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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To amend the Marine Mammal Protection Act of 1972 and the Animal Welfare Act to prohibit the taking, importation, exportation, and breeding of certain cetaceans for public display, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHIFF introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Marine Mammal Protection Act of 1972 and the Animal Welfare Act to prohibit the taking, importation, exportation, and breeding of certain cetaceans for public display, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Welfare
5 in Marine Settings Act of 2022” or as the “SWIMS Act
6 of 2022”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Certain cetaceans, namely orcas, beluga
4 whales, false killer whales, and pilot whales are
5 large-brained mammals who engage in creative prob-
6 lem solving, intentional communication, show signs
7 of empathy for others and complex emotions, and
8 form lifelong bonds.

9 (2) Science increasingly supports that the spe-
10 cies listed in paragraph (1) suffer in captivity. They
11 die prematurely, engage in stereotypic behavior that
12 is indicative of suffering and distress, are held in
13 barren tanks, and are sometimes isolated from mem-
14 bers of their own species, among other harms.

15 (3) Current Federal laws allow the species list-
16 ed in paragraph (1) to be confined in concrete tanks
17 that fail to meet their basic psychological, physical,
18 and social needs.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the species listed in paragraph (1) of subsection
21 (a) should not be subject to restraint, coercion, or control
22 by any person for purposes of public display.

23 **SEC. 3. PROHIBITION ON EXPORTATION, TAKING, AND IM-**
24 **PORTATION OF CERTAIN CETACEANS.**

25 (a) PROHIBITION ON EXPORTATION.—Section 102 of
26 the Marine Mammal Protection Act of 1972 (16 U.S.C.

1 1372(a)) is amended by adding at the end the following
2 new subsection:

3 “(g)(1) Notwithstanding any other provision of law,
4 it is unlawful to export any orca, beluga whale, false killer
5 whale, or pilot whale except for the transport of such spe-
6 cies—

7 “(A) to a marine mammal sanctuary with
8 a determination by the Secretary that the
9 transportation to such sanctuary is in the best
10 interest of the individual marine mammal; or

11 “(B) for release to the wild.

12 “(2) In this subsection, the term ‘sanctuary’
13 means a place of refuge where marine mammals—

14 “(A) live in a captive setting as close as
15 possible to their natural environment;

16 “(B) are prioritized individually with re-
17 spect to well-being and autonomy; and

18 “(C) are not used for profit or breeding for
19 the purpose of public display.”.

20 (b) PROHIBITION ON PERMITS FOR TAKING OR IM-
21 PORTATION.—Section 104(a) of the Marine Mammal Pro-
22 tection Act of 1972 (16 U.S.C. 1374(a)) is amended to
23 read as follows:

1 “(a)(1) Except as provided in paragraph (2), the Sec-
2 retary may issue permits which authorize the taking or
3 importation of any marine mammal.

4 “(2) Notwithstanding any other provision of law, the
5 Secretary may not issue any permit that authorizes the
6 taking or importation of any orca, beluga whale, false kill-
7 er whale, or pilot whale for the purpose of public display.

8 “(3) The Secretary may issue permits for the inci-
9 dental taking of marine mammals in the course of com-
10 mercial fishing operations only as specifically provided for
11 in section 101(a)(5) or 306, or subsection (h) of this sec-
12 tion.”.

13 **SEC. 4. PROHIBITION ON BREEDING OF CERTAIN**
14 **CETACEANS.**

15 The Animal Welfare Act (17 U.S.C. 2131 et seq.) is
16 amended by inserting after section 29 the following new
17 section:

18 **“SEC. 30. BREEDING OF CERTAIN CETACEANS.**

19 “‘It shall be unlawful for any person to breed or artifi-
20 cially inseminate any orca, beluga whale, false killer whale,
21 or pilot whale for purposes of using the progeny of such
22 species for public display.’”.