

Calendar No. 200

114TH CONGRESS
1ST SESSION

S. 1251

[Report No. 114–120]

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

AUGUST 28, 2015

Reported, under authority of the order of the Senate of August 5, 2015, by
Mr. THUNE, without amendment

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,*

1 **SECTION 1. SHORT TITLE; REFERENCES TO THE NORTH-**
 2 **WEST ATLANTIC FISHERIES CONVENTION**
 3 **ACT OF 1995.**

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

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

15 **SEC. 2. REPRESENTATION OF THE UNITED STATES UNDER**
 16 **CONVENTION.**

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

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

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

23 (3) in subsection (b)(2), by striking “, at any
 24 meeting of the General Council or the Fisheries
 25 Commission for which the Alternate Commissioner is
 26 designated”;

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

3 (5) in subsection (d)(2), by striking “, at any
4 meeting of the Scientific Council for which the Alter-
5 native Representative is designated”; and

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

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

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

11 (1) in subsection (a)—

12 (A) by striking “The Representatives may”
13 and inserting “A Representative may”;

14 (B) by striking “described in subsection
15 (b)(1) or (2)” and inserting “described in para-
16 graph (1) or (2) of subsection (b)”;

17 (C) by striking “the Representatives have”
18 and inserting “the Representative has”;

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

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

1 **SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RE-**
 2 **SPECT TO CONVENTION.**

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

7 **SEC. 5. INTERAGENCY COOPERATION.**

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

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

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

15 “(2) a State;

16 “(3) a Council; or

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

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

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

20 (1) by striking “Magnuson Act” each place it
 21 appears and inserting “Magnuson-Stevens Fishery
 22 Conservation and Management Act”; and

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

25 **SEC. 7. CONSULTATIVE COMMITTEE.**

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

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

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

5 **SEC. 8. DEFINITIONS.**

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

8 **“SEC. 210. DEFINITIONS.**

9 “In this title:

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

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

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

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

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

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

14 “(7) COUNCIL.—The term ‘Council’ means the
 15 New England Fishery Management Council or the
 16 Mid-Atlantic Fishery Management Council.

17 “(8) FISHERY RESOURCES.—

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

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

23 “(i) sedentary species over which
 24 coastal States may exercise sovereign

rights consistent with Article 77 of the
1982 Convention; or

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

“(9) FISHING ACTIVITIES.—

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

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

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

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

1 “(iii) any operation at sea in support
2 of, or in preparation for, any activity de-
3 scribed in this paragraph.

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

8 “(10) FISHING VESSEL.—

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

12 “(B) INCLUSIONS.—The term ‘fishing ves-
13 sel’ includes a fish processing vessel or a vessel
14 engaged in transshipment or any other activity
15 in preparation for or related to fishing activi-
16 ties, or in experimental or exploratory fishing
17 activities.

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

21 “(12) PERSON.—The term ‘person’ means any
22 individual (whether or not a citizen or national of
23 the United States), and any corporation, partner-
24 ship, association, or other entity (whether or not or-
25 ganized or existing under the laws of any State).

1 “(13) REPRESENTATIVE.—The term ‘Rep-
2 representative’ means a United States Representative to
3 the Northwest Atlantic Fisheries Scientific Council
4 appointed under section 202.

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

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

11 “(16) STATE.—The term ‘State’ means each of
12 the several States of the United States, the District
13 of Columbia, and any other commonwealth, terri-
14 tory, or possession of the United States.

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

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

23 **SEC. 10. QUOTA ALLOCATION PRACTICE.**

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

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