

Union Calendar No. 198

116TH CONGRESS
1ST SESSION

H. R. 1305

[Report No. 116-249, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2019

Mr. LOWENTHAL (for himself, Mr. FITZPATRICK, Mr. TED LIEU of California, Mr. BLUMENAUER, Mr. KILMER, Mr. GARAMENDI, Ms. NORTON, Mr. DEFazio, Mr. MCNERNEY, Ms. BROWNLEY of California, Mr. POCAN, Mr. SCHIFF, Mr. CARTWRIGHT, and Mr. HUFFMAN) 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

OCTOBER 22, 2019

Additional sponsors: Ms. ESHOO, Mr. DESAULNIER, Mr. VAN DREW, Mr. CASE, Mr. COHEN, Ms. LOFGREN, Mrs. NAPOLITANO, Ms. MUCARSEL-POWELL, Mr. HARDER of California, Ms. WILD, Ms. SCHAKOWSKY, Mr. SUOZZI, Ms. DELBENE, Ms. ADAMS, Mr. DAVID SCOTT of Georgia, and Mr. ROONEY of Florida

OCTOBER 22, 2019

Reported from the Committee on Natural Resources

OCTOBER 22, 2019

Committee on Foreign Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

11 (3) **COVERED ALBATROSSES AND PETRELS.**—
12 The terms “covered albatrosses and petrels” and
13 “covered albatross or petrel” mean any species, sub-
14 species, population, or individual within the taxo-
15 nomic order Procellariiformes that is listed under
16 Annex I of the Agreement, whether dead or alive, in-
17 cluding any part, egg, derivative nest, or product of
18 such a species, subspecies, population, or individual.

19 (4) **ANTARCTICA.**—The term “Antarctica”
20 means the area south of 60 degrees south latitude.

21 (5) **BREEDING SITE.**—The term “breeding site”
22 means—

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

1 (B) a location where reestablishment of
2 breeding covered albatrosses and petrels is un-
3 derway.

4 (6) CONSERVATION MEASURE.—The term “con-
5 servation measure” means any action taken for the
6 purpose of achieving or maintaining the favorable
7 conservation status of covered albatrosses and
8 petrels.

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

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

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

23 (10) MAGNUSON-STEVENSON ACT.—The term
24 “Magnuson-Stevens Act” means the Magnuson-Ste-

1 vens Fishery Conservation and Management Act (16
2 U.S.C. 1801 et seq.).

3 (11) PARTY.—The term “Party” means any
4 country (including the United States) or regional
5 economic integration organization that has ratified
6 or acceded to the Agreement.

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

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

10 (B) any corporation, partnership, associa-
11 tion, or other entity (whether or not existing
12 under the laws of any State); and

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

15 (13) RANGE.—The term “range” means—

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

20 (B) any other areas that the Secretary or
21 the Secretary of Commerce determines have
22 been used for any of those purposes.

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

1 (A) that exercises jurisdiction over any
2 part of a range; or

3 (B) the flagged vessels of which are en-
4 gaged outside of the jurisdictional limits of the
5 country in take, or in an activity that has the
6 potential to take.

7 (15) REGIONAL FISHERY MANAGEMENT COUN-
8 CIL.—The term “Regional Fishery Management
9 Council” means any Regional Fishery Management
10 Council established by section 302(a)(1) of the Mag-
11 nuson-Stevens Act (16 U.S.C. 1852(a)(1)).

12 (16) SECRETARIAT.—The term “Secretariat”
13 means the Secretariat established by the Parties to
14 the Agreement pursuant to paragraph 11 of Article
15 VIII.

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

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

22 (19) UNITED STATES.—The term “United
23 States” means—

24 (A) each of the several States;

25 (B) the District of Columbia;

- 1 (C) the Commonwealth of Puerto Rico;
2 (D) the United States Virgin Islands;
3 (E) American Samoa;
4 (F) Guam;
5 (G) the Commonwealth of the Northern
6 Mariana Islands; and
7 (H) any other commonwealth, territory, or
8 possession of the United States.

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

12 (A) the waters of the United States terri-
13 torial sea under Presidential Proclamation
14 5928, dated December 27, 1988 (43 U.S.C.
15 1331 note);

16 (B) the exclusive economic zone (as defined
17 in section 107 of title 46, United States Code);
18 and

19 (C) the areas referred to as “eastern spe-
20 cial areas” in Article 3(1) of the Agreement be-
21 tween the United States of America and the
22 Union of Soviet Socialist Republics on the Mar-
23 itime Boundary, signed at Washington, June 1,
24 1990 (T. Doc. 101–22), including those areas
25 east of the maritime boundary, as defined in

1 that Agreement, that lie within 200 nautical
2 miles of the baselines from which the breadth of
3 the territorial sea of Russia is measured but be-
4 yond 200 nautical miles of the baselines from
5 which the breadth of the territorial sea of the
6 United States is measured.

7 **TITLE I—CONSERVATION** 8 **MEASURES**

9 **SEC. 101. REESTABLISHMENT OF SPECIES.**

10 The Secretary, in consultation with the Secretary of
11 Commerce, as appropriate, may carry out activities, based
12 on the best available scientific information, to reestablish
13 covered albatrosses and petrels within the range.

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

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

23 (b) **INCLUDED ACTIVITIES.**—The activities under
24 subsection (a) may include—

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

3 (2) research on and development of practical
4 and effective techniques to eradicate or control
5 invasive or nonnative species;

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

9 (4) development of decision-support tools to
10 prevent the introduction or establishment of invasive
11 or nonnative species;

12 (5) development of rapid response approaches
13 and techniques;

14 (6) documentation of—

15 (A) any invasive or nonnative species that
16 coexist with humans; and

17 (B) delineation of areas in which eradi-
18 cation or control of those species would be most
19 effective and cost efficient;

20 (7) eradication or control of established popu-
21 lations or individuals of invasive or nonnative spe-
22 cies; and

23 (8) outreach and education related to—

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

1 (B) the techniques to eradicate or control
2 those species.

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

4 (a) **AUTHORITY OF SECRETARY.**—

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

10 (A) the Migratory Bird Conservation Act
11 (16 U.S.C. 715 et seq.);

12 (B) the Fish and Wildlife Coordination Act
13 (16 U.S.C. 661 et seq.);

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

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

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

1 (b) AUTHORITY OF SECRETARY OF COMMERCE.—

2 The Secretary of Commerce, in consultation with the Sec-
3 retary, may—

4 (1) develop and implement management plans
5 and undertake conservation measures in marine
6 habitats to ensure the sustainability of living marine
7 resources that provide food for such covered
8 albatrosses and petrels; and

9 (2) use authority under law to conserve and
10 protect marine habitat important to the conservation
11 of covered albatrosses and petrels, including such
12 authority under—

13 (A) the National Marine Sanctuaries Act
14 (16 U.S.C. 1431 et seq.); and

15 (B) the Magnuson-Stevens Act.

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

17 (a) POLLUTANTS AND MARINE DEBRIS.—

18 (1) RESEARCH.—The Secretary and the Sec-
19 retary of Commerce may undertake scientific re-
20 search to assess the effects of pollutants and marine
21 debris on covered albatrosses and petrels.

22 (2) MARINE DEBRIS.—The Secretary and the
23 Secretary of Commerce may each develop and imple-
24 ment conservation measures to minimize the effects

1 of, or threats posed by, marine debris on covered
2 albatrosses and petrels.

3 (b) PREVENTION, MINIMIZATION, OR MITIGATION OF
4 TAKE AND DISTURBANCE.—The Secretary and the Sec-
5 retary of Commerce—

6 (1) in consultation with each other and con-
7 sistent with the Migratory Bird Treaty Act (16
8 U.S.C. 703 et seq.) and any other authority, may
9 develop and implement measures, including by
10 issuing regulations, to prevent, minimize, or miti-
11 gate—

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

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

23 (ii) by vessels and nationals of the
24 United States located outside the jurisdic-
25 tion of the United States; and

1 (2) shall—

2 (A) notify the Secretary of the department
3 in which the Coast Guard is operating of any
4 actions taken under this subsection, to ensure a
5 coordinated effort to prevent, minimize, or miti-
6 gate the taking of covered albatrosses and
7 petrels; and

8 (B) if determined necessary, request that
9 the applicable Secretary take additional action
10 to prevent or minimize take of covered
11 albatrosses and petrels.

12 (c) MEASURES TO ADDRESS BYCATCH IN FISH-
13 ERIES.—

14 (1) IN GENERAL.—The Secretary of Commerce,
15 in consultation with the Regional Fishery Manage-
16 ment Council with jurisdiction over the relevant fish-
17 ery under the Magnuson-Stevens Act, may develop
18 and undertake measures to minimize the bycatch of
19 covered albatrosses and petrels in the fishery.

20 (2) MONITORING.—The Secretary of Com-
21 merce, in consultation with such Regional Fishery
22 Management Council, may engage in—

23 (A) regional assessments of covered
24 albatrosses and petrels interactions with fishing

1 gear to determine the extent and nature of such
2 interactions;

3 (B) collection of covered albatrosses and
4 petrels bycatch data, including through on-
5 board-observer programs—

6 (i) to determine the nature and extent
7 of covered albatrosses and petrels inter-
8 actions with United States fisheries; and

9 (ii) to evaluate the effectiveness of
10 any prescribed mitigation measures; and

11 (C) research on bycatch-mitigation meas-
12 ures to develop the most practical and effective
13 deterrent measures that reduce such bycatch.

14 (3) DISCLOSURE OF INFORMATION.—

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

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

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

7 The Secretary, and the Secretary of Commerce, in
8 consultation with relevant Regional Fishery Management
9 Councils and others, may—

10 (1) make information on the conservation sta-
11 tus of covered albatrosses and petrels, the threats
12 facing covered albatrosses and petrels, and any ac-
13 tions taken under the Agreement available to—

14 (A) the scientific, fishing, and seabird con-
15 servation communities;

16 (B) the public;

17 (C) relevant local authorities;

18 (D) other decisionmakers;

19 (E) other Parties; and

20 (F) other countries;

21 (2) cooperate with other Parties, the Secre-
22 tariat, and other persons to develop training pro-
23 grams and general information products and ex-
24 change resource materials regarding such conserva-
25 tion; and

1 (3) provide training programs to ensure that
2 personnel responsible for the implementation of this
3 Act have adequate knowledge to implement it effec-
4 tively.

5 **TITLE II—PROHIBITED ACTS,**
6 **PERMITS, AND EXEMPTIONS**

7 **SEC. 201. PROHIBITED ACTS.**

8 (a) IN GENERAL.—Except as authorized by a permit,
9 authorization, or exemption under section 202 or 203, it
10 is unlawful—

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

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

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

20 (b) APPLICABILITY.—

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

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

1 (B) to vessels and nationals of the United
2 States on lands or in waters beyond the juris-
3 diction of the United States.

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

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

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

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

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

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

23 (5) to interfere with, delay, or prevent, by any
24 means, the apprehension, arrest, or detention of an-
25 other person, knowing that the other person has

1 committed an act prohibited by this Act or any regu-
2 lation or permit issued under this Act.

3 **SEC. 202. AUTHORIZATION OF TAKE.**

4 (a) PERMITS AND REGULATORY AUTHORIZATION.—

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

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

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

17 (C) to accommodate the traditional needs
18 and practices of indigenous people;

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

22 (E) in other exceptional circumstances as
23 determined by the Secretary.

24 (2) OTHER TAKE.—The Secretary may author-
25 ize by permit or regulation the take of covered

1 albatrosses or petrels not otherwise provided for in
2 this Act that is incidental to otherwise lawful activi-
3 ties.

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

6 (A) shall be limited in area and duration
7 of application; and

8 (B) shall not—

9 (i) result in the elimination of the fa-
10 vorable conservation status for any covered
11 albatrosses and petrels; or

12 (ii) authorize any activity otherwise
13 prohibited by any other statute or regula-
14 tion.

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

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

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

5 (2) reasonable care is taken to ensure the safe
6 and expeditious release of the covered albatrosses
7 and petrels; and

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

10 **SEC. 203. EXEMPTION.**

11 (a) **MILITARY ACTIVITIES.**—

12 (1) **IN GENERAL.**—It shall not be a violation of
13 this Act for personnel of the Department of Defense
14 to take covered albatrosses and petrels incidental to
15 military activities.

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

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

25 (b) **COAST GUARD ACTIVITIES.**—

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

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

9 (c) OTHER ACTIVITIES.—Take of any covered
10 albatrosses and petrels is not unlawful if the take was
11 caused by any officer who is authorized by the Secretary,
12 the Secretary of Commerce, or the head of any Federal
13 or State agency that has entered into an agreement with
14 the Secretary or the Secretary of Commerce under section
15 403, to enforce this Act while performing official duties.

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

1 **TITLE III—PENALTIES AND**
2 **ENFORCEMENT**

3 **SEC. 301. ENFORCEMENT.**

4 (a) **RESPONSIBILITY.—**

5 (1) **IN GENERAL.—**This Act, and any regula-
6 tions or permits issued under this Act, shall be en-
7 forced by the Secretary, the Secretary of Commerce,
8 and the Secretary of the department in which the
9 Coast Guard is operating.

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

19 (b) **POWERS OF AUTHORIZED OFFICERS.—**

20 (1) **AUTHORITIES UNDER MAGNUSON-STEVENSON**
21 **ACT.—**The Secretary of Commerce, the Secretary of
22 the department in which the Coast Guard is oper-
23 ating, and the head of any Federal or State agency
24 that has entered into an agreement with either such
25 Secretary under this section may, if the agreement

1 so provides, authorize officers who are under the ad-
2 ministrative jurisdiction of such Secretary or agency
3 to enforce the provisions of this Act or any regula-
4 tion promulgated under this Act. Any officer so au-
5 thORIZED may enforce this Act in the same manner,
6 by the same means, and with the same jurisdiction,
7 powers, and duties as though section 311 of the
8 Magnuson-Stevens Act (16 U.S.C. 1861) were incor-
9 porated into and made a part of this Act.

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

24 (c) PENALTIES.—

1 (1) PERSONS AND VESSELS SUBJECT TO THE
2 JURISDICTION OF THE SECRETARY OF COMMERCE.—
3 Any person or vessel that is subject to the jurisdic-
4 tion of the Secretary of Commerce and that violates
5 this Act or any permit or regulation issued under
6 this Act shall be subject to the penalties, and enti-
7 tled to the privileges and immunities, provided in the
8 Magnuson-Stevens Act in the same manner and by
9 the same means as though sections 308 through 311
10 of that Act (16 U.S.C. 1858 through 1861) were in-
11 corporated into and made a part of this Act.

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

1 **TITLE IV—AGREEMENT**
2 **AUTHORITY**

3 **SEC. 401. AGREEMENT AUTHORITY.**

4 (a) **IN GENERAL.**—The Secretary and the Secretary
5 of Commerce shall each designate an office or program
6 of the United States Fish and Wildlife Service and of the
7 National Marine Fisheries Service, respectively, that shall
8 jointly—

9 (1) function as the United States Authority in
10 accordance with Article VII of the Agreement, to un-
11 dertake, monitor, and control all activities carried
12 out in the implementation and enforcement of the
13 Agreement within the respective jurisdictions of the
14 United States Fish and Wildlife Service and the Na-
15 tional Marine Fisheries Service; and

16 (2) designate a United States Representative in
17 accordance with Article IX of the Agreement and
18 designate a contact point for the United States in
19 accordance with Article VII of the Agreement.

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

23 (1) monitor all activities that may have an im-
24 pact on the conservation status of those covered

1 albatrosses and petrels for which the United States
2 is a range state; and

3 (2) designate a Contact Point as required by
4 Article VII of the Agreement for communication
5 with the Secretariat.

6 **SEC. 402. REPORTING.**

7 (a) REPORT TO CONGRESS.—The Secretary, in con-
8 sultation with the Secretary of Commerce, the Secretary
9 of State, and any other Federal agency, as appropriate,
10 shall not later than 1 year after the effective date of this
11 Act, and every 4 years thereafter, submit a report to the
12 Congress that includes—

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

15 (2) the status of all covered albatrosses and
16 petrels that occur in the United States and within
17 the waters subject to the jurisdiction of the United
18 States; and

19 (3) actions taken and those conservation meas-
20 ures believed necessary to achieve and maintain a fa-
21 vorable conservation status for covered albatrosses
22 and petrels.

23 (b) REPORT TO THE ADVISORY COMMITTEE.—The
24 Secretary and the Secretary of Commerce may jointly pro-
25 vide to the Advisory Committee, through the Secretariat,

1 a report on the implementation of the Agreement by the
2 United States.

3 **SEC. 403. GENERAL COORDINATION.**

4 In carrying out this Act, the Secretary and the Sec-
5 retary of Commerce—

6 (1) shall work together and may request that
7 other Federal agencies take actions, to achieve or
8 maintain a favorable conservation status for covered
9 albatrosses and petrels; and

10 (2) shall consult with the heads of other Fed-
11 eral agencies when taking actions on lands or waters
12 owned by the United States and under the jurisdic-
13 tion of those Federal agencies.

14 **TITLE V—INTERNATIONAL**
15 **COOPERATION AND ASSISTANCE**

16 **SEC. 501. COOPERATION AMONG NATIONS.**

17 (a) IN GENERAL.—The Secretary, the Secretary of
18 Commerce, and the Secretary of State may cooperate with
19 other countries to achieve and maintain a favorable con-
20 servation status of covered albatrosses and petrels, includ-
21 ing by—

22 (1) the development of systems for collecting
23 and analyzing data and exchanging information;

24 (2) the exchange of information regarding adop-
25 tion and enforcement of legislative and other man-

1 agement approaches to conservation of covered
2 albatrosses and petrels;

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

6 (4) the design and implementation of com-
7 prehensive programs for public information in rela-
8 tion to the conservation of covered albatrosses and
9 petrels;

10 (5) the development and implementation of
11 training programs on conservation techniques and
12 measures to mitigate threats affecting covered
13 albatrosses and petrels;

14 (6) the exchange of expertise, techniques, and
15 knowledge; and

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

18 (b) ASSISTANCE.—The Secretary and the Secretary
19 of Commerce, in cooperation with the Secretary of State,
20 may provide training, technical, and financial support to
21 the Secretariat, other international and intergovernmental
22 organizations, and other countries, to assist in imple-
23 menting the objectives of the Agreement.

1 **TITLE VI—BYCATCH AND**
2 **EQUIVALENT CONSERVATION**

3 **SEC. 601. PROTECTED LIVING MARINE RESOURCES.**

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

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

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

14 “(B) the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.);

16 “(C) the Shark Finning Prohibition Act
17 (16 U.S.C. 1822 note; Public Law 106–557),
18 including amendments made by that Act;

19 “(D) the Convention on International
20 Trade in Endangered Species of Wild Fauna
21 and Flora, done at Washington March 3, 1973
22 (27 UST 1087, TIAS 8249); and

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

1 **TITLE VII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 701. REGULATORY AUTHORITY.**

4 (a) REGULATIONS.—

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

7 (A) the Secretary of Commerce may de-
8 velop and issue regulations as necessary to im-
9 plement the Agreement and this Act with re-
10 spect to sections 103(b), 104(c), 203(d), and
11 601 of this Act;

12 (B) the Secretary and the Secretary of
13 Commerce may jointly develop and issue regula-
14 tions as necessary to implement the Agreement
15 and this Act with respect to sections 102, 105,
16 401, and 403; and

17 (C) the Secretary and the Secretary of
18 Commerce may each issue regulations as nec-
19 essary to implement the Agreement and this
20 Act with respect to sections 104(a)(2), 104(b),
21 and 201.

22 (b) CONSULTATION.—In issuing regulations under
23 this Act, the Secretary and the Secretary of Commerce
24 shall consult each other.

1 (c) ANTARCTICA.—In issuing regulations under this
2 Act, the Secretary and the Secretary of Commerce shall
3 consult with the Director of the National Science Founda-
4 tion (or the designee of such Director) on implementation
5 related to Antarctica.

6 **SEC. 702. ADMINISTRATION.**

7 (a) IN GENERAL.—Except as specified in section
8 601, nothing in this Act repeals, supersedes, overrides, or
9 modifies any provision of Federal law.

10 (b) EFFECT ON LANDS AND WATERS.—

11 (1) CONCURRENCE REQUIRED.—Nothing in this
12 Act authorizes the Secretary or the Secretary of
13 Commerce to carry out any activities under this Act
14 on land or in waters under the area-based manage-
15 ment jurisdiction of the other, unless the Secretary
16 and the Secretary of Commerce agree.

17 (2) CONSULTATION.—In those areas in which
18 neither the Secretary nor the Secretary of Commerce
19 has explicit area-based management jurisdiction, the
20 Secretary and the Secretary of Commerce shall carry
21 out this Act in consultation with each other.

22 **SEC. 703. EFFECTIVE DATE.**

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

Union Calendar No. 198

116TH CONGRESS
1ST Session

H. R. 1305

[Report No. 116-249, Part I]

A BILL

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

OCTOBER 22, 2019

Reported from the Committee on Natural Resources

OCTOBER 22, 2019

Committee on Foreign Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed