this Act -

(6) The term "marine mammal" means any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this Act, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin.

- (10)** The term "person" includes (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.
- (12)** **(A)** Except as provided in subparagraph (B), the term "Secretary" means -
- (i)** The Secretary of the department in which the National Oceanic and Atmospheric Administration is operating, as to all responsibility, authority, funding, and duties under this Act with respect to members of the order Cetacea and members, other than walruses, of the order Pinnipedia -
 - (B)** in Section 118 and title IV the term "Secretary" means the Secretary of Commerce.
- (13)** The term "take" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.
- (15)** The term "waters under the jurisdiction of the United States" means -
- (A)** the territorial seas of the United States;
 - (B)** the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;
- (18)** **(A)** The term "harassment"* means any act of pursuit, torment, or annoyance which -
- (i)** has the potential to injure a marine mammal or marine mammal stock in the wild; or
 - (ii)** has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.
- (B)** The term "Level A harassment" means harassment described in subparagraph (A) (i).
- (C)** The term "Level B harassment" means harassment described in subparagraph (A) (ii).

*"Pursuant to the National Defense Authorization Act (Public Law 108-136, signed on November 24, 2003), in the case of a military readiness activity (as defined in section 315(f) of Public Law 107-314; 16 U.S.C. 703 note) or a scientific research activity conducted by or on behalf of the Federal government consistent with section 104(c)(3) of the MMPA, the term 'harassment' means--

- (i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or
- (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered."

PROHIBITIONS (16 U.S.C. 1372)

Sec. 102. (a) [Taking] -- Except as provided by certain sections of this title I and title IV, it is unlawful—

- (1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas;
- (2) except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this title or by any statute implementing any such treaty, convention, or agreement—
 - (A) for any person or vessel or other conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States; or
 - (B) for any person to use any port, harbor, or other place under the jurisdiction of the United States to take or import marine mammals or marine mammal products; and
- (3) for any person, with respect to any marine mammal taken in violation of this title, to possess that mammal or any product from that mammal;
- (4) for any person to transport, purchase, sell, export, offer to purchase, sell, or export any marine mammal or marine mammal product—
 - (A) that is taken in violation of this Act; or
 - (B) for any purpose other than public display, scientific research, or enhancing the survival of a species or stock as provided for under subsection 104(c); and
- (5) for any person to use, in a commercial fishery, any means or methods of fishing in contravention of any regulations or limitations, issued by the Secretary for that fishery to achieve the purposes of this Act.