

110TH CONGRESS
2D SESSION

S. 3333

To amend the Whaling Convention Act so that it expressly applies to aboriginal subsistence whaling, and in particular, authorizes the Secretary of Commerce to set bowhead whale catch limits in the event that the IWC fails to adopt such limits.

IN THE SENATE OF THE UNITED STATES

JULY 24 (legislative day, JULY 23), 2008

Mr. STEVENS (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 so that it expressly applies to aboriginal subsistence whaling, and in particular, authorizes the Secretary of Commerce to set bowhead whale catch limits in the event that the IWC fails to adopt such limits.

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 2008”.

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

2 The Whaling Convention Act of 1949 (16 U.S.C. 916
3 et seq.) is amended by adding at the end thereof the fol-
4 lowing:

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

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

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

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

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

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

19 “(1) The Secretary of Commerce shall establish
20 catch limits for the Alaska Native aboriginal subsist-
21 ence hunt of bowhead whales for any year or set of
22 years, if the Secretary determines that—

23 “(A) the Commission has failed to adopt
24 catch limits applicable to the hunt for such year
25 or set of years; and

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

9 “(2) The catch limits established by the Sec-
10 retary under paragraph (1) shall not exceed the ab-
11 original subsistence needs request submitted by the
12 United States to the Commission.

13 “(3) Nothing in paragraph (1) relieves the
14 United States Commissioner of his or her obligation
15 to continue seeking approval from the Commission
16 of catch limits that provide for Alaska Native ab-
17 original subsistence need for bowhead whales.”.

18 **SEC. 3. IMPLEMENTING REGULATIONS.**

19 The Secretary of Commerce shall issue any regula-
20 tions necessary to implement section 15 of the Whaling
21 Convention Act of 1949, as added by section 2, no later
22 than 3 years after the date of enactment of this Act. The
23 Secretary shall review and update such regulations as

- 1 needed at least once every 5 years after the date on which
- 2 the Secretary issues the regulations as a final rule.

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