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119TH CONGRESS
2D SESSION

# H. R. 10774

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.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2026

Ms. DELBENE (for herself, Ms. DEXTER, Ms. BONAMICI, Mr. CARBAJAL, Mr. CASE, Mr. CASTEN, Ms. CASTOR of Florida, Ms. CLARKE of New York, Ms. DEGETTE, Mr. GOLDMAN of New York, Mr. HUFFMAN, Ms. HOYLE of Oregon, Mr. KRISHNAMOORTHI, Mr. MCGOVERN, Mr. MOULTON, Mr. MULLIN, Mr. NADLER, Ms. NORTON, Ms. SALINAS, Ms. SCANLON, Mr. SMITH of Washington, Ms. TITUS, Ms. TLAIB, and Ms. TOKUDA) 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 and the Animal Welfare Act to prohibit the taking, importation, exportation, and breeding of certain cetaceans for public display, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Strengthening Welfare in Marine Settings Act of 2026'' or as the ''SWIMS Act of 2026''.

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

(a) FINDINGS.—Congress finds the following:

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

(2) Science increasingly supports that the species listed in paragraph (1) suffer in captivity. They die prematurely, engage in stereotypic behavior that is indicative of suffering and distress, are held in barren tanks, and are sometimes isolated from members of their own species, among other harms.

(3) Current Federal laws allow the species listed in paragraph (1) to be confined in concrete tanks that fail to meet their basic psychological, physical, and social needs.

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

**SEC. 3. PROHIBITION ON EXPORTATION, TAKING, AND IMPORTATION OF CERTAIN CETACEANS.**

(a) PROHIBITION ON EXPORTATION.—Section 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1372(a)) is amended by adding at the end the following new subsection:

''(g)(1) Notwithstanding any other provision of law, it is unlawful to export any orca, beluga whale, false killer whale, or pilot whale except for the transport of such species—

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

''(B) for release to the wild.

''(2) In this subsection, the term 'sanctuary' means a place of refuge where marine mammals—

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

''(B) are prioritized individually with respect to well-being and autonomy; and

''(C) are not used for profit or breeding for the purpose of public display.''.

(b) PROHIBITION ON PERMITS FOR TAKING OR IMPORTATION.—Section 104(a) of the Marine Mammal Pro-

tection Act of 1972 (16 U.S.C. 1374(a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2), the Secretary may issue permits which authorize the taking or importation of any marine mammal.

"(2) Notwithstanding any other provision of law, the Secretary may not issue any permit that authorizes the taking or importation of any orca, beluga whale, false killer whale, or pilot whale for the purpose of public display.

"(3) The Secretary may issue permits for the incidental taking of marine mammals in the course of commercial fishing operations only as specifically provided for in section 101(a)(5) or 306, or subsection (h) of this section.".

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

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

**"SEC. 30. BREEDING OF CERTAIN CETACEANS.**

"It shall be unlawful for any person to breed or artificially inseminate any orca, beluga whale, false killer whale, or pilot whale for purposes of using the progeny of such species for public display.".

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