

115TH CONGRESS  
1ST SESSION

# H. R. 1584

To amend the Marine Mammal Protection Act of 1972 to prohibit the taking, importation, and exportation of Orcas and Orca products for public display, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2017

Mr. SCHIFF (for himself, Mr. BEYER, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Ms. DELAURO, Ms. DELBENE, Mr. HECK, Mr. HUFFMAN, Mr. KILMER, Mr. LARSEN of Washington, Ms. LEE, Ms. MOORE, Mr. POLIS, Mr. SMITH of Washington, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Marine Mammal Protection Act of 1972 to prohibit the taking, importation, and exportation of Orcas and Orca products 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 “Orca Responsibility  
5 and Care Advancement Act of 2017”.

1 **SEC. 2. PROHIBITION ON TAKING, IMPORTATION, AND EX-**  
2 **PORTATION OF ORCAS AND ORCA PRODUCTS**  
3 **FOR PUBLIC DISPLAY.**

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

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

11 “(2) Notwithstanding any other provision of law, no  
12 permit may be issued by the Secretary that authorizes the  
13 taking or importation of any marine mammal of the spe-  
14 cies *Orcinus orca*, or any marine mammal product that  
15 consists, or is composed in whole or in part, of such spe-  
16 cies, for the purpose of public display.

17 “(3) Permits for the incidental taking of marine  
18 mammals in the course of commercial fishing operations  
19 may only be issued as specifically provided for in section  
20 101(a)(5) or 306, or subsection (h) of this section.”.

21 (b) PROHIBITION ON EXPORTATION FOR PUBLIC  
22 DISPLAY.—Section 102 of the Marine Mammal Protection  
23 Act of 1972 (16 U.S.C. 1372(a)) is amended by adding  
24 at the end the following new subsections:

25 “(g) Notwithstanding any other provision of law, it  
26 is unlawful to export any marine mammal product that

1 consists, or is composed in whole or in part, of the species  
 2 *Orcinus orca*.

3 “(h)(1) Notwithstanding any other provision of law,  
 4 it is unlawful to export any marine mammal of the species  
 5 *Orcinus orca*—

6 “(A) for a purpose other than to transport such  
 7 marine mammal to a marine mammal sanctuary;  
 8 and

9 “(B) without a determination by the Secretary  
 10 that the transportation to such sanctuary is in the  
 11 best interest of the individual marine mammal.

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

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

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

18 “(C) are not used for profit or bred.”.

19 **SEC. 3. PROHIBITION ON BREEDING OF ORCAS.**

20 The Animal Welfare Act is amended by inserting  
 21 after section 26 (7 U.S.C. 2156) the following new section:

22 **“SEC. 26A. BREEDING OF ORCAS.**

23 “It shall be unlawful for any person to artificially in-  
 24 seminate or breed a marine mammal of the species

- 1 Orcinus orca for purposes of using the progeny of such
- 2 species for public display.”.

