

114TH CONGRESS
1ST SESSION

S. 1251

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

IN THE SENATE OF THE UNITED STATES

MAY 7, 2015

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

A BILL

To implement the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, as adopted at Lisbon, Portugal 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 Commissioner is
20 designated”;

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

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”; and

1 (6) in subsection (f)(1)(A), by striking “Magnu-
2 son Act” and inserting “Magnuson-Stevens Fishery
3 Conservation and Management Act”.

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

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

6 (1) in subsection (a)—

7 (A) by striking “The Representatives may”
8 and inserting “A Representative may”;

9 (B) by striking “described in subsection
10 (b)(1) or (2)” and inserting “described in para-
11 graph (1) or (2) of subsection (b)”; and

12 (C) by striking “the Representatives have”
13 and inserting “the Representative has”;

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

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

18 **SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RE-**
19 **SPECT TO CONVENTION.**

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

1 **SEC. 5. INTERAGENCY COOPERATION.**

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

4 “(a) AUTHORITIES OF THE SECRETARY.—In car-
5 rying out the provisions of the Convention and this title,
6 the Secretary may arrange for cooperation with—

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

9 “(2) a State;

10 “(3) a Council; or

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

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

13 Section 207 (16 U.S.C. 5606) is amended—

14 (1) by striking “Magnuson Act” each place it
15 appears and inserting “Magnuson-Stevens Fishery
16 Conservation and Management Act”; and

17 (2) by striking “fish” each place it appears and
18 inserting “fishery resources”.

19 **SEC. 7. CONSULTATIVE COMMITTEE.**

20 Section 208 (16 U.S.C. 5607) is amended—

21 (1) in subsection (b)(2), by striking “two” and
22 inserting “2”; and

23 (2) in subsection (c), by striking “General
24 Council or the Fisheries” each place it appears.

1 **SEC. 8. DEFINITIONS.**

2 Section 210 (16 U.S.C. 5609) is amended to read as
3 follows:

4 **“SEC. 210. DEFINITIONS.**

5 “In this title:

6 “(1) 1982 CONVENTION.—The term ‘1982 Con-
7 vention’ means the United Nations Convention on
8 the Law of the Sea of 10 December 1982.

9 “(2) AUTHORIZED ENFORCEMENT OFFICER.—
10 The term ‘authorized enforcement officer’ means a
11 person authorized to enforce this title, any regula-
12 tion issued under this title, or any measure that is
13 legally binding on the United States under the Con-
14 vention.

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

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

22 “(5) CONVENTION.—The term ‘Convention’
23 means the Convention on Future Multilateral Co-
24 operation in the Northwest Atlantic Fisheries, done
25 at Ottawa on October 24, 1978, and as amended on
26 September 28, 2007.

1 “(6) CONVENTION AREA.—The term ‘Conven-
2 tion Area’ means the waters of the Northwest Atlan-
3 tic Ocean north of 35°00’ N and west of a line ex-
4 tending due north from 35°00’ N and 42°00’ W to
5 59°00’ N, thence due west to 44°00’ W, and thence
6 due north to the coast of Greenland, and the waters
7 of the Gulf of St. Lawrence, Davis Strait and Baffin
8 Bay south of 78°10’ N.

9 “(7) COUNCIL.—The term ‘Council’ means the
10 New England Fishery Management Council or the
11 Mid-Atlantic Fishery Management Council.

12 “(8) FISHERY RESOURCES.—

13 “(A) IN GENERAL.—The term ‘fishery re-
14 sources’ means all fish, mollusks, and crusta-
15 ceans within the Convention Area.

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

18 “(i) sedentary species over which
19 coastal States may exercise sovereign
20 rights consistent with Article 77 of the
21 1982 Convention; or

22 “(ii) in so far as they are managed
23 under other international treaties, anad-
24 romous and catadromous stocks and highly

1 migratory species listed in Annex I of the
2 1982 Convention.

3 “(9) FISHING ACTIVITIES.—

4 “(A) IN GENERAL.—The term ‘fishing ac-
5 tivities’ means harvesting or processing fishery
6 resources, or transshipping of fishery resources
7 or products derived from fishery resources, or
8 any other activity in preparation for, in support
9 of, or related to the harvesting of fishery re-
10 sources.

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

13 “(i) the actual or attempted searching
14 for or catching or taking of fishery re-
15 sources;

16 “(ii) any activity that can reasonably
17 be expected to result in locating, catching,
18 taking, or harvesting of fishery resources
19 for any purpose; and

20 “(iii) any operation at sea in support
21 of, or in preparation for, any activity de-
22 scribed in this paragraph.

23 “(C) EXCLUSIONS.—The term ‘fishing ac-
24 tivities’ does not include any operation related

1 to emergencies involving the health and safety
2 of crew members or the safety of a vessel.

3 “(10) FISHING VESSEL.—

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

7 “(B) INCLUSIONS.—The term ‘fishing ves-
8 sel’ includes a fish processing vessel or a vessel
9 engaged in transshipment or any other activity
10 in preparation for or related to fishing activi-
11 ties, or in experimental or exploratory fishing
12 activities.

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

16 “(12) PERSON.—The term ‘person’ means any
17 individual (whether or not a citizen or national of
18 the United States), and any corporation, partner-
19 ship, association, or other entity (whether or not or-
20 ganized or existing under the laws of any State).

21 “(13) REPRESENTATIVE.—The term ‘Rep-
22 resentative’ means a United States Representative to
23 the Northwest Atlantic Fisheries Scientific Council
24 appointed under section 202.

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

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

7 “(16) STATE.—The term ‘State’ means each of
8 the several States of the United States, the District
9 of Columbia, and any other commonwealth, terri-
10 tory, or possession of the United States.

11 “(17) TRANSSHIPMENT.—The term ‘trans-
12 shipment’ means the unloading of all or any of the
13 fishery resources on board a fishing vessel to an-
14 other fishing vessel either at sea or in port.”.

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

19 **SEC. 10. QUOTA ALLOCATION PRACTICE.**

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

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