

112TH CONGRESS
2D SESSION

S. 3262

To amend the Whaling Convention Act to require the Secretary of Commerce to authorize aboriginal subsistence whaling as permitted by the regulations of the International Whaling Commission and to set aboriginal subsistence catch limits for bowhead whales in the event the Commission fails to adopt such limits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2012

Mr. BEGICH (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Whaling Convention Act to require the Secretary of Commerce to authorize aboriginal subsistence whaling as permitted by the regulations of the International Whaling Commission and to set aboriginal subsistence catch limits for bowhead whales in the event the Commission fails to adopt such limits, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Whaling Convention
3 Amendments Act of 2012”.

4 **SEC. 2. AMENDMENT OF WHALING CONVENTION ACT.**

5 The Whaling Convention Act of 1949 (16 U.S.C. 916
6 et seq.) is amended by adding at the end the following:

7 **“SEC. 15. ABORIGINAL SUBSISTENCE WHALING.**

8 “(a) IN GENERAL.—The Secretary of Commerce, or
9 such officer as may be designated by the Secretary, shall
10 authorize aboriginal subsistence whaling pursuant to para-
11 graph 13 of the regulations of the Commission (or any
12 successor to such paragraph), if such whaling—

13 “(1) is for subsistence purposes (including the
14 sale of authentic native articles of handicrafts and
15 clothing);

16 “(2) does not include the striking, taking, or
17 killing of calves or any whale accompanied by a calf;
18 and

19 “(3) is not accomplished in a wasteful manner.

20 **“(b) CATCH LIMITS FOR BOWHEAD WHALES.—**

21 “(1) REQUIREMENT TO ESTABLISH.—The Sec-
22 retary of Commerce shall establish catch limits for
23 the Alaska Native aboriginal subsistence hunt of
24 bowhead whales for any year or set of years, if the
25 Secretary determines that—

1 “(A) the Commission has failed to adopt
2 catch limits applicable to the hunt for such year
3 or set of years; and

4 “(B) the biological status of the affected
5 bowhead stock or stocks is such that, based on
6 the most recent review of the status of such
7 stock or stocks by the Scientific Committee of
8 the Commission, the aboriginal subsistence
9 needs statement submitted by the United States
10 to the Commission for that year or set of years
11 is sustainable.

12 “(2) LIMITATION.—The catch limits established
13 by the Secretary under paragraph (1) shall not ex-
14 ceed the aboriginal subsistence needs statement sub-
15 mitted by the United States to the Commission.

16 “(3) CONSTRUCTION.—Nothing in paragraph
17 (1) relieves the United States Commissioner of his
18 or her obligation to continue seeking adoption by the
19 Commission, pursuant to the paragraph 13 of the
20 regulations of the Commission or any successor
21 paragraph that permits aboriginal subsistence whal-
22 ing, of catch limits that provide for Alaska Native
23 aboriginal subsistence need for bowhead whales.”.

1 **SEC. 3. IMPLEMENTING REGULATIONS.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act, the Secretary of Commerce
4 shall issue any regulations necessary to implement section
5 15 of the Whaling Convention Act of 1949, as added by
6 section 2.

7 (b) REVIEW AND UPDATES.—The Secretary of Com-
8 merce shall review and update such regulations as needed,
9 and at least once every 5 years, after the date on which
10 the Secretary of Commerce issues the regulations as a
11 final rule.

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