

115TH CONGRESS  
2D SESSION

# H. R. 5763

To implement the Agreement on the Conservation of Albatrosses and Petrels,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2018

Mr. LOWENTHAL (for himself, Mr. FITZPATRICK, Mr. CARTWRIGHT, Mr. DEFAZIO, Mr. GRIJALVA, Ms. LEE, Mr. TED LIEU of California, Mr. MCNERNEY, Mr. POCAN, Mr. POLIS, Mr. QUIGLEY, Mr. SCHIFF, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To implement the Agreement on the Conservation of  
Albatrosses and Petrels, and for other purposes.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Albatross and Petrel Conservation Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Definitions.

#### TITLE I—CONSERVATION MEASURES

- Sec. 101. Reestablishment of species.  
 Sec. 102. Management of nonnative species.  
 Sec. 103. Habitat conservation and restoration.  
 Sec. 104. Management of human activities.  
 Sec. 105. Education and public awareness.

#### TITLE II—PROHIBITED ACTS, PERMITS, AND EXEMPTIONS

- Sec. 201. Prohibited acts.  
 Sec. 202. Authorization of take.  
 Sec. 203. Exemption.

#### TITLE III—PENALTIES AND ENFORCEMENT

- Sec. 301. Enforcement.

#### TITLE IV—AGREEMENT AUTHORITY

- Sec. 401. Agreement authority.  
 Sec. 402. Reporting.  
 Sec. 403. General coordination.

#### TITLE V—INTERNATIONAL COOPERATION AND ASSISTANCE

- Sec. 501. Cooperation among nations.

#### TITLE VI—BYCATCH AND EQUIVALENT CONSERVATION

- Sec. 601. Protected living marine resources.

#### TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Regulatory authority.  
 Sec. 702. Administration.  
 Sec. 703. Effective date.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY COMMITTEE.**—The term “Advi-  
 4 sory Committee” means the Advisory Committee es-  
 5 tablished by Article IX of the Agreement.

6 (2) **AGREEMENT.**—Each of the terms “Agree-  
 7 ment on the Conservation of Albatrosses and  
 8 Petrels” and “Agreement” means the Agreement on

1 the Conservation of Albatrosses and Petrels, done at  
2 Cape Town, South Africa, on February 2, 2001.

3 (3) COVERED ALBATROSSES AND PETRELS.—

4 The terms “covered albatrosses and petrels” and  
5 “covered albatross or petrel” mean any species, sub-  
6 species, population, or individual within the taxo-  
7 nomic order Procellariiformes that is listed under  
8 Annex I of the Agreement, whether dead or alive, in-  
9 cluding any part, egg, derivative nest, or product of  
10 such a species, subspecies, population, or individual.

11 (4) ANTARCTICA.—The term “Antarctica”  
12 means the area south of 60 degrees south latitude.

13 (5) BREEDING SITE.—The term “breeding site”  
14 means—

15 (A) a location in the wild at which any cov-  
16 ered albatross or petrel eggs, tended by the par-  
17 ent birds, have successfully hatched at any time  
18 in the previous 5 years; or

19 (B) a location where reestablishment of  
20 breeding covered albatrosses and petrels is un-  
21 derway.

22 (6) CONSERVATION MEASURE.—The term “con-  
23 servation measure” means any action taken for the  
24 purpose of achieving or maintaining the favorable

1 conservation status of covered albatrosses and  
2 petrels.

3 (7) DISTURB AND DISTURBANCE.—Each of the  
4 terms “disturb” and “disturbance” means any act  
5 that interferes with the natural behavioral patterns  
6 of covered albatrosses and petrels, including migra-  
7 tion, brooding, nesting, breeding, feeding, or shel-  
8 tering, to a point at which such behavioral patterns  
9 are abandoned or significantly altered.

10 (8) FAVORABLE CONSERVATION STATUS.—The  
11 term “favorable conservation status” has the mean-  
12 ing given the term in Article I of the Agreement.

13 (9) HABITAT.—The term “habitat” means any  
14 area within the range, that contains suitable living  
15 conditions for covered albatrosses and petrels, in-  
16 cluding appropriate nesting and foraging areas.

17 (10) MAGNUSON-STEVENSON ACT.—The term  
18 “Magnuson-Stevens Act” means the Magnuson-Ste-  
19 vens Fishery Conservation and Management Act (16  
20 U.S.C. 1801 et seq.).

21 (11) PARTY.—The term “Party” means any  
22 country (including the United States) or regional  
23 economic integration organization that has ratified  
24 or acceded to the Agreement.

25 (12) PERSON.—The term “person” means—

1 (A) any individual (whether or not a cit-  
2 izen or national of the United States);

3 (B) any corporation, partnership, associa-  
4 tion, or other entity (whether or not existing  
5 under the laws of any State); and

6 (C) any Federal, State, local, or foreign  
7 government or any entity of such a government.

8 (13) RANGE.—The term “range” means—

9 (A) all land or water that any covered  
10 albatrosses and petrels inhabit, stay in tempo-  
11 rarily, cross, or over-fly, at any time during mi-  
12 gration, breeding, feeding, or aggregating; and

13 (B) any other areas that the Secretary or  
14 the Secretary of Commerce determines have  
15 been used for any of those purposes.

16 (14) RANGE STATE.—The term “range state”  
17 means any country—

18 (A) that exercises jurisdiction over any  
19 part of a range; or

20 (B) the flagged vessels of which are en-  
21 gaged outside of the jurisdictional limits of the  
22 country in take, or in an activity that has the  
23 potential to take.

24 (15) REGIONAL FISHERY MANAGEMENT COUN-  
25 CIL.—The term “Regional Fishery Management

1 Council” means any Regional Fishery Management  
2 Council established by section 302(a)(1) of the Mag-  
3 nuson-Stevens Act (16 U.S.C. 1852(a)(1)).

4 (16) SECRETARIAT.—The term “Secretariat”  
5 means the Secretariat established by the Parties to  
6 the Agreement pursuant to paragraph 11 of Article  
7 VIII.

8 (17) SECRETARY.—The term “Secretary”  
9 means the Secretary of the Interior.

10 (18) TAKE.—The term “take” means to harm-  
11 fully interfere with, harass, pursue, hunt, shoot,  
12 wound, kill, trap, capture, destroy, possess, or col-  
13 lect.

14 (19) UNITED STATES.—The term “United  
15 States” means—

16 (A) each of the several States;

17 (B) the District of Columbia;

18 (C) the Commonwealth of Puerto Rico;

19 (D) the United States Virgin Islands;

20 (E) American Samoa;

21 (F) Guam;

22 (G) the Commonwealth of the Northern  
23 Mariana Islands; and

24 (H) any other commonwealth, territory, or  
25 possession of the United States.

1           (20) WATERS SUBJECT TO THE JURISDICTION  
2           OF THE UNITED STATES.—The term “waters subject  
3           to the jurisdiction of the United States” means—

4                   (A) the waters of the United States terri-  
5                   torial sea under Presidential Proclamation  
6                   5928, dated December 27, 1988 (43 U.S.C.  
7                   1331 note);

8                   (B) the exclusive economic zone (as defined  
9                   in section 107 of title 46, United States Code);  
10                  and

11                  (C) the areas referred to as “eastern spe-  
12                  cial areas” in Article 3(1) of the Agreement be-  
13                  tween the United States of America and the  
14                  Union of Soviet Socialist Republics on the Mar-  
15                  itime Boundary, signed at Washington, June 1,  
16                  1990 (T. Doc. 101–22), including those areas  
17                  east of the maritime boundary, as defined in  
18                  that Agreement, that lie within 200 nautical  
19                  miles of the baselines from which the breadth of  
20                  the territorial sea of Russia is measured but be-  
21                  yond 200 nautical miles of the baselines from  
22                  which the breadth of the territorial sea of the  
23                  United States is measured.

1           **TITLE I—CONSERVATION**  
2                           **MEASURES**

3 **SEC. 101. REESTABLISHMENT OF SPECIES.**

4           The Secretary, in consultation with the Secretary of  
5 Commerce, as appropriate, may carry out activities, based  
6 on the best available scientific information, to reestablish  
7 covered albatrosses and petrels within the range.

8 **SEC. 102. MANAGEMENT OF NONNATIVE SPECIES.**

9           (a) **IN GENERAL.**—The Secretary or the Secretary of  
10 Commerce, as appropriate, in consultation with each other  
11 and with the heads of other relevant Federal agencies, and  
12 consistent with this Act and any other applicable law, may  
13 carry out activities to prevent the introduction of, eradi-  
14 cate, or control invasive and nonnative species that have  
15 or may have an adverse effect on covered albatrosses and  
16 petrels.

17           (b) **INCLUDED ACTIVITIES.**—The activities under  
18 subsection (a) may include—

19                   (1) implementation of management plans for  
20                   such invasive or nonnative species;

21                   (2) research on and development of practical  
22                   and effective techniques to eradicate or control  
23                   invasive or nonnative species;



1           (3) development of regional assessments on es-  
2           tablished and newly discovered populations of  
3           invasive or nonnative species;

4           (4) development of decision-support tools to  
5           prevent the introduction or establishment of invasive  
6           or nonnative species;

7           (5) development of rapid response approaches  
8           and techniques;

9           (6) documentation of—

10           (A) any invasive or nonnative species that  
11           coexist with humans; and

12           (B) delineation of areas in which eradi-  
13           cation or control of those species would be most  
14           effective and cost efficient;

15           (7) eradication or control of established popu-  
16           lations or individuals of invasive or nonnative spe-  
17           cies; and

18           (8) outreach and education related to—

19           (A) the impacts of invasive or nonnative  
20           species on covered albatrosses and petrels; and

21           (B) the techniques to eradicate or control  
22           those species.

23 **SEC. 103. HABITAT CONSERVATION AND RESTORATION.**

24           (a) **AUTHORITY OF SECRETARY.**—

1           (1) USE OF OTHER AUTHORITIES.—The Sec-  
2           retary may use authority available under any other  
3           laws for the protection of wildlife to conserve, pro-  
4           tect, and restore breeding sites of covered  
5           albatrosses and petrels, including authority under—

6                   (A) the Migratory Bird Conservation Act  
7                   (16 U.S.C. 715 et seq.);

8                   (B) the Fish and Wildlife Coordination Act  
9                   (16 U.S.C. 661 et seq.);

10                  (C) the Fish and Wildlife Act of 1956 (16  
11                  U.S.C. 742a, et seq.); and

12                  (D) any other cooperative or land-acquisi-  
13                  tion authority vested in the Secretary.

14           (2) MANAGEMENT PLANS AND CONSERVATION  
15           MEASURES.—The Secretary, in consultation with the  
16           Secretary of Commerce, may develop and implement  
17           management plans and undertake measures for the  
18           conservation and protection of covered albatross and  
19           petrel habitat.

20           (b) AUTHORITY OF SECRETARY OF COMMERCE.—  
21           The Secretary of Commerce, in consultation with the Sec-  
22           retary, may—

23                   (1) develop and implement management plans  
24                   and undertake conservation measures in marine  
25                   habitats to ensure the sustainability of living marine

1 resources that provide food for such covered  
2 albatrosses and petrels; and

3 (2) use authority under law to conserve and  
4 protect marine habitat important to the conservation  
5 of covered albatrosses and petrels, including such  
6 authority under—

7 (A) the National Marine Sanctuaries Act  
8 (16 U.S.C. 1431 et seq.); and

9 (B) the Magnuson-Stevens Act.

10 **SEC. 104. MANAGEMENT OF HUMAN ACTIVITIES.**

11 (a) POLLUTANTS AND MARINE DEBRIS.—

12 (1) RESEARCH.—The Secretary and the Sec-  
13 retary of Commerce may undertake scientific re-  
14 search to assess the effects of pollutants and marine  
15 debris on covered albatrosses and petrels.

16 (2) MARINE DEBRIS.—The Secretary and the  
17 Secretary of Commerce may each develop and imple-  
18 ment conservation measures to minimize the effects  
19 of, or threats posed by, marine debris on covered  
20 albatrosses and petrels.

21 (b) PREVENTION, MINIMIZATION, OR MITIGATION OF  
22 TAKE AND DISTURBANCE.—The Secretary and the Sec-  
23 retary of Commerce—

24 (1) in consultation with each other and con-  
25 sistent with the Migratory Bird Treaty Act (16

1 U.S.C. 703 et seq.) and any other authority, may  
2 develop and implement measures, including by  
3 issuing regulations, to prevent, minimize, or miti-  
4 gate—

5 (A) the take of covered albatrosses and  
6 petrels—

7 (i) on lands or in waters subject to  
8 the jurisdiction of the United States; and

9 (ii) by vessels and nationals of the  
10 United States located outside the jurisdic-  
11 tion of the United States; and

12 (B) the disturbance of covered albatrosses  
13 and petrels—

14 (i) on lands or in waters subject to  
15 the jurisdiction of the United States; and

16 (ii) by vessels and nationals of the  
17 United States located outside the jurisdic-  
18 tion of the United States; and

19 (2) shall—

20 (A) notify the Secretary of the department  
21 in which the Coast Guard is operating of any  
22 actions taken under this subsection, to ensure a  
23 coordinated effort to prevent, minimize, or miti-  
24 gate the taking of covered albatrosses and  
25 petrels; and

1 (B) if determined necessary, request that  
2 the applicable Secretary take additional action  
3 to prevent or minimize take of covered  
4 albatrosses and petrels.

5 (c) MEASURES TO ADDRESS BYCATCH IN FISH-  
6 ERIES.—

7 (1) IN GENERAL.—The Secretary of Commerce,  
8 in consultation with the Regional Fishery Manage-  
9 ment Council with jurisdiction over the relevant fish-  
10 ery under the Magnuson-Stevens Act, may develop  
11 and undertake measures to minimize the bycatch of  
12 covered albatrosses and petrels in the fishery.

13 (2) MONITORING.—The Secretary of Com-  
14 merce, in consultation with such Regional Fishery  
15 Management Council, may engage in—

16 (A) regional assessments of covered  
17 albatrosses and petrels interactions with fishing  
18 gear to determine the extent and nature of such  
19 interactions;

20 (B) collection of covered albatrosses and  
21 petrels bycatch data, including through on-  
22 board-observer programs—

23 (i) to determine the nature and extent  
24 of covered albatrosses and petrels inter-  
25 actions with United States fisheries; and

1 (ii) to evaluate the effectiveness of  
2 any prescribed mitigation measures; and

3 (C) research on bycatch-mitigation meas-  
4 ures to develop the most practical and effective  
5 deterrent measures that reduce such bycatch.

6 (3) DISCLOSURE OF INFORMATION.—

7 (A) IN GENERAL.—In carrying out this  
8 subsection, the Secretary of Commerce may dis-  
9 close, as necessary and appropriate, information  
10 collected under this Act to the Food and Agri-  
11 culture Organization of the United Nations, re-  
12 gional fishery-management organizations, or ar-  
13 rangements made pursuant to an international  
14 fishery-management agreement, if such organi-  
15 zations or arrangements have policies and pro-  
16 cedures to safeguard such information from un-  
17 intended or unauthorized disclosure.

18 (B) INTERNATIONAL FISHERY AGREEMENT  
19 DEFINED.—In this paragraph the term “inter-  
20 national fishery agreement” has the meaning  
21 given the term in section 3 of the Magnuson-  
22 Stevens Act (16 U.S.C. 1802).

1 **SEC. 105. EDUCATION AND PUBLIC AWARENESS.**

2 The Secretary, and the Secretary of Commerce, in  
3 consultation with relevant Regional Fishery Management  
4 Councils and others, may—

5 (1) make information on the conservation sta-  
6 tus of covered albatrosses and petrels, the threats  
7 facing covered albatrosses and petrels, and any ac-  
8 tions taken under the Agreement available to—

9 (A) the scientific, fishing, and seabird con-  
10 servation communities;

11 (B) the public;

12 (C) relevant local authorities;

13 (D) other decisionmakers;

14 (E) other Parties; and

15 (F) other countries;

16 (2) cooperate with other Parties, the Secre-  
17 tariat, and other persons to develop training pro-  
18 grams and general information products and ex-  
19 change resource materials regarding such conserva-  
20 tion; and

21 (3) provide training programs to ensure that  
22 personnel responsible for the implementation of this  
23 Act have adequate knowledge to implement it effec-  
24 tively.

1       **TITLE II—PROHIBITED ACTS,**  
2       **PERMITS, AND EXEMPTIONS**

3       **SEC. 201. PROHIBITED ACTS.**

4           (a) IN GENERAL.—Except as authorized by a permit,  
5 authorization, or exemption under section 202 or 203, it  
6 is unlawful—

7               (1) to take any covered albatross or petrel;

8               (2) to commit any act with respect to covered  
9 albatrosses or petrels that would be prohibited by  
10 section 2 of the Migratory Bird Treaty Act (16  
11 U.S.C. 703(a)) if covered albatrosses or petrels were  
12 treated as migratory birds for purposes of that sec-  
13 tion; or

14               (3) to attempt to engage in any act described  
15 in paragraph (1) or (2) of this subsection.

16           (b) APPLICABILITY.—

17               (1) IN GENERAL.—Except as provided in para-  
18 graph (2), the prohibitions under this Act apply—

19                       (A) on lands and in waters subject to the  
20 jurisdiction of the United States; and

21                       (B) to vessels and nationals of the United  
22 States on lands or in waters beyond the juris-  
23 diction of the United States.



1           (2) LIMITATION.—This section shall not apply  
2 with respect to any covered albatross or petrel law-  
3 fully taken before the effective date of this Act.

4           (c) OTHER PROHIBITED CONDUCT.—It is unlawful—

5                 (1) to violate this Act or any regulation or per-  
6 mit issued under this Act;

7                 (2) to refuse permission to board, search, or in-  
8 spect any vessel that is subject to the control of that  
9 person to an officer authorized under section 301(b)  
10 to conduct any search, investigation, or inspection to  
11 enforce this Act or any regulation or permit issued  
12 under this Act;

13                 (3) to forcibly assault, resist, oppose, impede,  
14 intimidate, or interfere with any officer authorized  
15 under section 301(b) in the conduct of any search,  
16 investigation, or inspection under this Act;

17                 (4) to resist a lawful arrest or detention for any  
18 act prohibited by this Act or any regulation or per-  
19 mit issued under this Act; or

20                 (5) to interfere with, delay, or prevent, by any  
21 means, the apprehension, arrest, or detention of an-  
22 other person, knowing that the other person has  
23 committed an act prohibited by this Act or any regu-  
24 lation or permit issued under this Act.

1 **SEC. 202. AUTHORIZATION OF TAKE.**

2 (a) PERMITS AND REGULATORY AUTHORIZATION.—

3 (1) IN GENERAL.—The Secretary, in consulta-  
4 tion with the Secretary of Commerce, as appro-  
5 priate, may, subject to the limitations of the terms  
6 of the Agreement and other applicable law, authorize  
7 by permit or regulation the deliberate taking of any  
8 covered albatrosses and petrels—

9 (A) to enhance the propagation, reestab-  
10 lishment, or survival of those covered  
11 albatrosses and petrels;

12 (B) on a selective basis and to a limited  
13 extent, for scientific, educational, or similar  
14 purposes;

15 (C) to accommodate the traditional needs  
16 and practices of indigenous people;

17 (D) for the purposes of assistance or sal-  
18 vage pursuant to the Migratory Bird Treaty  
19 Act (16 U.S.C. 703 et seq.); or

20 (E) in other exceptional circumstances as  
21 determined by the Secretary.

22 (2) OTHER TAKE.—The Secretary may author-  
23 ize by permit or regulation the take of covered  
24 albatrosses or petrels not otherwise provided for in  
25 this Act that is incidental to otherwise lawful activi-  
26 ties.

1           (3) LIMITATIONS.—A permit or regulatory au-  
2           thorization under this subsection—

3                   (A) shall be limited in area and duration  
4                   of application; and

5                   (B) shall not—

6                           (i) result in the elimination of the fa-  
7                           vorable conservation status for any covered  
8                           albatrosses and petrels; or

9                           (ii) authorize any activity otherwise  
10                          prohibited by any other statute or regula-  
11                          tion.

12           (4) ACCESS TO BREEDING SITES.—Any permit  
13           or other regulatory authorization under this sub-  
14           section that authorizes access to breeding sites of  
15           covered albatrosses and petrels, including for pur-  
16           poses of scientific research, shall contain terms and  
17           conditions to minimize unnecessary disturbance to  
18           covered albatrosses and petrels, and to minimize the  
19           impact on their habitats.

20           (b) EXCEPTIONS.—The taking of covered albatrosses  
21           and petrels is not prohibited by this Act if—

22                   (1) the taking is necessary to avoid imminent  
23                   suffering, serious injury, additional injury, or death  
24                   to any covered albatrosses and petrels hooked or en-  
25                   tangled in fishing gear or debris;

1           (2) reasonable care is taken to ensure the safe  
2           and expeditious release of the covered albatrosses  
3           and petrels; and

4           (3) the taking is reported to the Secretary of  
5           Commerce in a timely manner.

6 **SEC. 203. EXEMPTION.**

7           (a) **MILITARY ACTIVITIES.**—

8           (1) **IN GENERAL.**—It shall not be a violation of  
9           this Act for personnel of the Department of Defense  
10          to take covered albatrosses and petrels incidental to  
11          military activities.

12          (2) **VESSELS AND AIRCRAFT.**—This Act shall  
13          not apply to vessels and aircraft entitled to sovereign  
14          immunity under international law.

15          (3) **GUIDANCE TO AVOID OR MINIMIZE TAKE.**—  
16          The Secretary, in consultation with the Secretary of  
17          Commerce and the Secretary of Defense, may issue  
18          guidance to minimize, to the extent practicable, the  
19          take of covered albatrosses and petrels that is inci-  
20          dental to military activities.

21          (b) **COAST GUARD ACTIVITIES.**—

22          (1) **LAW ENFORCEMENT.**—Nothing in this sec-  
23          tion shall be considered to limit the authority of the  
24          Coast Guard to enforce this or any other Federal  
25          law under section 89 of title 14, United States Code.

1           (2) EMERGENCY RESPONSE.—It shall not be a  
2 violation of this Act for the Coast Guard to take any  
3 covered albatrosses and petrels incidental to any  
4 emergency response or search and rescue activity.

5           (c) OTHER ACTIVITIES.—Take of any covered  
6 albatrosses and petrels is not unlawful if the take was  
7 caused by any officer who is authorized by the Secretary,  
8 the Secretary of Commerce, or the head of any Federal  
9 or State agency that has entered into an agreement with  
10 the Secretary or the Secretary of Commerce under section  
11 403, to enforce this Act while performing official duties.

12          (d) BYCATCH OF COVERED ALBATROSSES AND  
13 PETRELS IN FISHERIES.—It shall not be a violation of  
14 this Act for any person to take covered albatrosses and  
15 petrels as bycatch incidental to otherwise lawful fishing  
16 activities, if carried out in accordance with applicable  
17 measures to minimize the bycatch of covered albatrosses  
18 and petrels undertaken pursuant to section 104(c).

## 19           **TITLE III—PENALTIES AND** 20           **ENFORCEMENT**

### 21   **SEC. 301. ENFORCEMENT.**

22          (a) RESPONSIBILITY.—

23           (1) IN GENERAL.—This Act, and any regula-  
24 tions or permits issued under this Act, shall be en-  
25 forced by the Secretary, the Secretary of Commerce,

1 and the Secretary of the department in which the  
2 Coast Guard is operating.

3 (2) ADMINISTRATION.—Subject to the limita-  
4 tions of section 1385 of title 18, United States Code,  
5 the Secretary, the Secretary of Commerce, and the  
6 Secretary of the department in which the Coast  
7 Guard is operating may, by agreement, on a reim-  
8 bursable basis or otherwise, use the personnel, serv-  
9 ices, equipment (including aircraft and vessels), and  
10 facilities of the Coast Guard, and of any State agen-  
11 cy in the performance of duties under this Act.

12 (b) POWERS OF AUTHORIZED OFFICERS.—

13 (1) AUTHORITIES UNDER MAGNUSON-STEVENSON  
14 ACT.—The Secretary of Commerce, the Secretary of  
15 the department in which the Coast Guard is oper-  
16 ating, and the head of any Federal or State agency  
17 that has entered into an agreement with either such  
18 Secretary under this section may, if the agreement  
19 so provides, authorize officers who are under the ad-  
20 ministrative jurisdiction of such Secretary or agency  
21 to enforce the provisions of this Act or any regula-  
22 tion promulgated under this Act. Any officer so au-  
23 thorized may enforce this Act in the same manner,  
24 by the same means, and with the same jurisdiction,  
25 powers, and duties as though section 311 of the

1 Magnuson-Stevens Act were incorporated into and  
2 made a part of this Act.

3 (2) AUTHORITIES UNDER MIGRATORY BIRD  
4 TREATY ACT.—The Secretary of the Interior and the  
5 head of any Federal or State agency that has en-  
6 tered into an agreement with the Secretary under  
7 this section may, if the agreement so provides, au-  
8 thorize officers who are under the administrative ju-  
9 risdiction of such Secretary or agency to enforce the  
10 provisions of this Act or any regulation promulgated  
11 under this Act. Any officer so authorized may en-  
12 force this Act in the same manner, by the same  
13 means, and with the same jurisdiction, powers, and  
14 duties as though section 5 of the Migratory Bird  
15 Treaty Act (16 U.S.C. 706) were incorporated into  
16 and made a part of this Act.

17 (c) PENALTIES.—

18 (1) PERSONS AND VESSELS SUBJECT TO THE  
19 JURISDICTION OF THE SECRETARY OF COMMERCE.—  
20 Any person or vessel that is subject to the jurisdic-  
21 tion of the Secretary of Commerce and that violates  
22 this Act or any permit or regulation issued under  
23 this Act shall be subject to the penalties, and enti-  
24 tled to the privileges and immunities, provided in the  
25 Magnuson-Stevens Act in the same manner and by

1 the same means as though sections 308 through 311  
2 of that Act (16 U.S.C. 1858 through 1861) were in-  
3 corporated into and made a part of this Act.

4 (2) PERSONS AND VESSELS SUBJECT TO THE  
5 JURISDICTION OF THE SECRETARY OF THE INTE-  
6 RIOR.—Any person or vessel that is subject to the  
7 jurisdiction of the Secretary of the Interior and that  
8 violates this Act or permit or regulation issued  
9 under this Act shall be subject to the penalties, and  
10 entitled to the privileges and immunities, provided in  
11 the Migratory Bird Treaty Act (16 U.S.C. 703 et  
12 seq.) in the same manner and by the same means  
13 as though section 6 of that Act (16 U.S.C. 707)  
14 were incorporated into and made a part of this Act.

## 15 **TITLE IV—AGREEMENT**

### 16 **AUTHORITY**

#### 17 **SEC. 401. AGREEMENT AUTHORITY.**

18 (a) IN GENERAL.—The Secretary and the Secretary  
19 of Commerce shall each designate an office or program  
20 of the United States Fish and Wildlife Service and of the  
21 National Marine Fisheries Service, respectively, that shall  
22 jointly—

23 (1) function as the United States Authority in  
24 accordance with Article VII of the Agreement, to un-  
25 dertake, monitor, and control all activities carried



1 out in the implementation and enforcement of the  
2 Agreement within the respective jurisdictions of the  
3 United States Fish and Wildlife Service and the Na-  
4 tional Marine Fisheries Service; and

5 (2) designate a United States Representative in  
6 accordance with Article IX of the Agreement and  
7 designate a contact point for the United States in  
8 accordance with Article VII of the Agreement.

9 (b) **ROLE OF UNITED STATES AUTHORITY.**—The  
10 Authority designated under subsection (a) shall, for the  
11 purposes of the Agreement—

12 (1) monitor all activities that may have an im-  
13 pact on the conservation status of those covered  
14 albatrosses and petrels for which the United States  
15 is a range state; and

16 (2) designate a Contact Point as required by  
17 Article VII of the Agreement for communication  
18 with the Secretariat.

19 **SEC. 402. REPORTING.**

20 (a) **REPORT TO CONGRESS.**—The Secretary, in con-  
21 sultation with the Secretary of Commerce, the Secretary  
22 of State, and any other Federal agency, as appropriate,  
23 shall not later than 1 year after the effective date of this  
24 Act, and every 4 years thereafter, submit a report to the  
25 Congress that includes—

1           (1) the list of all covered albatrosses and petrels  
2           that are subject to this Act;

3           (2) the status of all covered albatrosses and  
4           petrels that occur in the United States and within  
5           the waters subject to the jurisdiction of the United  
6           States; and

7           (3) actions taken and those conservation meas-  
8           ures believed necessary to achieve and maintain a fa-  
9           vorable conservation status for covered albatrosses  
10          and petrels.

11          (b) REPORT TO THE ADVISORY COMMITTEE.—The  
12          Secretary and the Secretary of Commerce may jointly pro-  
13          vide to the Advisory Committee, through the Secretariat,  
14          a report on the implementation of the Agreement by the  
15          United States.

16          **SEC. 403. GENERAL COORDINATION.**

17          In carrying out this Act, the Secretary and the Sec-  
18          retary of Commerce—

19                 (1) shall work together and may request that  
20                 other Federal agencies take actions, to achieve or  
21                 maintain a favorable conservation status for covered  
22                 albatrosses and petrels; and

23                 (2) shall consult with the heads of other Fed-  
24                 eral agencies when taking actions on lands or waters

1 owned by the United States and under the jurisdic-  
2 tion of those Federal agencies.

3 **TITLE V—INTERNATIONAL**  
4 **COOPERATION AND ASSISTANCE**

5 **SEC. 501. COOPERATION AMONG NATIONS.**

6 (a) IN GENERAL.—The Secretary, the Secretary of  
7 Commerce, and the Secretary of State may cooperate with  
8 other countries to achieve and maintain a favorable con-  
9 servation status of covered albatrosses and petrels, includ-  
10 ing by—

11 (1) the development of systems for collecting  
12 and analyzing data and exchanging information;

13 (2) the exchange of information regarding adop-  
14 tion and enforcement of legislative and other man-  
15 agement approaches to conservation of covered  
16 albatrosses and petrels;

17 (3) the implementation of education and aware-  
18 ness programs for users of areas in which covered  
19 albatrosses and petrels may be encountered;

20 (4) the design and implementation of com-  
21 prehensive programs for public information in rela-  
22 tion to the conservation of covered albatrosses and  
23 petrels;

24 (5) the development and implementation of  
25 training programs on conservation techniques and

1 measures to mitigate threats affecting covered  
2 albatrosses and petrels;

3 (6) the exchange of expertise, techniques, and  
4 knowledge; and

5 (7) entering into cooperative arrangements, in-  
6 cluding, as appropriate, international agreements.

7 (b) ASSISTANCE.—The Secretary and the Secretary  
8 of Commerce, in cooperation with the Secretary of State,  
9 may provide training, technical, and financial support to  
10 the Secretariat, other international and intergovernmental  
11 organizations, and other countries, to assist in imple-  
12 menting the objectives of the Agreement.

## 13 **TITLE VI—BYCATCH AND** 14 **EQUIVALENT CONSERVATION**

### 15 **SEC. 601. PROTECTED LIVING MARINE RESOURCES.**

16 Section 610(e) of the High Seas Driftnet Fishing  
17 Moratorium Protection Act (16 U.S.C. 1826k(e)) is  
18 amended by striking paragraph (1) and inserting the fol-  
19 lowing:

20 “(1) except as provided in paragraph (2),  
21 means nontarget fish, sea turtles, seabirds, or ma-  
22 rine mammals that are protected under United  
23 States law or international agreement, including—

24 “(A) the Marine Mammal Protection Act  
25 of 1972 (16 U.S.C. 1361 et seq.);

1           “(B) the Endangered Species Act of 1973  
2           (16 U.S.C. 1531 et seq.);

3           “(C) the Shark Finning Prohibition Act  
4           (16 U.S.C. 1822 note; Public Law 106–557),  
5           including amendments made by that Act;

6           “(D) the Convention on International  
7           Trade in Endangered Species of Wild Fauna  
8           and Flora and Fauna, done at Washington  
9           March 3, 1973 (27 UST 1087, TIAS 8249);  
10          and

11          “(E) the Albatross and Petrel Conserva-  
12          tion Act; but”.

13           **TITLE VII—MISCELLANEOUS**  
14           **PROVISIONS**

15   **SEC. 701. REGULATORY AUTHORITY.**

16       (a) REGULATIONS.—

17           (1) IN GENERAL.—Except as otherwise pro-  
18       vided in this section—

19           (A) the Secretary of Commerce may de-  
20       velop and issue regulations as necessary to im-  
21       plement the Agreement and this Act with re-  
22       spect to sections 103(b), 104(e), 203(d), and  
23       601 of this Act;

24           (B) the Secretary and the Secretary of  
25       Commerce may jointly develop and issue regula-

1           tions as necessary to implement the Agreement  
2           and this Act with respect to sections 102, 105,  
3           401, and 403; and

4           (C) the Secretary and the Secretary of  
5           Commerce may each issue regulations as nec-  
6           essary to implement the Agreement and this  
7           Act with respect to sections 104(a)(2), 104(b),  
8           and 201.

9           (b) CONSULTATION.—In issuing regulations under  
10          this Act, the Secretary and the Secretary of Commerce  
11          shall consult each other.

12          (c) ANTARCTICA.—In issuing regulations under this  
13          Act, the Secretary and the Secretary of Commerce shall  
14          consult with the Director of the National Science Founda-  
15          tion (or the designee of such Director) on implementation  
16          related to Antarctica.

17          **SEC. 702. ADMINISTRATION.**

18          (a) IN GENERAL.—Except as specified in section  
19          601, nothing in this Act repeals, supersedes, overrides, or  
20          modifies any provision of Federal law.

21          (b) EFFECT ON LANDS AND WATERS.—

22                  (1) CONCURRENCE REQUIRED.—Nothing in this  
23          Act authorizes the Secretary or the Secretary of  
24          Commerce to carry out any activities under this Act  
25          on land or in waters under the area-based manage-

1       ment jurisdiction of the other, unless the Secretary  
2       and the Secretary of Commerce agree.

3           (2) CONSULTATION.—In those areas in which  
4       neither the Secretary nor the Secretary of Commerce  
5       has explicit area-based management jurisdiction, the  
6       Secretary and the Secretary of Commerce shall carry  
7       out this Act in consultation with each other.

8       **SEC. 703. EFFECTIVE DATE.**

9       This Act takes effect on the date that is 180 days  
10      after the date of enactment of this Act.

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