

115TH CONGRESS  
2D SESSION

# S. 2369

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

---

## 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.

○