

113TH CONGRESS  
2D SESSION

# S. 2485

To implement the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, as adopted at Lisbon on September 28, 2007.

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IN THE SENATE OF THE UNITED STATES

JUNE 17, 2014

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To implement the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, as adopted at Lisbon on September 28, 2007.

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; REFERENCES TO THE NORTH-**  
4 **WEST ATLANTIC FISHERIES CONVENTION**  
5 **ACT OF 1995.**

6 (a) SHORT TITLE.—This Act may be cited as the  
7 “Northwest Atlantic Fisheries Convention Amendments  
8 Act”.

1 (b) REFERENCES TO THE NORTHWEST ATLANTIC  
2 FISHERIES CONVENTION ACT OF 1995.—Except as other-  
3 wise expressly provided, whenever in this Act an amend-  
4 ment or repeal is expressed in terms of an amendment  
5 to, or repeal of, a section or other provision, the reference  
6 shall be considered to be made to a section or other provi-  
7 sion of the Northwest Atlantic Fisheries Convention Act  
8 of 1995 (16 U.S.C. 5601 et seq.).

9 **SEC. 2. REPRESENTATION OF THE UNITED STATES UNDER**  
10 **CONVENTION.**

11 Section 202 (16 U.S.C. 5601) is amended—

12 (1) in subsection (a)(1), by striking “General  
13 Council and the Fisheries”;

14 (2) in subsection (b)(1), by striking “at a meet-  
15 ing of the General Council or the Fisheries Commis-  
16 sion”;

17 (3) in subsection (b)(2), by striking “, at any  
18 meeting of the General Council or the Fisheries  
19 Commission for which the alternate Commission is  
20 designated”;

21 (4) in subsection (d)(1), by striking “at a meet-  
22 ing of the Scientific Council”; and

23 (5) in subsection (d)(2), by striking “, at any  
24 meeting of the Scientific Council for which the Alter-  
25 native Representative is designated”.

1 **SEC. 3. REQUESTS FOR SCIENTIFIC ADVICE.**

2 Section 203 (16 U.S.C. 5602) is amended—

3 (1) in subsection (a)—

4 (A) by striking “The Representatives may”  
5 and inserting “A Representative may”;

6 (B) by striking “described in subsection  
7 (b)(1) or (2)” and inserting “described in para-  
8 graph (1) or (2) of subsection (b)”; and

9 (C) by striking “the Representatives have”  
10 and inserting “the Representative has”;

11 (2) by striking “VII(1)” each place it appears  
12 and inserting “VII(10)(b)”; and

13 (3) in subsection (b)(2), by striking “VIII(2)”  
14 and inserting “VII(11)”.

15 **SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RE-**  
16 **SPECT TO CONVENTION.**

17 Section 204 (16 U.S.C. 5603) is amended by striking  
18 “Fisheries Commission” each place it appears and insert-  
19 ing “Commission consistent with the procedures detailed  
20 in Articles XIV and XV of the Convention”.

21 **SEC. 5. INTERAGENCY COOPERATION.**

22 Section 205(a) (16 U.S.C. 5604(a)) is amended to  
23 read as follows:

24 “(a) **AUTHORITIES OF THE SECRETARY.**—In car-  
25 rying out the provisions of the Convention and this Act,  
26 the Secretary may arrange for cooperation with—

1           “(1) any department, agency, or instrumen-  
2           tality of the United States;

3           “(2) a State;

4           “(3) a Council; or

5           “(4) a private institution or an organization.”.

6 **SEC. 6. PROHIBITED ACTS AND PENALTIES.**

7           Section 207 (16 U.S.C. 5606) is amended by striking  
8 “fish” wherever it appears and inserting “fishery re-  
9 sources”.

10 **SEC. 7. CONSULTATIVE COMMITTEE.**

11           Section 208 (16 U.S.C. 5607) is amended by striking  
12 “General Council or the Fisheries” wherever it appears.

13 **SEC. 8. DEFINITIONS.**

14           Section 210 (16 U.S.C. 5609) is amended to read as  
15 follows—

16 **“SEC. 210. DEFINITIONS.**

17           “In this Act—

18           “(1) 1982 CONVENTION.—The term ‘1982 Con-  
19           vention’ means the United Nations Convention on  
20           the Law of the Sea of 10 December 1982.

21           “(2) AUTHORIZED ENFORCEMENT OFFICER.—

22           The term ‘authorized enforcement officer’ means a  
23           person authorized to enforce this Act, any regulation  
24           issued under this Act, or any measure that is legally  
25           binding on the United States under the Convention.

1           “(3) COMMISSION.—The term ‘Commission’  
2 means the body provided for by Articles V, VI, XIII,  
3 XIV, and XV of the Convention.

4           “(4) COMMISSIONER.—The term ‘Commis-  
5 sioner’ means a United States Commissioner to the  
6 Northwest Atlantic Fisheries Organization appointed  
7 under section 202.

8           “(5) CONVENTION.—The term ‘Convention’  
9 means the Convention on Cooperation in the North-  
10 west Atlantic Fisheries, as adopted at Lisbon on  
11 September 28, 2007.

12           “(6) CONVENTION AREA.—The term ‘Conven-  
13 tion Area’ means the waters of the Northwest Atlan-  
14 tic Ocean north of 35°00’ N and west of a line ex-  
15 tending due north from 35°00’ N and 42°00’ W to  
16 59°00’ N, thence due west to 44°00’ W, and thence  
17 due north to the coast of Greenland, and the waters  
18 of the Gulf of St. Lawrence, Davis Strait and Baffin  
19 Bay south of 78°10’ N.

20           “(7) COUNCIL.—The term ‘Council’ means the  
21 New England Fishery Management Council or the  
22 Mid-Atlantic Fishery Management Council.

23           “(8) FISHERY RESOURCES.—

1           “(A) IN GENERAL.—The term ‘fishery re-  
2 resources’ means all fish, mollusks, and crusta-  
3 ceans within the Convention Area.

4           “(B) EXCLUSIONS.—The term ‘fishery re-  
5 sources’ does not include—

6                   “(i) sedentary species over which  
7 coastal States may exercise sovereign  
8 rights consistent with Article 77 of the  
9 1982 Convention; or

10                   “(ii) in so far as they are managed  
11 under other international treaties, anad-  
12 romous and catadromous stocks and highly  
13 migratory species listed in Annex I of the  
14 1982 Convention.

15           “(9) FISHING ACTIVITIES.—

16                   “(A) IN GENERAL.—The term ‘fishing ac-  
17 tivities’ means harvesting or processing fishery  
18 resources, or transshipping of fishery resources  
19 or products derived from fishery resources, or  
20 any other activity in preparation for, in support  
21 of, or related to the harvesting of fishery re-  
22 sources.

23                   “(B) INCLUSIONS.—The term ‘fishing ac-  
24 tivities’ includes—

1           “(i) the actual or attempted searching  
2           for or catching or taking of fishery re-  
3           sources;

4           “(ii) any activity that can reasonably  
5           be expected to result in locating, catching,  
6           taking, or harvesting of fishery resources  
7           for any purpose; and

8           “(iii) any operation at sea in support  
9           of, or in preparation for, any activity de-  
10          scribed in this paragraph.

11          “(C) EXCLUSIONS.—The term ‘fishing ac-  
12          tivities’ does not include any operation related  
13          to emergencies involving the health and safety  
14          of crew members or the safety of a vessel.

15          “(10) FISHING VESSEL.—

16                 “(A) IN GENERAL.—The term ‘fishing ves-  
17                 sel’ means a vessel that is or has been engaged  
18                 in fishing activities.

19                 “(B) INCLUSIONS.—The term ‘fishing ves-  
20                 sel’ includes a fish processing vessel or a vessel  
21                 engaged in transshipment or any other activity  
22                 in preparation for or related to fishing activi-  
23                 ties, or in experimental or exploratory fishing  
24                 activities.

1           “(11) ORGANIZATION.—The term ‘Organiza-  
2           tion’ means the Northwest Atlantic Fisheries Orga-  
3           nization provided for by Article V of the Convention.

4           “(12) PERSON.—The term ‘person’ means any  
5           individual (whether or not a citizen or national of  
6           the United States), and any corporation, partner-  
7           ship, association, or other entity (whether or not or-  
8           ganized or existing under the laws of any State).

9           “(13) REPRESENTATIVE.—The term ‘Rep-  
10          representative’ means a United States Representative to  
11          the Northwest Atlantic Fisheries Scientific Council  
12          appointed under section 202.

13          “(14) SCIENTIFIC COUNCIL.—The term ‘Sci-  
14          entific Council’ means the Scientific Council pro-  
15          vided for by Articles V, VI, and VII of the Conven-  
16          tion.

17          “(15) SECRETARY.—The term ‘Secretary’  
18          means the Secretary of Commerce.

19          “(16) STATE.—The term ‘State’ means each of  
20          the several States of the United States, the District  
21          of Columbia, and any other commonwealth, terri-  
22          tory, or possession of the United States.

23          “(17) TRANSSHIPMENT.—The term ‘trans-  
24          shipment’ means the unloading of all or any of the



1 fishery resources on board a fishing vessel to an-  
2 other fishing vessel either at sea or in port.”.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 211 (16 U.S.C. 5610) is amended—

5 (1) by striking “XVI” and inserting “IX”; and

6 (2) by striking “through fiscal year 2012”.

7 **SEC. 10. QUOTA ALLOCATION PRACTICE.**

8 Section 213 (16 U.S.C. 5612) is repealed.

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