

Calendar No. 728

115TH CONGRESS
2D SESSION**S. 2369****[Report No. 115–425]**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2018

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

DECEMBER 11, 2018

Reported by Mr. THUNE, without amendment

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”.

1 **SEC. 2. AMENDMENT OF THE WHALING CONVENTION ACT**
 2 **OF 1949.**

3 The Whaling Convention Act of 1949 (16 U.S.C. 916
 4 et seq.) is amended by inserting after section 6 the fol-
 5 lowing:

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

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

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

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

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

19 “(b) CATCH LIMIT.—

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

24 “(A) the Commission has failed to adopt
 25 catch limits applicable to the hunt for such
 26 year; and

1 “(B) the biological status of the affected
2 stock is such that, based on the most recent re-
3 view of the status of such stock by the Sci-
4 entific Committee of the Commission, the ab-
5 original subsistence needs statement submitted
6 by the United States to the Commission of that
7 year is sustainable.

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

16 “(3) CONSTRUCTION.—Nothing in paragraph
17 (1) relieves the United States Commissioner of the
18 Commissioner’s obligation to continue seeking adop-
19 tion by the Commission, pursuant to the paragraph
20 13 of the regulations of the Commission (or any suc-
21 cessor to such paragraph that permits aboriginal
22 subsistence whaling), of catch limits that provide for
23 Alaska Native aboriginal subsistence needs.”.

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 6A 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 the regulations required by
9 subsection (a) as needed, and at least once every 5 years,
10 after the date on which the Secretary of Commerce issues
11 the regulations as a final rule.

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