

# **Certification of Iceland under the Pelly Amendment to the Fishermen's Protective Act of 1967**

## **Questions and Answers**

### **What action did the Secretary of the Interior take?**

The Secretary certified to the President, pursuant to the Pelly Amendment to the Fishermen's Protective Act of 1967, that nationals of Iceland are engaged in trade in whale products in a manner that diminishes the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international treaty that regulates international trade in animal and plant species, and products made from them, to ensure that such trade does not threaten the survival of the species in the wild.

### **What is the Pelly Amendment to the Fishermen's Protective Act of 1967?**

The Pelly Amendment to the Fishermen's Protective Act of 1967 is a provision of federal law, enacted in 1971, that seeks to bolster the effectiveness of international programs for the conservation of threatened and endangered species. It authorizes the Secretaries of Commerce and the Interior to monitor the activities of foreign nationals that may affect such programs and to certify to the President when such nationals are engaged in trade or taking that diminishes the effectiveness of such programs. The law provides that, "upon receipt of any certification ... the President may direct the Secretary of the Treasury to prohibit the ... importation into the United States of any products from the offending country ... to the extent that such prohibition is sanctioned by" international trade agreements.

### **How has the Pelly Amendment been used in the past?**

Since the enactment of the Pelly Amendment, a number of countries have been certified for diminishing the effectiveness of international conservation programs. For example, Japan was certified in 1991 by both the Secretary of Commerce and the Secretary of the Interior for taking of sea turtles and trading in sea turtle parts and products, which diminished the effectiveness of CITES and the Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere.

In another example, in 1993, the Secretary of the Interior certified China and Taiwan for trading in rhinoceros horn and tiger bone. In response to the certification, on August 2, 1994, President Clinton ordered import restrictions on most wildlife and wildlife products from Taiwan. On June 29, 1995, after the authorities in Taiwan had demonstrated sufficient improvement, the President revoked those sanctions.

### **What was the Secretary of the Interior's determination in the case of the petition to certify Iceland under the Pelly Amendment?**

After a thorough review of available information, the Secretary of the Interior determined that Iceland's commercial international trade in whale meat and products is diminishing the effectiveness of CITES.

### **Does Iceland export any fish or wildlife products to the United States?**

Information provided to the Department of the Interior indicates that the Icelandic company engaged in the commercial export of whale products also engages, through affiliated companies, in the export of fish products to the United States.

**Does the United States engage in any whaling activities?**

Aboriginal subsistence whaling on bowhead whales is conducted by Native Alaskans in the United States. The United States has been granted an aboriginal subsistence catch limit for bowhead whales by the International Whaling Commission (IWC). The IWC set a combined maximum annual strike quota of 82 bowhead whales per year, shared by both Native Alaskans and Russian Natives, for 2013 through 2018, taking into account an annual carry-forward of 15 unused strikes from prior years.

The IWC was established under the 1946 International Convention for the Regulation of Whaling to provide for the proper conservation of whale stocks and orderly development of the whaling industry. The IWC also conducts a number of activities related to cetacean conservation. The IWC meets regularly to review the condition of whale stocks and to modify conservation measures, as appropriate. Currently, there are 88 member nations. The United States has been an active member of the IWC since its establishment in 1948.

**What happens next as a result of the Secretary's certification?**

The President will determine what actions are appropriate in response to the Secretary of the Interior's certification, during the 60-day period following certification as provided under the Pelly Amendment. Within 60 days following certification by the Secretary, the Pelly Amendment provides that the President is to notify Congress of any action taken by him pursuant to the certification.