

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1955

To require the President to impose economic sanctions against countries that engage in whaling not authorized and approved by the International Whaling Commission.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 1993

Mr. DEFAZIO (for himself, Mr. WILSON, Mr. RAVENEL, Mr. LIPINSKI, and Mr. JACOBS) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries, Ways and Means, and Foreign Affairs

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## A BILL

To require the President to impose economic sanctions against countries that engage in whaling not authorized and approved by the International Whaling Commission.

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 International Whaling  
5 Moratorium Enforcement Act of 1993”.

6 **SEC. 2. POLICY AND FINDINGS.**

7 (a) POLICY.—It is the policy of the United States to  
8 continue to enforce, through the International Whaling

1 Commission, the indefinite cessation of the commercial  
2 killing of whales.

3 (b) FINDINGS.—

4 (1) In 1982, the International Convention for  
5 the Regulation of Whaling was amended to put into  
6 force an indefinite cessation of commercial whaling  
7 beginning in the 1985–86 whaling season.

8 (2) The indefinite cessation of whaling has  
9 never been fully implemented, because Japan and  
10 Norway have continued commercial whaling oper-  
11 ations under the guise of “scientific research”.

12 (3) The countries of Japan, Iceland and Nor-  
13 way have announced their intention to seek an end  
14 to the International Whaling Commission morato-  
15 rium on commercial whaling.

16 (4) In June 1992, Norway announced its inten-  
17 tion to resume commercial whaling in the summer of  
18 1993 in defiance of the International Whaling Com-  
19 mission’s indefinite cessation of commercial whaling.

20 (5) Iceland withdrew its membership in the  
21 International Whaling Commission, effective June  
22 30, 1992, and has sought to further erode the au-  
23 thority of the International Whaling Commission by  
24 requesting a commercial whaling quota from the  
25 North Atlantic Marine Mammal Commission, a re-

1 regional group that has no authority to set quotas for  
2 whaling.

3 (6) The United States has, together with six-  
4 teen other member nations of the International  
5 Whaling Commission, urged Norway to reconsider  
6 its announced intention to resume commercial whal-  
7 ing.

8 (7) On October 26, 1992, the Secretary of  
9 Commerce certified, pursuant to the Pelly Amend-  
10 ment to the Fishermen's Protective Act of 1967 (22  
11 U.S.C. 1978), that Norway's activities under its sci-  
12 entific research whaling program diminished the ef-  
13 fectiveness of the International Whaling Commis-  
14 sion's conservation program.

15 (8) Pursuant to Agenda 21 of the United Na-  
16 tions Conference on Environment and Development,  
17 the International Whaling Commission is the inter-  
18 national organization responsible for the manage-  
19 ment and conservation of cetacean species, but to  
20 date has no means by which to enforce its authority.

21 **SEC. 3. CERTIFICATIONS.**

22 (a) CERTIFICATION OF NONCOMPLIANCE.—Not later  
23 than January 1, 1994, the President shall certify to the  
24 Congress each country that has not completely ceased for-  
25 bidden whaling operations.

1 (b) ACTION BY THE PRESIDENT.—

2 (1) CERTIFICATION UNDER THE FISHERMEN'S  
3 PROTECTIVE ACT OF 1967.—If a certification is made  
4 under subsection (a) with respect to any country,  
5 such certification shall be deemed to be a certifi-  
6 cation for the purposes of section 8(a) of the Fisher-  
7 men's Protective Act of 1967 (22 U.S.C. 1978(a)).  
8 Upon such certification all other applicable provi-  
9 sions of section 8 of the Fishermen's Protective Act  
10 of 1967 (22 U.S.C. 1978), including subsections (b)  
11 through (g), shall apply.

12 (2) PROHIBITION AGAINST IMPORTING FISH  
13 AND FISH PRODUCTS.—If a certification is made  
14 under subsection (a) with respect to any country, the  
15 President shall direct the Secretary of the Treasury  
16 to immediately prohibit the bringing or importation  
17 into the United States of fish and fish products from  
18 such country. Not later than fifteen days after such  
19 certification, the President shall notify the Congress  
20 of any action taken by him under this subsection.  
21 Subsections (c), (e), (f), and (g) of section 8 of the  
22 Fishermen's Protective Act of 1967 (22 U.S.C. (c),  
23 (e), (f), and (g)) shall apply with respect to any pro-  
24 hibition on importation imposed under this sub-  
25 section.

1 (d) ADDITIONAL ECONOMIC SANCTIONS.—

2 (1) IN GENERAL.—If—

3 (A) a certification is made under sub-  
4 section (a) and the President determines that  
5 the economic sanctions imposed under sub-  
6 section (b)(2) are insufficient to stop the coun-  
7 try from engaging in forbidden whaling oper-  
8 ations,

9 (B) a certification is not made under sub-  
10 section (a) and the President determines at any  
11 time after January 1, 1994, that a country is  
12 engaging in forbidden whaling operations, or

13 (C) any country against which an action  
14 has been taken under subsection (b) retaliates  
15 against the United States as a result of such  
16 action, the President is authorized to impose  
17 additional economic sanctions against such  
18 country.

19 (2) SCOPE OF ADDITIONAL ECONOMIC SANC-  
20 TIONS.—In addition to the prohibition on importa-  
21 tion described in subsection (b)(2), the President is  
22 authorized to impose additional economic sanctions,  
23 including the imposition of duties, import bans or  
24 other import restrictions on the goods of, and not-  
25 withstanding any other provision of law, fees or re-

1        restrictions on the services of a country to which this  
2        Act applies.

3            (3) ACTION BY PRESIDENT.—The President  
4        shall notify the Congress within fifteen days, if ei-  
5        ther—

6            (A) an event described in paragraph (1)  
7            occurs, or

8            (B) the President imposes additional eco-  
9            nomic sanctions under this subsection.

10        (e) DURATION OF RESTRICTIONS.—Any sanction im-  
11        posed against a country under subsection (b) or (c) shall  
12        remain in effect until such time as the President certifies  
13        to the Congress that such country has completely ceased  
14        forbidden whaling operations.

15        (f) DEFINITIONS.—For purposes of this section—

16            (1) FORBIDDEN WHALING OPERATIONS.—The  
17        term “forbidden whaling operations” means whaling  
18        operations which are not authorized and specifically  
19        approved by the International Whaling Commission  
20        or otherwise diminish the effectiveness of any con-  
21        servation program under the International Conven-  
22        tion for the Regulation of Whaling.

23            (2) FISH AND FISH PRODUCTS.—The term  
24        “fish and fish products” has the meaning given the  
25        term “fish products” in section 8(h)(4) of the Fish-

1 ermen's Protective Act of 1967 (22 U.S.C.  
2 1978(h)(4)).

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