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The Honorable Diane Feinstein  
United States Senator for California  
331 Hart Senate Office Bldg.  
Washington, D.C. 20510

10 November 2015  
Our Ref: 20151110-1

### RE: ORCA Act legislation and complaint concerning CITES and MMPA killer whale violations

Dear Senator Feinstein,

On Friday, 6 November 2015, the Free Morgan Foundation lodged a formal complaint and request for action (via E-Mail) with the National Marine Fisheries Service (NMFS) concerning violations of the Convention on International Trade in Endangered Species (CITES) and the Marine Mammal Protection Act (MMPA) with respect to US permitted killer whales owned by SeaWorld and held offshore at Loro Parque, Tenerife, Spain, pursuant to the public display provisions of the MMPA.

We have simultaneously lodged the same complaint with the Spanish and Dutch CITES Management Authorities along with the European Commission as this matter also involves violations of the European Union's Wildlife Trade Regulations. The US Marine Mammal Commission (MMC) and the CITES Secretariat have also been provided this information.

Enclosed you will find copies of the relevant correspondence sent to the US authorities along with a copy of our supporting document prepared by Dr. Ingrid Visser and myself: *CITES and the Marine Mammal Protection Act: Comity and Conflict at Loro Parque (White Paper on Whale Laundering)*.

As you are aware, Congressman Adam Schiff has announced plans to introduce the ORCA Act to put an end to captive breeding of killer whales in the United States. As a recognized environment, ocean and animal welfare leader in the Senate, we hope that you will be a strong supporter of the legislation on behalf of all citizens of California. To better understand the urgent need for such legislative revision of the MMPA and Animal Welfare Act (AWA) the Free Morgan Foundation hopes that you will take the time to read and consider our white paper in light of Congressman Schiff's bill as we feel each compliments the other and makes both arguments all that much stronger.

We encourage you to follow-up with the NMFS and MMC to ensure that this matter receives the full attention it deserves and we look forward to working with you on this mutual endeavour.

Dr I. N. Visser (PhD)

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Legal Counsel &  
Secretary

Free Morgan Foundation

Bosweg 14 • 6523 NM Nijmegen • The Netherlands • [info@freemorgan.org](mailto:info@freemorgan.org)

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