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The Marine Mammal Commission

Introduction

The Marine Mammal Commission (MMC) is an independent advisory agency of the executive branch that provides “independent, science-based oversight” of federal agency policies and actions addressing human impacts on marine mammals and their ecosystems. The MMC was established under Title II of the Marine Mammal Protection Act (MMPA; 16 U.S.C. §§1401-1407), enacted in 1972. The MMPA aims to conserve marine mammal populations and protect them from extinction or depletion as a result of human activities. The MMC also recommends actions to advance domestic and international marine mammal priorities pursuant to the MMPA. In these roles, the MMC shares responsibility with the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS) in administering the MMPA. The MMPA directs these agencies to consult with the MMC when issuing permits and authorizations allowing for the take or importation of marine mammals; promulgating marine mammal-related regulations; and carrying out certain activities regarding marine mammals (e.g., research programs, implementing international agreements). The MMC also provides grants for MMPA-related research projects (e.g., for novel techniques to estimate marine mammal abundance or mortality sources). The MMC is authorized to have access to all studies and data compiled by federal agencies on marine mammals.

Congress has shown recurrent interest in the MMC and its roles and responsibilities in administering the MMPA. Congress continues to provide funding to the agency for its marine mammal management, agency oversight, and research efforts. In the 119th Congress, the Trump Administration has proposed eliminating funding for the MMC. As of August 2025, Congress is finalizing FY2026 appropriations for the MMC. Other issues could include the MMC’s organization, composition, and overall functioning.

MMC Organization and Composition

The MMC is composed of three members (commissioners), who are knowledgeable in marine ecology and resource management. Commissioners serve three-year terms and are not eligible for reappointment. The commissioners are appointed by the President and confirmed by the Senate. The President also designates a chair of the MMC from among the commissioners; the chair may appoint and assign duties to an executive director and administrative staff, with the MMC’s approval.

The MMC also includes a Committee of Scientific Advisors on Marine Mammals (the committee), which consists of nine scientists appointed by the MMC chair after consulting with other MMPA-mandated parties. The MMPA stipulates

that the members of the committee are to be knowledgeable in marine ecology and marine mammal affairs. The MMC is to consult with the committee on all studies, recommendations, and research programs that it proposes or undertakes and in reviewing all applications for scientific permits. If the MMC does not adopt a recommendation made by the committee or any of its members, the MMPA requires the MMC to transmit a detailed explanation of its reasons for not accepting such recommendations to Congress and the appropriate federal agency.

Roles and Responsibilities of the MMC

The MMPA, in 16 U.S.C. §1402, directs the MMC to

- review and study U.S. marine mammal-related activities pursuant to existing laws and international conventions;
- review (1) the condition of marine mammal stocks, (2) methods for their protection and conservation, (3) humane means for taking marine mammals, (4) proposed or in-place research programs under the MMPA, and (5) all applications for scientific research permits and other permits for public display or for enhancing the survival of a species or its population (*stock*);
- conduct and facilitate studies relating to the protection and conservation of marine mammals;
- recommend federal actions for the protection and conservation of marine mammals;
- recommend policies to the Secretary of State for protecting and conserving marine mammals covered under international agreements or arrangements; and
- recommend federal measures to further policies of the MMPA, including activities that protect American Indians and Alaska Natives whose livelihoods may be adversely affected by actions taken pursuant to the MMPA.

Consultation Requirements

The MMPA requires the Secretary of Commerce to consult with the MMC and other parties when issuing emergency regulations regarding the operation of a fishery that would adversely impact a marine mammal stock. Additionally, the Secretary is to consult with the MMC regarding activities related to the regulation, research, and development of fishing gear to reduce take of marine mammals to the lowest practicable level. The MMPA also directs the Secretary of Commerce to consult with the MMC, the Secretary of the Interior, and other applicable parties when establishing three scientific review groups—which advise both Secretaries on marine mammal science and management issues—and when establishing the Marine Mammal Health and Stranding Response Program. The

Secretary of Commerce and the Secretary of the Interior are also required to consult with the MMC when administering the John H. Prescott Marine Mammal Rescue Assistance Grant Program, which awards grants to address marine mammal strandings.

Other Mandates and Regulations

The MMPA allows the MMC to provide recommendations for marine mammal conservation plans to conserve and restore a species or stock. Other mandated roles of MMC include its consultative role for the Antarctic Marine Living Resources Convention (16 U.S.C. §2441(b)); its role as a nonvoting ex-officio representative on the Northwest Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council; and its role as a consultant on the Department of Defense’s use of marine mammals for national defense purposes (10 U.S.C. §8754(a)).

MMC regulations govern the agency’s practices, its compliance with other laws, and the public availability of agency materials. Although the MMC is not a regulatory agency, the MMPA requires relevant action agencies (e.g., NMFS, FWS) to take the MMC’s comments into consideration. Should an agency choose not to follow the MMC’s recommendations, it must provide a rationale for taking a different approach. The MMC also provides an annual report to Congress in consultation with the Secretary of Commerce and/or the Secretary of the Interior. All reports and recommendations made by the MMC are to be made publicly available.

Appropriations for the MMC

Congress provides funding to the MMC to co-administer the MMPA through annual Commerce, Justice, Science, and Related Agencies appropriations laws. **Table 1** includes congressionally appropriated funding to the MMC from FY2020 to FY2025. In May 2025, the Trump Administration submitted a budget proposal to Congress seeking to eliminate the MMC in FY2026. Subsequently, the House FY2026 draft appropriations measure, scheduled for markup, currently recommends \$1.00 million for the MMC, while S. 2354 in the 119th Congress has recommended \$4.50 million.

Table 1. Congressional Appropriations to the MMC
(in \$millions)

Fiscal Year	Requested Amount	Appropriated Amount
FY2020	2.45	3.62
FY2021	2.45	3.77
FY2022	4.20	4.20
FY2023	4.50	4.50
FY2024	5.04	4.50
FY2025	5.00	4.50

Sources: CRS, using information in appropriations acts and accompanying explanatory statements; MMC, “Performance and Accountability Reports and Financial Audits.”

Notes: Approximate requested amounts from MMC congressional justifications are included. The majority of MMC appropriations typically fund personnel, research, contracts, and special projects.

Recent MMC Activities and Priorities

In its 2024 annual report, the MMC noted that it sent over 40 oversight letters in 2024 providing recommendations and comments on proposed policies and actions under the MMPA. Examples include comments on applications for agency-authorized marine mammal research; comments on activities that might result in take of marine mammals, such as offshore energy development; and comments on draft NMFS marine mammal stock assessments. Over time, the MMC has also issued multiple comments regarding NMFS proposals to address vessel strikes on North Atlantic right whales and other whale species. In 2024, the MMC focused on international marine mammal conservation efforts, such as reducing marine mammal bycatch (e.g., by addressing whale entanglement risks from fishing gear) and developing and funding mitigation measures (e.g., ropeless gear) to reduce marine mammal mortality. The MMC also funded projects examining the effects of climate change on marine mammals and their health, and supported engagements with Alaska Native Organizations in carrying out research and co-management of marine mammals.

MMC-Related Congressional Activities

In recent years, Congress typically has not included directives regarding the MMC in either authorization or appropriations acts, including with respect to NMFS’s and FWS’s engagements with the agency. Congressional activity addressing the MMC has largely focused on providing annual appropriations. Congress may evaluate the functions of the MMC and consider stakeholder feedback when debating appropriations for the agency in FY2026.

At times, Congress has also directed the MMC to produce studies and reports. The MMC’s most recent congressionally requested report, on the ecological role of North Pacific marine mammal-eating killer whales, was issued in April 2016. In the past, Congress has considered directives related to the MMC, such as directives regarding agencies’ consultations with the MMC about their marine mammal-related activities. For example, S. 1747 in the 115th Congress would have required the MMC to make recommendations to FWS regarding the study, conservation, and recovery of the Florida manatee. The 119th Congress could consider whether additional directives regarding the MMC’s or other agencies’ intersecting marine mammal authorities may be warranted.

Some Members of Congress have sought to amend the MMC’s mandated duties and administration to reflect changing marine mammal management priorities. For example, H.R. 2130 in the 109th Congress—and previously introduced bills—sought to amend MMC staffing. Some Members have also proposed changes to the MMC’s research priorities and functions (e.g., H.R. 2029 in the 111th Congress would have created an MMC-administered National Marine Mammal Research Program). Broader proposed statutory changes for the MMC and associated agencies have included H.R. 5270 in the 114th Congress,

which would have abolished the MMC and transferred its functions to FWS.

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