

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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, 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)”;

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)”;

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.