

115TH CONGRESS
2D SESSION

H. R. 5064

To authorize aboriginal subsistence whaling pursuant to the regulations of the International Whaling Commission and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2018

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize aboriginal subsistence whaling pursuant to the regulations of the International Whaling Commission 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 “Whaling Convention
5 Amendments Act of 2018”.

6 **SEC. 2. AMENDMENT OF THE WHALING CONVENTION ACT**
7 **OF 194.**

8 (a) ABORIGINAL SUBSISTENCE WHALING.—The
9 Whaling Convention Act of 1949 (16 U.S.C. 916 et seq.)
10 is amended by inserting after section 6 the following:

1 **“SEC. 6A. ABORIGINAL SUBSISTENCE WHALING.**

2 “(a) IN GENERAL.—The Secretary of Commerce, or
3 such officer as may be designated by the Secretary, shall
4 authorize aboriginal subsistence whaling pursuant to para-
5 graph 13 of the regulations of the Commission (or any
6 successor to such paragraph), if such whaling—

7 “(1) is for subsistence purposes (including the
8 sale of authentic native articles of handicrafts and
9 clothing);

10 “(2) does not include the striking, taking, or
11 killing of calves or any whale accompanied by a calf;
12 and

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

14 **“(b) CATCH LIMIT.—**

15 “(1) REQUIREMENT TO ESTABLISH.—The Sec-
16 retary of Commerce shall establish catch limits for
17 the Alaska Native aboriginal subsistence whale hunt
18 for any year, if the Secretary determines that—

19 “(A) the Commission has failed to adopt
20 catch limits applicable to the hunt for such
21 year; and

22 “(B) the biological status of the affected
23 stock is such that, based on the most recent re-
24 view of the status of such stock by the Sci-
25 entific Committee of the Commission, the ab-
26 original subsistence needs statement submitted

1 by the United States to the Commission of that
2 year is sustainable.

3 “(2) LIMITATION.—The catch limits established
4 by the Secretary under paragraph (1) shall satisfy
5 the Alaska Native subsistence needs described in a
6 statement submitted by the United States to the
7 Commission, and shall include carryover at the level
8 accepted by the Scientific Committee of the Commis-
9 sion in its most recent review of the subsistence
10 whaling quota.

11 “(3) CONSTRUCTION.—Nothing in paragraph
12 (1) relieves the United States Commissioner of the
13 Commissioner’s obligation to continue seeking adop-
14 tion by the Commission, pursuant to the paragraph
15 13 of the regulations of the Commission (or any suc-
16 cessor to such paragraph that permits aboriginal
17 subsistence whaling), of catch limits that provide for
18 Alaska Native aboriginal subsistence needs.”.

19 (b) WAIVER OF ENVIRONMENTAL REVIEW.—The
20 Whaling Convention Act of 1949 (16 U.S.C. 916 et seq.),
21 as amended by subsection (a), is further amended by add-
22 ing at the end the following:

23 **“SEC. 17. WAIVER OF ENVIRONMENTAL REVIEW.**

24 “An action taken under this Act, with respect to a
25 stock of a whale species, shall be deemed not to require

1 any review under the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) if the Secretary deter-
3 mines such action is sustainable based on the most recent
4 review of the status of such stock by the Scientific Com-
5 mittee of the Commission.”.

6 **SEC. 3. IMPLEMENTING REGULATIONS.**

7 (a) IN GENERAL.—Not later than 3 years after the
8 date of enactment of this Act, the Secretary of Commerce
9 shall issue any regulations necessary to implement section
10 6A of the Whaling Convention Act of 1949, as added by
11 section 2(a).

12 (b) REVIEW AND UPDATES.—The Secretary of Com-
13 merce shall review and update the regulations required by
14 subsection (a) as needed, and at least once every 5 years,
15 after the date on which the Secretary of Commerce issues
16 the regulations as a final rule.

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