

114TH CONGRESS  
1ST SESSION

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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)”; 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 ‘Convention  
2       Area’ means the waters of the Northwest Atlantic  
3       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 transhipping 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.