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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

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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,*

SECTION 1. SHORT TITLE; REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) SHORT TITLE.—This Act may be cited as the ''Northwest Atlantic Fisheries Convention Amendments Act''.

(b) REFERENCES TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.).

SEC. 2. REPRESENTATION OF THE UNITED STATES UNDER CONVENTION.

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

(1) in subsection (a)(1), by striking ''General Council and the Fisheries'';

(2) in subsection (b)(1), by striking ''at a meeting of the General Council or the Fisheries Commission'';

(3) in subsection (b)(2), by striking '', at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated'';

(4) in subsection (d)(1), by striking ''at a meeting of the Scientific Council'';

(5) in subsection (d)(2), by striking '', at any meeting of the Scientific Council for which the Alternative Representative is designated''; and

(6) in subsection (f)(1)(A), by striking ''Magnuson Act'' and inserting ''Magnuson-Stevens Fishery Conservation and Management Act''.

SEC. 3. REQUESTS FOR SCIENTIFIC ADVICE.

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

(1) in subsection (a)—

(A) by striking ''The Representatives may'' and inserting ''A Representative may'';

(B) by striking ''described in subsection (b)(1) or (2)'' and inserting ''described in paragraph (1) or (2) of subsection (b)''; and

(C) by striking ''the Representatives have'' and inserting ''the Representative has'';

(2) by striking ''VII(1)'' each place it appears and inserting ''VII(10)(b)''; and

(3) in subsection (b)(2), by striking ''VIII(2)'' and inserting ''VII(11)''.

SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

Section 204 (16 U.S.C. 5603) is amended by striking ''Fisheries Commission'' each place it appears and inserting ''Commission consistent with the procedures detailed in Articles XIV and XV of the Convention''.

SEC. 5. INTERAGENCY COOPERATION.

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

''(a) AUTHORITIES OF THE SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with—

''(1) any department, agency, or instrumentality of the United States;

''(2) a State;

''(3) a Council; or

''(4) a private institution or an organization.''.

SEC. 6. PROHIBITED ACTS AND PENALTIES.

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

(1) by striking ''Magnuson Act'' each place it appears and inserting ''Magnuson-Stevens Fishery Conservation and Management Act''; and

(2) by striking ''fish'' each place it appears and inserting ''fishery resources''.

SEC. 7. CONSULTATIVE COMMITTEE.

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

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

(2) in subsection (c), by striking ''General Council or the Fisheries'' each place it appears.

SEC. 8. DEFINITIONS.

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

''SEC. 210. DEFINITIONS.

''In this title:

''(1) 1982 CONVENTION.—The term '1982 Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982.

''(2) AUTHORIZED ENFORCEMENT OFFICER.—The term 'authorized enforcement officer' means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

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

''(4) COMMISSIONER.—The term 'Commissioner' means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202.

"(5) CONVENTION.—The term 'Convention' means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978, and as amended on September 28, 2007.

"(6) CONVENTION AREA.—The term 'Convention Area' means the waters of the Northwest Atlantic Ocean north of 35°00′ N and west of a line extending due north from 35°00′ N and 42°00′ W to 59°00′ N, thence due west to 44°00′ W, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78°10′ N.

"(7) COUNCIL.—The term 'Council' means the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council.

"(8) FISHERY RESOURCES.—

"(A) IN GENERAL.—The term 'fishery resources' means all fish, mollusks, and crustaceans within the Convention Area.

"(B) EXCLUSIONS.—The term 'fishery resources' does not include—

"(i) sedentary species over which 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, anadromous and catadromous stocks and highly migratory species listed in Annex I of the 1982 Convention.

"(9) FISHING ACTIVITIES.—

"(A) IN GENERAL.—The term 'fishing activities' means harvesting or processing fishery resources, or transhipping 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 resources.

"(B) INCLUSIONS.—The term 'fishing activities' includes—

"(i) the actual or attempted searching for or catching or taking of fishery resources;

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

"(iii) any operation at sea in support of, or in preparation for, any activity described in this paragraph.

"(C) EXCLUSIONS.—The term 'fishing activities' does not include any operation related to emergencies involving the health and safety of crew members or the safety of a vessel.

"(10) FISHING VESSEL.—

"(A) IN GENERAL.—The term 'fishing vessel' means a vessel that is or has been engaged in fishing activities.

"(B) INCLUSIONS.—The term 'fishing vessel' includes a fish processing vessel or a vessel engaged in transshipment or any other activity in preparation for or related to fishing activities, or in experimental or exploratory fishing activities.

"(11) ORGANIZATION.—The term 'Organization' means the Northwest Atlantic Fisheries Organization provided for by Article V of the Convention.

"(12) PERSON.—The term 'person' means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

"(13) REPRESENTATIVE.—The term 'Representative' means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202.

"(14) SCIENTIFIC COUNCIL.—The term 'Scientific Council' means the Scientific Council provided for by Articles V, VI, and VII of the Convention.

"(15) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(16) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any other commonwealth, territory, or possession of the United States.

"(17) TRANSSHIPMENT.—The term 'transshipment' means the unloading of all or any of the fishery resources on board a fishing vessel to another fishing vessel either at sea or in port.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by striking "XVI" and inserting "IX"; and

(2) by striking "through fiscal year 2012".

SEC. 10. QUOTA ALLOCATION PRACTICE.

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

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