

TITLE 16 - CONSERVATION
CHAPTER 14 - REGULATION OF WHALING
SUBCHAPTER II - WHALING CONVENTION ACT

§ 916. Definitions

When used in this subchapter—

- (a) **Convention:** The word “convention” means the International Convention for the Regulation of Whaling signed at Washington under date of December 2, 1946, by the United States of America and certain other governments.
- (b) **Commission:** The word “Commission” means the International Whaling Commission established by article III of the convention.
- (c) **United States Commissioner:** The words “United States Commissioner” mean the member of the International Whaling Commission representing the United States of America appointed pursuant to article III of the convention and section 916a of this title.
- (d) **Person:** The word “person” denotes every individual, partnership, corporation, and association subject to the jurisdiction of the United States.
- (e) **Vessel:** The word “vessel” denotes every kind, type, or description of water craft or contrivance subject to the jurisdiction of the United States used, or capable of being used, as a means of transportation.
- (f) **Factory ship:** The words “factory ship” mean a vessel in which or on which whales are treated or processed, whether wholly or in part.
- (g) **Land station:** The words “land station” mean a factory on the land at which whales are treated or processed, whether wholly or in part.
- (h) **Whale catcher:** The words “whale catcher” mean a vessel used for the purpose of hunting, killing, taking, towing, holding onto, or scouting for whales.
- (i) **Whale products:** The words “whale products” mean any unprocessed part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal, and baleen.
- (j) **Whaling:** The word “whaling” means the scouting for, hunting, killing, taking, towing, holding onto, and flensing of whales, and the possession, treatment, or processing of whales or of whale products.
- (k) **Regulations of the Commission:** The words “regulations of the Commission” mean the whaling regulations in the schedule annexed to and constituting a part of the convention in their original form or as modified, revised, or amended by the Commission from time to time, in pursuance of article V of the convention.
- (l) **Regulations of the Secretary of Commerce:** The words “regulations of the Secretary of Commerce” mean such regulations as may be issued by the Secretary of Commerce, from time to time, in accordance with sections 916i and 916j of this title.

(Aug. 9, 1950, ch. 653, § 2, 64 Stat. 421; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090.)

Short Title

Section 1 of act Aug. 9, 1950, provided: “That this Act [enacting this subchapter] may be cited as the ‘Whaling Convention Act of 1949’.”

Separability

Section 15 of act Aug. 9, 1950, provided that: “If any provision of this Act [this subchapter] or the application of such provisions to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.”

Transfer of Functions

In subsec. (l), “Secretary of Commerce” substituted for “Secretary of the Interior” in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

Wildlife Sanctuary for Humpback Whales in West Indies

Pub. L. 99-630, Nov. 7, 1986, 100 Stat. 3514, provided: “That the President shall, in concert with the International Whaling Commission, seek a treaty or other appropriate international agreement establishing a wildlife sanctuary for humpback whales in the West Indies, in the area encompassing the Turks Islands, Mouchoir Passage, Silver Bank Passage, Navidad Bank, and such additional areas in the West Indies as may be necessary to ensure the protection of the breeding grounds of the humpback whales.”

Moratorium on Commercial Killing of Whales

Pub. L. 96-60, title IV, § 405, Aug. 15, 1979, 93 Stat. 403, provided that:

“(a) The Congress finds and declares that—

“(1) whales are a unique marine resource of great esthetic and scientific interest to mankind and are a vital part of the marine ecosystem;

“(2) the protection and conservation of whales are of particular interest to citizens of the United States;

“(3) in 1971 the Congress adopted resolutions requesting the Secretary of State to negotiate a ten-year moratorium on the commercial killing of whales;

“(4) the United States, which effectively banned all commercial whaling by United States nationals in December 1971, has sought an international moratorium on the commercial killing of whales since 1972;

“(5) the United Nations Conference on the Human Environment adopted a resolution in 1972 calling for a ten-year moratorium on commercial whaling;

“(6) the United Nations Governing Council for Environment Programs in 1973 and 1974 confirmed such call for a ten-year moratorium, and the Council continues to support ongoing efforts relating to whale conservation;

“(7) the International Convention for the Regulation of Whaling, signed in 1946, as implemented by the International Whaling Commission, is not providing adequate protection to whales;

“(8) the data-gathering structure established under the International Whaling Commission has not provided all the available data necessary for sound whale conservation;

“(9) there is strong evidence that the members of the International Whaling Commission continue to import, in some instances in increasing amounts, whale products from countries not members of the Commission; and

“(10) defects in the implementation of the International Convention for the Regulation of Whaling by the International Whaling Commission allow harvests of the declining whale species.

“(b) The Congress urges—

“(1) the International Whaling Commission to agree to a moratorium on the commercial killing of whales; and

“(2) Brazil, Denmark, Iceland, Japan, Norway, the Soviet Union, and the Republic of Korea, as parties to the International Convention for the Regulation of Whaling and which still engage in commercial whaling, and Chile, the People’s Republic of China, Peru, Portugal, the Democratic Republic of Korea, Spain, and Taiwan, as countries which are not parties to the Convention and which still engage in commercial whaling, to recognize and comply voluntarily with a moratorium on the commercial killing of whales, as endorsed by the United Nations Conference on the Human Environment and the United Nations Governing Council for Environment Programs.”