

**EN BLOC AMENDMENT TO H.R. 4576**  
**OFFERED BY MRS. RADEWAGEN OF AMERICAN**  
**SAMOA**

Page 2, strike lines 6 through 8 (and redesignate the subsequent provisions accordingly).

Page 3, line 11, insert “, consistent with international law” after “country”.

Page 3, line 17, insert “, as well as any products thereof,” after “Area”.

Page 10, strike line 5 and all that follows through page 14, line 14.

Page 14, beginning on line 22, strike “approve, disapprove, object to, or withdraw objections to bylaws and rules, or amendments thereof, adopted by the Commission” and insert “act upon, or refer to another appropriate authority, any communication received pursuant to paragraph (1)”.

Page 15, strike lines 1 through 8 and insert the following:

1           (3) with the concurrence of the Secretary, and  
2           in accordance with the Convention, object to the de-  
3           cisions of the Commission; and

4           (4) request and utilize on a reimbursed or non-  
5           reimbursed basis the assistance, services, personnel,  
6           equipment, and facilities of other Federal depart-  
7           ments and agencies, foreign governments or agen-  
8           cies, or international intergovernmental organiza-  
9           tions, in the conduct of scientific research and other  
10          programs under this title.

Page 15, beginning on line 24, strike “measure shall” and insert “measure within the exclusive economic zone shall”.

Page 16, line 23, strike “and”.

Page 17, line 5, strike the period and insert “; and”.

Page 17, after line 5, insert the following:

11           (5) if recommended by the United States Com-  
12           missioners, the assessment and collection of fees, not  
13           to exceed 3 percent of the ex-vessel value of fisheries  
14           resources harvested by vessels of the United States  
15           in fisheries conducted in the Convention Area, to re-  
16           cover the actual costs to the United States to carry  
17           out the functions of the Secretary under this title.

Page 18, beginning on line 24, strike “, except to the extent otherwise provided for in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)”.

Page 19, beginning on line 8, strike “Except as provided under subsection (c), the” and insert “The”.

Page 20, line 6, strike “exclusive”.

Page 21, line 15, strike “title shall” and insert “title, and information submitted under any requirement of this title that may be necessary to implement the Convention, including information submitted before the date of the enactment of this Act, shall”.

Page 24, line 6, strike “knowingly and willfully”.

Page 24, line 16, strike “knowingly and willfully”.

Page 25, strike lines 8 through 12 (and redesignate the subsequent provisions accordingly).

Page 27, beginning on line 23, strike “to the same extent provided to the territories of other nations” and insert “to the extent allowed under United States law”.

Page 28, strike lines 9 through 21, and insert “Area, ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place

it is normally used for fishing activities and placed where it is not readily available for fishing activities”.

Page 29, strike lines 9 through 11 (and redesignate the subsequent provisions accordingly).

Page 29, line 23, strike “Fisheries” and insert “Fishery”.

Page 30, line 12, insert “, consistent with international law” after “country”.

Page 30, strike lines 13 through 17 and insert the following:

1           (7) FISHERY RESOURCES.—The term “fishery  
2           resources” means all fish, mollusks, crustaceans,  
3           and other marine species, and any products thereof,  
4           caught by a fishing vessel within the Convention  
5           Area, but excluding—

Page 31, line 12, strike “fisheries resources” and insert “fishery resources”.

Page 32, line 1, strike “including any support ship” and insert “including any fish processing vessel support ship”.

Page 35, strike line 7 and all that follows through page 38, line 2.

Page 38, line 22, strike “and”.

Page 39, line 2, strike the period and insert “; and”.

Page 39, after line 2, insert the following:

1           (3) if recommended by the United States Com-  
2           missioners, the assessment and collection fees, not to  
3           exceed 3 percent of the ex-vessel value of fisheries  
4           resources harvested by vessels of the United States  
5           in fisheries conducted in the Convention Area, to re-  
6           cover the actual costs to the United States to carry  
7           out the functions of the Secretary under this title.

Page 39, line 16, strike “fisheries” and insert “fish-  
ery”.

Page 39, line 18, strike “Fisheries” and insert  
“Fishery”.

Page 44, line 4, strike “knowingly and willfully”.

Page 44, line 14, strike “knowingly and willfully”.

Page 45, strike lines 1 through 5 (and redesignate  
the subsequent provisions accordingly).

Page 45, line 19, strike “fisheries” and insert “fish-  
ery”.

Page 47, beginning on line 14, strike “to the same extent provided to the territories of other nations” and insert “to the extent allowed under United States law”.

Page 47, beginning on line 23, strike “Area—” and all that follows through “conducted.” on page 48, line 10, and insert “Area, ensure that all fishing gear on board the vessel is stowed below deck or otherwise removed from the place it is normally used for fishing activities and placed where it is not readily available for fishing activities.”.

Page 48, line 24, strike “15” and insert “30”.

Page 49, line 7, insert “, along with additional views transmitted by Advisory Committee members,” after “recommendations”.

Page 49, beginning at line 17, strike “shall initiate and conduct negotiations pursuant to this Act for the purpose of securing agreements that” and insert “in the course of negotiations, shall seek to”.

Page 50, beginning on line 1, strike “an analysis” and all that follows through line 6 and insert “the best available scientific information provided by the Scientific Committee, determines it is necessary to achieve the conservation objective set forth in Article 2 of the Convention;”.

Page 50, line 10, insert “, unless any such requirement is voluntary and market-based” after “territories”.

At the end of the bill, add the following (and conform the table of contents accordingly):

1 **TITLE IV—ILLEGAL, UNREGU-**  
2 **LATED, AND UNREPORTED**  
3 **FISHING**

4 **SEC. 401. AMENDMENTS TO THE HIGH SEAS DRIFTNET**  
5 **FISHING MORATORIUM PROTECTION ACT.**

6 (a) Section 606(a) of the High Seas Driftnet Fishing  
7 Moratorium Protection Act (16 U.S.C. 1826g) is amended  
8 by striking “and” at the end of paragraph (7), striking  
9 the period at the end of paragraph (8) and inserting “;  
10 and” , and by adding at the end the following:

11 “(9) the Ensuring Access to Pacific Fisheries  
12 Act.”.

13 (b) Section 607 of the High Seas Driftnet Fishing  
14 Moratorium Protection Act (16 U.S.C. 1826h) is amended  
15 by inserting “on June 1 of that year” after “every 2 years  
16 thereafter,”.

17 (c) Section 609 of the High Seas Driftnet Fishing  
18 Moratorium Protection Act (16 U.S.C. 1826j) is amend-  
19 ed—

20 (1) in subsection (a), by striking “fishing ves-  
21 sels of that nation are engaged, or have” and insert-

1 ing “any fishing vessel of that nation is engaged, or  
2 has”; and

3 (2) in subsection (a)(1), by striking “vessels”  
4 and inserting with “any vessel”.

5 (d) Section 610(a)(2)(A) of the High Seas Driftnet  
6 Fishing Moratorium Protection Act (16 U.S.C. 1826k) is  
7 amended by striking “calendar year” and inserting “3  
8 years”.

9 **TITLE V—NORTHWEST ATLANTIC FISHERIES CONVENTION**  
10 **AMENDMENTS ACT**  
11

12 **SEC. 501. SHORT TITLE; REFERENCES TO THE NORTHWEST**  
13 **ATLANTIC FISHERIES CONVENTION ACT OF**  
14 **1995.**

15 (a) **SHORT TITLE.**—This title may be cited as the  
16 “Northwest Atlantic Fisheries Convention Amendments  
17 Act”.

18 (b) **REFERENCES TO THE NORTHWEST ATLANTIC**  
19 **FISHERIES CONVENTION ACT OF 1995.**—Except as other-  
20 wise expressly provided, whenever in this title an amend-  
21 ment or repeal is expressed in terms of an amendment  
22 to, or repeal of, a section or other provision, the reference  
23 shall be considered to be made to a section or other provi-  
24 sion of the Northwest Atlantic Fisheries Convention Act  
25 of 1995 (16 U.S.C. 5601 et seq.).



1 **SEC. 502. REPRESENTATION OF THE UNITED STATES**  
2 **UNDER CONVENTION.**

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

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

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

9 (3) in subsection (b)(2), by striking “, at any  
10 meeting of the General Council or the Fisheries  
11 Commission for which the Alternate Commissioner is  
12 designated”;

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

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

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

21 **SEC. 503. REQUESTS FOR SCIENTIFIC ADVICE.**

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

23 (1) in subsection (a)—

24 (A) by striking “The Representatives may”  
25 and inserting “A Representative may”;

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

4 (C) by striking “the Representatives have”  
5 and inserting “the Representative has”;

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

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

10 **SEC. 504. AUTHORITIES OF SECRETARY OF STATE WITH RE-**  
11 **SPECT TO CONVENTION.**

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

16 **SEC. 505. INTERAGENCY COOPERATION.**

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

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

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

24 “(2) a State;

25 “(3) a Council; or

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

2 **SEC. 506. PROHIBITED ACTS AND PENALTIES.**

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

4 (1) by striking “Magnuson Act” each place it  
5 appears and inserting “Magnuson-Stevens Fishery  
6 Conservation and Management Act”; and

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

9 **SEC. 507. CONSULTATIVE COMMITTEE.**

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

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

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

15 **SEC. 508. DEFINITIONS.**

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

18 **“SEC. 210. DEFINITIONS.**

19 “In this title:

20 “(1) 1982 CONVENTION.—The term ‘1982 Con-  
21 vention’ means the United Nations Convention on  
22 the Law of the Sea of 10 December 1982.

23 “(2) AUTHORIZED ENFORCEMENT OFFICER.—  
24 The term ‘authorized enforcement officer’ means a  
25 person authorized to enforce this title, any regula-

1       tion issued under this title, or any measure that is  
2       legally binding on the United States under the Con-  
3       vention.

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

7           “(4) COMMISSIONER.—The term ‘Commis-  
8       sioner’ means a United States Commissioner to the  
9       Northwest Atlantic Fisheries Organization appointed  
10      under section 202.

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

16          “(6) CONVENTION AREA.—The term ‘Conven-  
17      tion Area’ means the waters of the Northwest Atlan-  
18      tic Ocean north of 35°00’ N and west of a line ex-  
19      tending due north from 35°00’ N and 42°00’ W to  
20      59°00’ N, thence due west to 44°00’ W, and thence  
21      due north to the coast of Greenland, and the waters  
22      of the Gulf of St. Lawrence, Davis Strait and Baffin  
23      Bay south of 78°10’ N.

1           “(7) COUNCIL.—The term ‘Council’ means the  
2           New England Fishery Management Council or the  
3           Mid-Atlantic Fishery Management Council.

4           “(8) FISHERY RESOURCES.—

5           “(A) IN GENERAL.—The term ‘fishery re-  
6           sources’ means all fish, mollusks, and crusta-  
7           ceans, including any products thereof, within  
8           the Convention Area.

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

11           “(i) sedentary species over which  
12          coastal States may exercise sovereign  
13          rights consistent with Article 77 of the  
14          1982 Convention; or

15           “(ii) in so far as they are managed  
16          under other international treaties, anad-  
17          romous and catadromous stocks and highly  
18          migratory species listed in Annex I of the  
19          1982 Convention.

20          “(9) FISHING ACTIVITIES.—

21          “(A) IN GENERAL.—The term ‘fishing ac-  
22          tivities’ means harvesting or processing fishery  
23          resources, or transshipping of fishery resources  
24          or products derived from fishery resources, or  
25          any other activity in preparation for, in support

1 of, or related to the harvesting of fishery re-  
2 sources.

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

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

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

12 “(iii) any operation at sea in support  
13 of, or in preparation for, any activity de-  
14 scribed in this paragraph.

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

19 “(10) FISHING VESSEL.—

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

23 “(B) INCLUSIONS.—The term ‘fishing ves-  
24 sel’ includes a fish processing vessel or a vessel  
25 engaged in transshipment or any other activity

1 in preparation for or related to fishing activi-  
2 ties, or in experimental or exploratory fishing  
3 activities.

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

7 “(12) PERSON.—The term ‘person’ means any  
8 individual (whether or not a citizen or national of  
9 the United States), and any corporation, partner-  
10 ship, association, or other entity (whether or not or-  
11 ganized or existing under the laws of any State).

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

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

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

22 “(16) STATE.—The term ‘State’ means each of  
23 the several States of the United States, the District  
24 of Columbia, and any other commonwealth, terri-  
25 tory, or possession of the United States.

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

5 **SEC. 509. QUOTA ALLOCATION PRACTICE.**

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

