

## Northwest Atlantic Fisheries Convention Amendments of 2014

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### Section-by-Section Analysis

On September 28, 2007, the North Atlantic Fisheries Organization (NAFO) adopted the *Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries* (Amendment). This draft bill would implement the Amendment by amending the Northwest Atlantic Fisheries Convention Act of 1995 (NAFCA of 1995) to reflect changes made to the convention governing NAFO. Specifically, the draft bill includes mostly administrative changes that would reflect the Amendment's restructuring of the convention governing NAFO. Following is a brief section-by-section analysis of the draft bill to implement the Amendment.

**Section 1. Short Title** – This section provides the draft bill's short title, the "Northwest Atlantic Fisheries Convention Amendments of 2014."

**Section 2. Representation of the United States under Convention** – This section amends section 202 of NAFCA of 1995 (16 U.S.C. § 5601) to reflect changes to the NAFO structure in the amended Convention and provide additional flexibility to the Secretary of Commerce to allow for greater and more effective alternate U.S. representation at all appropriate NAFO meetings.

**Section 3. Requests for Scientific Advice** – This section amends section 203 of NAFCA of 1995 (16 U.S.C. § 5602) to reflect changes to the relevant Article numbering in the amended NAFO Convention.

**Section 4. Authorities of Secretary of State With Respect to Convention** – This section amends section 204 of NAFCA of 1995 (16 U.S.C. § 5603) to reflect changes to the NAFO structure in the amended Convention. The section also provides greater specificity by citing appropriate Articles in the amended NAFO Convention.

**Section 5. Interagency Cooperation** – This section amends section 205 of the NAFCA of 1995 (16 U.S.C. § 5604) to highlight the Secretary of Commerce's regulatory authority, which is moved to section 205 from section 206 of NAFCA of 1995 (16 U.S.C. § 5605). This section of the bill also provides increased flexibility for other actions in support of implementation of the amended NAFO Convention. Consistent with these changes, the title of section 205 is changed to "Authorities of the Secretary and Other Federal Agencies."

**Section 6. Rulemaking** – This section deletes section 206, "Rulemaking," from the NAFCA of 1995 (16 U.S.C. § 5605), as the language is unnecessary with the section 5 proposal to incorporate the Secretary's rulemaking authority into section 205 of the NAFCA of 1995 (16 U.S.C. § 5604). It also renumbers the remaining sections of the NAFCA of 1995.

**Section 7. Consultative Committee** – This section amends former section 208 of the NAFCA of 1995, which is renumbered as section 207 by section 6 of this bill (former 16 U.S.C. § 5607;

renumbered as 16 U.S.C. § 5606), to reflect changes to the NAFO structure in the amended Convention.

**Section 8. Definitions** – This section amends former section 210, renumbered under section 6 as section 209 of the NAFCA of 1995 (former 16 U.S.C. § 5609; renumbered as 16 U.S.C. § 5608) to reflect:

- (1) the addition of the date of the NAFO Convention amendment;
- (2) changes to the NAFO structure and article numbering in the amended Convention;
- (3) the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act; and
- (4) the addition of references to the U.N. Straddling Fish Stocks Agreement to the amended NAFO Convention.

**Section 9. Authorization of Appropriations** – This section amends former section 211 of the NAFCA of 1995, now renumbered as section 210 (former 16 U.S.C. § 5610; renumbered as 16 U.S.C. § 5609), to reflect article renumbering in the amended NAFO Convention. The estimated annual cost to NOAA of implementing this legislation is \$259,000.

**Section 10. Annual Report** – This section deletes section 213 of the NAFCA of 1995 (16 U.S.C. § 5611), an annual reporting requirement. The reporting requirement primarily served to provide updates on U.S. efforts to change the NAFO allocation practice in order to get useable fishing privileges for U.S. fishers, as directed in the NAFCA section on quota allocation practices. However, with the 2007 Amendment, the NAFO convention now explicitly states that interests of all coastal States, including the United States, must be taken into account in allocation of fishing opportunities. In addition, the United States has secured useable fishing opportunities in NAFO through other means. Furthermore, meeting reports of NAFO bodies are now available publicly on the NAFO website, and NAFO Consultative Committee meeting reports are publicly available on the website of the National Marine Fisheries Service.

**Section 11. Quota Allocation** – This section deletes section 213 of the NAFCA of 1995 (16 U.S.C. § 5612). Section 8 of this bill moves the definition for the “Straddling Fish Stocks Agreement,” previously found at section 213, to newly renumbered section 209, the definitions section of the NAFCA of 1995 (renumbered 16 U.S.C. § 5608).