NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 04/18/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 02/12/2003.

TITLE: Alaska Seabird Avoidance Program

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE
OMB NO.: 0648-0474
EXPIRATION DATE: 04/30/2006

BURDEN:	RESPONSES	HOURS	COSTS($,000)
Previous	0	0	0
New	2,000	16,000	10
Difference	2,000	16,000	10
Program Change		16,000	10
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request
DOC/NOAA/NMFS

2. OMB control number b. [✔] None
a. 0648 -

3. Type of information collection (*check one*)
a. [✔] New Collection
b. [ ] Revision of a currently approved collection
c. [ ] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by ____/____/____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify:____/____

7. Title Alaska Seabird Avoidance Program

8. Agency form number(s) (*if applicable*)

9. Keywords 'fishing, fishing vessels, endangered species, seabirds'

10. Abstract

The National Oceanic and Atmospheric Administration is seeking Paperwork Reduction Act clearance for new requirements for a Seabird Avoidance Program. This collection would support precautions for the lives of seabirds caught incidentally by vessels using hook and line gear while fishing. The requirements will be set forth in regulations at 50 CFR part 679.24(e). A Seabird Avoidance Plan is prepared and kept onboard the vessel by participants when using hook-and-line fishing gear.

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. x Individuals or households d. ___ Farms
b. P Business or other for-profit e. ___ Federal Government
c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [ ] Required to obtain or retain benefits
c. [✔] Mandatory

13. Annual recordkeeping and reporting burden
a. Number of respondents 2,000
b. Total annual responses 2,000
1. Percentage of these responses collected electronically 0 %
c. Total annual hours requested 16,000
d. Current OMB inventory 0
e. Difference 16,000
f. Explanation of difference
1. Program change 16,000
2. Adjustment

14. Annual reporting and recordkeeping cost burden (*in thousands of dollars*)
a. Total annualized capital/startup costs 0
b. Total annual costs (O&M) 10
c. Total annualized cost requested 10
d. Current OMB inventory 0
e. Difference 10
f. Explanation of difference
1. Program change 10
2. Adjustment

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. ___ Application for benefits e. x Program planning or management
b. ___ Program evaluation f. ___ Research
c. ___ General purpose statistics g. P Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting (*check all that apply*)
a. [✔] Recordkeeping b. [ ] Third party disclosure
c. [ ] Reporting
1. [ ] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [ ] Annually
7. [ ] Biennially 8. [ ] Other (describe) ____

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Patsy A. Bearden
Phone: 907-586-7008

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention period for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):

- (i) Why the information is being collected;
- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, mandatory);
- (v) Nature and extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature signed by John Oliver	Date 10/10/2002
Signature of NOAA Clearance Officer	
Signature signed by Richard Roberts	Date 10/17/2002

SUPPORTING STATEMENT
FOR THE
ALASKA SEABIRD AVOIDANCE PROGRAM

Prepared by
National Marine Fisheries Service
Alaska Region

October, 2002

INTRODUCTION

This statement supports a collection of information for a Seabird Avoidance Plan in the hook-and-line fisheries for groundfish in the U. S. exclusive economic zone (EEZ) off Alaska and Individual Fishing Quota (IFQ) sablefish and Pacific halibut fisheries in waters off Alaska. The objective of this action is to revise the current seabird avoidance requirements to improve their effectiveness at reducing the bycatch of short-tailed albatrosses and other seabird species. Revising seabird avoidance regulations affects the management of the Bering Sea and Aleutian Islands Management Area (BSAI) and the Gulf of Alaska (GOA) groundfish fisheries and the Pacific halibut fishery off Alaska.

Management of the Pacific halibut (hereafter halibut) fishery in and off of Alaska is based on an international agreement between Canada and the United States and is given effect in the United States by the Northern Pacific Halibut Act of 1982 (Halibut Act). The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the North Pacific Fishery Management Council (Council) to prepare and amend fishery management plans (FMPs) for any fishery in waters under it's jurisdiction. Regulations governing this program are set out in regulations at 50 CFR Parts 300, 600, and 679.

BACKGROUND

Endangered Species Act

The Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 et seq) (ESA), provides the primary legal framework for the conservation and recovery of species in danger of or threatened with extinction. Section 7(a)(2) of the ESA requires that each Federal agency ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat of such species. When the action of a Federal agency may affect a protected species or its critical habitat, that agency is required to consult with either the NMFS or the U.S. Fish and Wildlife Service (USFWS), depending upon the protected species or critical habitat that may be affected. Section 7(b) of the ESA requires the Services to summarize consultations in biological opinions that detail how actions may affect threatened or endangered species and designated critical habitat.

On March 19, 1999, a biological opinion (1999 Opinion) was released by USFWS for the consultation on the authorization of the groundfish fisheries in the BSAI and GOA. This was an amendment to a previous biological opinion and identified the following non-discretionary reasonable and prudent measure as necessary and appropriate to minimize the take of short-tailed albatrosses:

> "NMFS shall test the effectiveness of the seabird avoidance measures required by regulation in a scientifically rigorous manner as specified in the Test Plan to Evaluate the Effectiveness of Seabird Avoidance Measures Required in Alaska's Hook-and-Line Groundfish and Halibut Fisheries, and if appropriate, modify regulations to maximize effectiveness and minimize seabird bycatch."

The Test Plan was a non-discretionary reasonable and prudent measure included in previous biological opinions issued by USFWS for consultations on the BSAI and GOA groundfish fisheries and on the Pacific halibut fisheries off Alaska. This action includes the implementation of management measures consistent with the objectives of the reasonable and prudent measure included in both those biological opinions.

NMFS Alaska Region

NMFS issued final regulations for seabird avoidance measures in the GOA and BSAI groundfish hook-and-line fisheries on April 29, 1997 (62 FR 23176) and in the Pacific halibut fishery off Alaska on March 6, 1998 (63 FR 11161). At the December 1998 Council meeting, industry representatives requested that the Council revise and strengthen the seabird avoidance measures that are currently required by Federal regulation. This request was made because of the incidental takes of two short-tailed albatrosses in September 1998 and because of the industry group's perception that some portions of the hook-and-line fleet may not always be using seabird avoidance measures as carefully as is required to effectively reduce seabird mortality. At its

April 1999 meeting, the Council recommended several modifications to the existing seabird avoidance regulations.

In October 2000, NMFS informed the Council of its decision to await the availability of research results from a two-year study (1999 and 2000) by the Washington Sea Grant Program (WSGP) on the effectiveness of seabird avoidance measures used in hook-and-line fisheries off Alaska before proceeding with rulemaking to revise the existing regulations. Such an investigation was required in a Biological Opinion issued by the USFWS. The final WSGP research study results were presented to the Council at its October 2001 meeting. The Council recommended several modifications which address the use of seabird avoidance measures on smaller vessels that were not specifically addressed in the experimental WSGP research regime.

JUSTIFICATION

The following 18 responses provide the justification for the new Seabird Avoidance Plan.

1. <u>Explain the circumstances that make the collection of information necessary.</u>

The goal of action is to reduce the incidental take of the short-tailed albatross and other seabird species. This action potentially could benefit the endangered short-tailed albatross population, populations of other seabird species, and also reduce the risk of potential serious economic impacts to the Alaska hook-and-line fisheries if the incidental take limit under the section 7 ESA consultation were exceeded and fishery closures became an option for consideration under the section 7 consultation process.

2. <u>Explain how, by whom, how frequently, and for what purpose the information will be used.</u>

Operators of vessels must complete and maintain a Seabird Avoidance Plan on the vessel when fishing using hook-and-line gear for:

- Pacific halibut in the IFQ and Western Alaska Community Development Quota (CDQ) management programs (0 to 200 nm);
- IFQ sablefish in EEZ waters (3 to 200 nm) and waters of the State of Alaska (0 to 3 nm), except waters of Prince William Sound and areas in which sablefish fishing is managed under a State of Alaska limited entry program (Clarence Strait, Chatham Strait); and
- Groundfish (except IFQ sablefish) with hook-and-line gear in the U.S. EEZ waters off Alaska (3-200 nm).

The Seabird Avoidance Plan will be used by US Coast Guard boarding personnel, NOAA Enforcement personnel, and NOAA Observer Program personnel to determine compliance of the vessel with the Seabird Avoidance Program.

The Seabird Avoidance Plan must be written and signed by the vessel operator and displayed onboard the vessel, perhaps in a notebook or folder. Prior to departing for a fishing trip, the owner or operator must discuss his Seabird Avoidance Plan with the crew of the vessel, even instructing and training them through seabird avoidance gear drills. The Seabird Avoidance Plan must be made available for inspection upon request by an authorized officer of the U.S. Coast Guard or NOAA Office for Law Enforcement. For observed vessels, a copy of Seabird Avoidance Plan must be given to the observer if requested and should be discussed with the observer during a pre-departure meeting.

Seabird Avoidance Plan

Vessel name

Vessel operator's (master's) name and signature, and date of signature. This signature indicates all crew members have read the plan and are familiar with it.

Type of seabird avoidance measure or device used onboard (check all that apply)

- Paired streamer line
- Lining tube (Underwater setting device)
- Single streamer line, with snap gear
- Single streamer line (indicate additional device)
- Buoy bag line (indicate additional device)
- Other avoidance measure (describe)

If you use single streamer lines or buoy bag lines in the exclusive economic zone (EEZ), you must also use one or more additional devices, as indicated. If you select strategic offal discharge as an additional device, describe the procedure. If in addition to required measures you use other techniques for seabird avoidance, describe the procedure. In the EEZ, use at least one of the following additional device

- Add weights to groundline
- Use a second buoy bag line or streamer line
- Strategic offal discharge to distract birds. Describe procedure.

List and describe the function each crew station will perform for *all* tasks related to deploying, adjusting, and monitoring the performance of deployed seabird avoidance measures and devices. If the vessel carries an observer, indicate which crew station is responsible during sampled hauls for retaining seabirds for observer's sampling.

Diagram and describe the sequence of actions taken by the crew to deploy and retrieve the seabird avoidance measures and devices. Draw arrows to show location of gear deployment and gear retrieval.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The seabird avoidance program does not require the submittal of any information to NMFS.

4. Describe your efforts to identify duplication with other collections.

No duplication exists with other information collections, except that the groundfish logbooks (OMB No. 0648-0213) do ask that a code identifying the type of seabird avoidance gear be recorded by set. This is determined to be non-duplicative.

The NMFS Southwest Region (Hawaii) is submitting a seabird interaction request concerning the short-tailed albatross, with a different approach. This is not duplicative with the Alaska Region's plan. The United States issued a National Plan of Action for Reducing the Incidental

Catch of Seabirds in Longline Fisheries (NPOA) in 2001. The NPOA was developed jointly by NMFS, United States Fisheries and Wildlife Service (USFWS), and the State Department to provide the guiding policy that NMFS regions use to implement seabird avoidance regulations and seabird avoidance programs
(see **http://www.fakr.noaa.gov/protectedresources/seabirds/npoa/npoa.pdf**).
This document states, "...There is considerable variation between different longline fisheries in the United States, including differences in target species, geographic location, baits, gear types and configuration, methods employed, depth fished, time of day, season, weather, vessel characteristics, and seabird species present and vulnerable. Consequently, the individual characteristics of each longline fishery may interact in complex ways to affect seabird bycatch rates. The biological and life history characteristics of individual seabird species also affect the risk of incidental capture and the population-level impact of longline fishery mortality. These differences will likely require that unique seabird bycatch solutions be developed for each individual longline fishery where assessments show a seabird bycatch problem exists. These characteristics will need to be taken into consideration as the Councils and NMFS, in collaboration with the FWS (sic), develop individual seabird bycatch reduction programs...."

5. If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize the burden on them.

This collection-of-information does not impose a significant impact on small entities.

6. Describe the consequences to Federal program or policy activities if the collection would not be or would be conducted less frequently.

Without this seabird avoidance program, endangered seabird species would go unprotected and perhaps go into extinction.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the OMB guidelines.

There are no special circumstances that would require information collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA *Federal Register* notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A proposed rule will solicit public comment for the Seabird Avoidance Program in waters off Alaska. Through the Council process, several people had input on the guidelines for the Seabird Avoidance Plan form. Those persons are listed below:

Capt. Richard Preston, USCG
Earl Krygier, ADF&G
Ed Melvin, WSGP
Arne Fuglvog, fisherman
Dan Falvey, fisherman
Cora Crome, executive director PVOA
James Mize, fisherman, Blue North Fisheries
Dan Hull, Cordova Fishermen District United, fisherman
Stosh Anderson, Council member, fisherman
Greg Balogh, USFWS

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift is provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for this assurance in statute, regulation, or agency policy.

The Seabird Avoidance Plan stays on each vessel and is not sent to NMFS or any other agency. This information collection does not involve confidential information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not involve information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

The estimated annual burden hours for each seabird avoidance plan is estimated to be between 4 and 12 hr; for an average of 8 hr x 2,000 vessels = 16,000 hr. The personnel cost burden at $35/hour for 8 hr x 2,000 vessels = $560,000.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection

Miscellaneous costs are minimal. The operator could obtain a notebook or a folder. Costs are estimated to be $5 x 2,000 vessels = $10,000.

14. Provide estimates of annualized cost to the Federal government.

The Federal Government would not incur any ongoing costs. The Seabird Avoidance Plan is not submitted to NMFS Alaska Region. Rather, it is maintained on the vessel while fishing.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a new program and a program change.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information collected will not be published, and no statistical sampling of the information is planned.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

In accordance with OMB requirements, the control number and the expiration date of OMB approval are shown on the form.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I..

This information collection does not request exceptions to the certification .

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

OMB No. 0648-new,
Expiration date 00/00/00

NOAA
National Marine Fisheries Service
Alaska Region

SEABIRD AVOIDANCE PLAN

1. Name of Vessel	
2. Name and Signature of Owner or Operator (circle which)	Date (month/day/year)

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 8 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

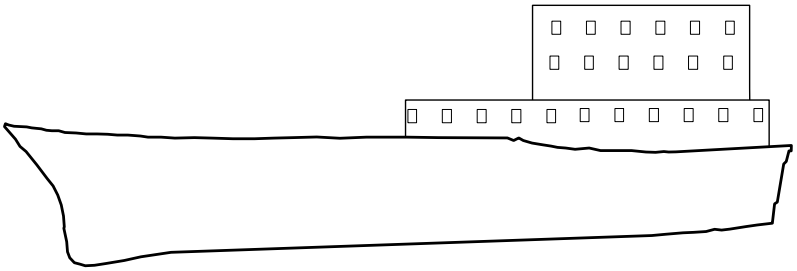
Before completing this form please note the following: 1) The NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the Seabird Avoidance Program; 3) Federal law and regulations require and authorize NMFS to manage seabird avoidance program in Alaska; 4) Completion of this plan is required of all persons seeking to participate in directed fishing using hook-and-line gear in waters off Alaska; 5) This information is mandatory and is required to monitor the seabird avoidance program under 50 CFR part 679, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.) and under the Northern Pacific Halibut Act of 1982.

3. Type of Seabird Avoidance Measure or Device Used. (Check *all* that apply).			
	Paired Streamer Line	*In the EEZ, at least one of the following additional devices must be used with Single Streamer Lines or Buoy Bag Lines (Check all that apply):	
	Lining Tube (Underwater setting device)		
	Single Streamer Line, with Snap Gear		
	Single Streamer Line*		Add weights to groundline
	Buoy Bag Line*		Use a 2nd buoy bag line or streamer line
			Strategic offal discharge to distract birds (Describe)
	Other avoidance measure (Describe)		

4. List and describe crew station assignments used in sequence of actions (item 5 below)	
Crew A	
Crew B	
Crew C	
Crew D	
Crew E	
Crew F	

5. Diagram and describe the sequence of actions taken by crew (as described in item 5) to deploy and retrieve the seabird avoidance measures and devices. Draw arrows to show location of gear deployment and gear storage.

GEAR DEPLOYMENT



GEAR RETRIEVAL

INSTRUCTIONS

Objective. The objective of the Seabird Avoidance Plan (Plan) is to ensure that vessel crews are aware of the issue of seabird incidental take and have developed an effective plan for using the required measures on their vessels to avoid and reduce any seabird incidental take.

Compliance responsibility. The Vessel Owner or Operator must complete and sign the Plan. A current Plan must be maintained onboard the vessel when using hook-and-line fishing gear. The signature of the Vessel Owner or Operator certifies that the Plan is current, that all crew members are aware of the required use of seabird avoidance measures specific to this vessel, that these measures are discussed and operationally planned, and each person's specific responsibility is known and understood.

Changes. A new Plan must be created and maintained if any changes occur in the information, e.g., operator, gear, crew station function.

Inspection. The Plan must be made available for inspection upon request by an authorized officer of the U.S. Coast Guard or National Marine Fisheries Service. For observed vessels, a copy of the Plan must be made available to the observer on request and should be discussed with the observer during a pre-departure meeting.

1. Enter the name of the vessel

2. Enter the name and signature of the Vessel Owner or Operator.

3. Enter type of seabird avoidance measure or device used onboard. If you use single streamer lines or buoy bag lines in the exclusive economic zone (EEZ), you must also use one or more additional devices, as indicated. If you select strategic offal discharge as an additional device, describe the procedure. If in addition to required measures you use other techniques for seabird avoidance, describe the procedure.

4. List and describe the function each crew station will perform for *all* tasks related to deploying, adjusting, and monitoring the performance of deployed seabird avoidance measures and devices (as described in #4). If the vessel carries an observer, indicate which crew station is responsible during sampled hauls for retaining seabirds for observer's sampling.
Describe who does what. For example:

Crew No. 1 prepares and deploys hook-and-line gear, retains seabirds for observer sampling, retrieves and stores hook-and-line gear, seabird avoidance gear, and additional devices.

Crew No. 2 gets bird avoidance gear and additional devices form storage, deploys bird avoidance gear and additional devices, retrieves bird avoidance gear and additional devices, prepares and stores bird avoidance gear and additional devices.

Crew No. 3 prepares and deploys hook-and-line gear, observes and monitors that gear is functioning properly, retrieves bird avoidance gear and additional devices, retrieves and stores hook-and-line gear and bird avoidance gear and additional devices.

5. Diagram and/or describe the sequence of actions taken by the crew to deploy and retrieve the seabird avoidance measures and devices. Provide details that are specific to the type of hook-and-line gear you use (e.g., hand-baited conventional gear, snap gear, autoline gear) and reflect the integration of deploying the bird avoidance gear with the hook-and-line gear.
Answer or address the following questions for:

Deployment of gear

(a) Which crew gets bird avoidance gear and additional devices from storage?
(b) Which crew deploys bird avoidance gear? When, relative to setting of the flag, buoy, and anchor line?
(c) From what location is the bird avoidance gear deployed? What are the lines attached to? Davits? Rigging? Poles?
(d) Who deploys additional devices?
(e) Who observes and monitors that seabird avoidance gear and devices are functioning properly
Is an adequate distance aloft maintained for streamer lines?
Is buoy bag line deployed over the groundline? Is there adequate drag on the line to keep it taut?
(f) Who is responsible for taking care of any deployment mishaps?
(g) What do they do if the bird avoidance gear becomes tangled in the fishing gear?
Cut the streamer line? Back down? Is a break-away used?
(h) Who adjusts the seabird avoidance gear and devices when necessary for better performance?

Retrieval of gear

(a) Who retrieves the seabird avoidance gear and additional devices?
(b) How is it retrieved? By hand? Using a hydraulic line puller?
(c) Who prepares and stores bird avoidance gear and additional devices, ready for the next set?
(d) Who retrieves and stores hook-and-line gear?
(e) If seabird take does occur, who retrieves and retains seabirds during sampled hauls for observer sampling?
The rollerman? Gaffer?

(i) the Secretary applies such prohibition to such species at the request of the State, or

(ii) the Secretary applies such prohibition after he finds, and publishes his finding, that an emergency exists posing a significant risk to the well-being of such species and that the prohibition must be applied to protect such species. The Secretary's finding and publication may be made without regard to the public hearing or comment provisions of section 553 of title 5, United States Code, or any other provision of this Act; but such prohibition shall expire 90 days after the date of its imposition unless the Secretary further extends such prohibition by publishing notice and a statement of justification of such extension.

(h) REGULATIONS.-The Secretary is authorized to promulgate such regulations as may be appropriate to carry out the provisions of this section relating to financial assistance to States.

(i) APPROPRIATIONS.-

(1) To carry out the provisions of this section for fiscal years after September 30, 1988, there shall be deposited into a special fund known as the cooperative endangered species conservation fund, to be administered by the Secretary, an amount equal to five percent of the combined amounts covered each fiscal year into the Federal aid to wildlife restoration fund under section 3 of the Act of September 2, 1937, and paid, transferred, or otherwise credited each fiscal year to the Sport Fishing Restoration Account established under 1016 of the Act of July 18, 1984.

(2) Amounts deposited into the special fund are authorized to be appropriated annually and allocated in accordance with subsection (d) of this section.

INTERAGENCY COOPERATION

Sec. 7.

(a) FEDERAL AGENCY ACTIONS AND CONSULTATIONS.-

(1) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an "agency action") is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

(3) Subject to such guidelines as the Secretary may establish, a Federal agency shall consult with the Secretary on any prospective agency action at the request of, and in cooperation with, the prospective permit or license applicant if the applicant has reason to believe that an endangered species or a threatened species may be present in the area affected by his project and that implementation of such action will likely affect such species.

(4) Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 4 or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. This paragraph does not require a limitation on the commitment of resources as described in subsection (d).

(b) OPINION OF SECRETARY.-

(1)

(A) Consultation under subsection (a)(2) with respect to any agency action shall be

concluded within the 90-day period beginning on the date on which initiated or, subject to subparagraph (B), within such other period of time as is mutually agreeable to the Secretary and the Federal agency;

(B) in the case of an agency action involving a permit or license applicant, the Secretary and the Federal agency may not mutually agree to conclude consultation within a period exceeding 90 days unless the Secretary, before the close of the 90th day referred to in subparagraph (A)-

(i) if the consultation period proposed to be agreed to will end before the 150th day after the date on which consultation was initiated, submits to the applicant a written statement setting forth-

(I) the reasons why a longer period is required;

(II) the information that is required to complete the consultation; and

(III) the estimated date on which consultation will be completed; or

(ii) if the consultation period proposed to be agreed to will end 150 or more days after the date on which consultation was initiated, obtains the consent of the applicant to such period.

The Secretary and the Federal agency may mutually agree to extend a consultation period established under the preceding sentence if the Secretary, before the close of such period, obtains the consent of the applicant to the extension.

(2) Consultation under subsection (a)(3) shall be concluded within such period as is agreeable to the Secretary, the Federal agency, and the applicant concerned.

(3)

(A) Promptly after conclusion of consultation under paragraph (2) or (3) of subsection (a), the Secretary shall provide to the Federal agency and the applicant, if any, a written statement setting forth the Secretary's opinion, and a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat. If jeopardy or adverse modification is found, the Secretary shall suggest those reasonable and prudent alternatives which he believes would not violate subsection (a)(2) and can be taken by the Federal agency or applicant in implementing the agency action.

(B) Consultation under subsection (a)(3), and an opinion based by the Secretary incident to such consultation, regarding an agency action shall be treated respectively as a consultation under subsection (a)(2), and as an opinion issued after consultation under such subsection, regarding that action if the Secretary reviews the action before it is commenced by the Federal agency and finds, and notifies such agency, that no significant changes have been made with respect to the action and that no significant change has occurred regarding the information used during the initial consultation.

(4) If after consultation under subsection (a)(2) of this section, the Secretary concludes that-

(A) the agency action will not violate such subsection, or offers reasonable and prudent alternatives which the Secretary believes would not violate such subsection;

(B) the taking of an endangered species or a threatened species incidental to the agency action will not violate such subsection; and

(C) if an endangered species or threatened species of a marine mammal is involved, the taking is authorized pursuant to section 1371(a)(5) of this title;

the Secretary shall provide the Federal agency and the applicant concerned, if any, with a written statement that-

(i) (i) specifies the impact of such incidental taking on the species,

(ii) specifies those reasonable and prudent measures that the Secretary considers necessary or appropriate to minimize such impact,

(iii) in the case of marine mammals, specifies those measures that are necessary to comply with section 1371(a)(5) of this title with regard to such taking, and

(iv) sets forth the terms and conditions (including, but not limited to, reporting requirements) that must be complied with by the Federal agency or

applicant (if any), or both, to implement the measures specified under clauses (ii) and (iii).

(c) BIOLOGICAL ASSESSMENT.-

(1) To facilitate compliance with the requirements of subsection (a)(2) each Federal agency shall, with respect to any agency action of such agency for which no contract for construction has been entered into and for which no construction has begun on the date of enactment of the Endangered Species Act Amendments of 1978, request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action. If the Secretary advises, based on the best scientific and commercial data available, that such species may be present, such agency shall conduct a biological assessment for the purpose of identifying any endangered species or threatened species which is likely to be affected by such action. Such assessment shall be completed within 180 days after the date on which initiated (or within such other period as is mutually agreed to by the Secretary and such agency, except that if a permit or license applicant is involved, the 180-day period may not be extended unless such agency provides the applicant, before the close of such period, with a written statement setting forth the esti- mated length of the proposed extension and the reasons therefor) and, before any contract for construction is entered into and before construction is begun with respect to such action. Such assessment may be undertaken as part of a Federal agency's compliance with the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(2) Any person who may wish to apply for an exemption under subsection (g) of this section for that action may conduct a biological assessment to identify any endangered species or threatened species which is likely to be affected by such action. Any such bio- logical assessment must, however, be conducted in cooperation with the Secretary and under the supervision of the appropriate Federal agency.

(d) LIMITATION ON COMMITMENT OF RESOURCES.-After initiation of consultation required under subsection (a)(2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2).

(e)

(1) ESTABLISHMENT OF COMMITTEE.-There is established a committee to be known as the Endangered Species Committee (hereinafter in this section referred to as the "Committee").

(2) The Committee shall review any application submitted to it pursuant to this section and determine in accordance with subsection (h) of this section whether or not to grant an exemption from the requirements of subsection (a)(2) of this action for the action set forth in such application.

(3) The Committee shall be composed of seven members as follows:

(A) The Secretary of Agriculture.

(B) The Secretary of the Army.

(C) The Chairman of the Council of Economic Advisors.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of the Interior.

(F) The Administrator of the National Oceanic and Atmospheric Administration.

(G) The President, after consideration of any recommendations received pursuant to subsection (g)(2)(B) shall appoint one individual from each affected State, as determined by the Secretary, to be a member of the Committee for the consideration of the application for exemption for an agency action with respect to which such recommendations are made, not later than 30 days after an application is submitted pursuant to this section.

(4)

(A) Members of the Committee shall receive no additional pay on account of their service on the Committee.

(B) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed inter- mittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(5)

(A) Five members of the Committee or their representatives shall constitute a quorum for the transaction of any function of the Committee, except that, in no case shall any representative be considered in determining the existence of a quorum for the transaction of any function of the Committee if that function involves a vote by the Committee on any matter before the Committee.

(B) The Secretary of the Interior shall be the Chairman of the Committee.

(C) The Committee shall meet at the call of the Chairman or five of its members.

(D) All meetings and records of the Committee shall be open to the public.

(6) Upon request of the Committee, the head of any Federal agency is authorized to detail, on a nonreimbursable basis, any of the personnel of such agency to the Committee to assist it in carrying out its duties under this section.

(7)

(A) The Committee may for the purpose of carrying out its duties under this section hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Committee deems advisable.

(B) When so authorized by the Committee, any member or agent of the Committee may take any action which the Committee is authorized to take by this paragraph.

(C) Subject to the Privacy Act, the Committee may secure directly from any Federal agency information necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Committee, the head of such Federal agency shall furnish such information to the Committee.

(D) The Committee may use the United States mails in the same manner and upon the same conditions as a Federal agency.

(E) The Administrator of General Services shall provide to the Committee on a reimbursable basis such administrative support services as the Committee may request.

(8) In carrying out its duties under this section, the Committee may promulgate and amend such rules, regulations, and procedures, and issue and amend such orders as it deems necessary.

(9) For the purpose of obtaining information necessary for the consideration of an application for an exemption under this section the Committee may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents.

(10) In no case shall any representative, including a representative of a member designated pursuant to paragraph (3)(G) of this subsection, be eligible to cast a vote on behalf of any member.

(f) REGULATIONS.-Not later than 90 days after the date of enactment of the Endangered Species Act Amendments of 1978, the Secretary shall promulgate regulations which set forth the form and manner in which applications for exemption shall be submitted to the Secretary and the information to be contained in such applications. Such regulations shall require that information submitted in an application by the head of any Federal agency with respect to any agency action include but not be limited to-

(1) a description of the consultation process carried out pursuant to subsection (a)(2) of this section between the head of the Federal agency and the Secretary; and

(2) a statement describing why such action cannot be altered or modified to conform with the requirements of subsection (a)(2) of this section.

(g) APPLICATION FOR EXEMPTION AND REPORT TO THE COMMITTEE.-

(1) A Federal agency, the Governor of the State in which an agency action will occur, if any, or a permit or license applicant may apply to the Secretary for an exemption for an agency action of such agency if, after consultation under subsection (a)(2), the Secretary's opinion under

subsection (b) indicates that the agency action would violate subsection (a)(2). An application for an exemption shall be considered initially by the Secretary in the manner provided for in this subsection, and shall be considered by the Committee for a final determination under subsection (h) after a report is made pursuant to paragraph (5). The applicant for an exemption shall be referred to as the "exemption applicant" in this section.

(2)

(A) An exemption applicant shall submit a written application to the Secretary, in a form prescribed under subsection (f), not later than 90 days after the completion of the consultation process; except that, in the case of any agency action involving a permit or license applicant, such application shall be submitted not later than 90 days after the date on which the Federal agency concerned takes final agency action with respect to the issuance of the permit or license. For purposes of the preceding sentence, the term "final agency action" means (i) a disposition by an agency with respect to the issuance of a permit or license that is subject to administrative review, whether or not such disposition is subject to judicial review; or (ii) if administrative review is sought with respect to such disposition, the decision resulting after such review. Such application shall set forth the reasons why the exemption applicant considers that the agency action meets the requirements for an exemption under this subsection.

(B) Upon receipt of an application for exemption for an agency action under paragraph (1), the Secretary shall promptly

(i) notify the Governor of each affected State, if any, as determined by the Secretary, and request the Governors so notified to recommend individuals to be appointed to the Endangered Species Committee for consideration of such application; and

(ii) publish notice of receipt of the application in the Federal Register, including a summary of the information contained in the application and a description of the agency action with respect to which the application for exemption has been filed.

(3) The Secretary shall within 20 days after the receipt of an application for exemption, or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary

(A) determine that the Federal agency concerned and the exemption applicant have-

(i) carried out the consultation responsibilities described in subsection (a) in good faith and made a reasonable and responsible effort to develop and fairly consider modifications or reasonable and prudent alternatives to the proposed agency action which would not violate subsection (a)(2);

(ii) conducted any biological assessment required by subsection (c); and

(iii) to the extent determinable within the time provided herein, refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d); or

(B) deny the application for exemption because the Federal agency concerned or the exemption applicant have not met the requirements set forth in subparagraph (A) (i), (ii), and (iii). The denial of an application under subparagraph (B) shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

(4) If the Secretary determines that the Federal agency concerned and the exemption applicant have met the requirements set forth in paragraph (3)(A) (i), (ii) and (iii) he shall, in consultation with the Members of the Committee, hold a hearing on the application for exemption in accordance with sections 554, 555, and 556 (other than subsection (b) (1) and (2) thereof) of title 5, United States Code, and prepare the report to be submitted pursuant to paragraph (5).

(5) Within 140 days after making the determinations under paragraph (3) or within such other period of time as is mutually agreeable to the exemption applicant and the Secretary, the Secretary shall submit to the Committee a report discussing-

(A) the availability of reasonable and prudent alternatives to the agency action, and

the nature and extent of the benefits of the agency action and of alternative courses of action consistent with conserving the species of the critical habitat;

(B) a summary of the evidence concerning whether or not the agency action is in the public interest and is of national or regional significance;

(C) appropriate reasonable mitigation and enhancement measures which should be considered by the Committee; and

(D) whether the Federal agency concerned and the exemption applicant refrained from making any irreversible or irretrievable commitment of resources prohibited by subsection (d).

(6) To the extent practicable within the time required for action under subsection (g) of this section, and except to the extent inconsistent with the requirements of this section, the consideration of any application for an exemption under this section and the conduct of any hearing under this subsection shall be in accordance with sections 554, 555, and 556 (other than subsection (b)(3) of section 556) of title 5, United States Code.

(7) Upon request of the Secretary, the head of any Federal agency is authorized to detail, on a nonreimbursable basis, any of the personnel of such agency to the Secretary to assist him in carrying out his duties under this section.

(8) All meetings and records resulting from activities pursuant to this subsection shall be open to the public.

(h) EXEMPTION.-

(1) The Committee shall make a final determination whether or not to grant an exemption within 30 days after receiving the report of the Secretary pursuant to subsection (g)(5). The Committee shall grant an exemption from the requirements of subsection (a)(2) for an agency action if, by a vote of not less than five of its members voting in person-

(A) it determines on the record, based on the report of the Secretary, the record of the hearing held under subsection (g)(4), and on such other testimony or evidence as it may receive, that-

(i) there are no reasonable and prudent alternatives to the agency action;

(ii) the benefits of such action clearly outweigh the benefits of alternative courses of action consistent with conserving the species or its critical habitat, and such action is in the public interest;

(iii) the action is of regional or national significance; and

(iv) neither the Federal agency concerned nor the exemption applicant made any irreversible or irretrievable commitment of resources prohibited by subsection (d); and

(B) it establishes such reasonable mitigation and enhancement measures, including, but not limited to, live propagation, transplantation, and habitat acquisition and improvement, as are necessary and appropriate to minimize the adverse effects of the agency action upon the endangered species, threatened species, or critical habitat concerned.

Any final determination by Committee under this subsection shall be considered final agency action for purposes of chapter 7 of title 5 of the United States Code.

(2)

(A) Except as provided in subparagraph (B), an exemption for an agency action granted under paragraph (1) shall constitute a permanent exemption with respect to all endangered or threatened species for the purposes of completing such agency action-

(i) regardless whether the species was identified in the biological assessment; and

(ii) only if a biological assessment has been conducted under subsection (c) with respect to such agency action.

(B) An exemption shall be permanent under subparagraph (A) unless-

(i) the Secretary finds, based on the best scientific and commercial data available, that such exemption would result in the extinction of a species that was not the subject of consultation under subsection (a)(2) or was not

identified in any biological assessment conducted under subsection (c), and
(ii) the Committee determines within 60 days after the date of the Secretary's finding that the exemption should not be permanent.

If the Secretary makes a finding described in clause (i), the Committee shall meet with respect to the matter within 30 days after the date of the finding.

(i) REVIEW BY SECRETARY OF STATE.-Notwithstanding any other provision of this Act, the Committee shall be prohibited from considering for exemption any application made to it, if the Secretary of State, after a review of the proposed agency action and its potential implications, and after hearing, certifies, in writing, to the Committee within 60 days of any application made under this section that the granting of any such exemption and the carrying out of such action would be in violation of an international treaty obli- gation or other international obligation of the United States. The Secretary of State shall, at the time of such certification, publish a copy thereof in the Federal Register.

(j) Notwithstanding any other provision of this Act, the Committee shall grant an exemption for any agency action if the Secretary of Defense finds that such exemption is necessary for reasons of national security.

(k) SPECIAL PROVISIONS.-An exemption decision by the Committee under this section shall not be a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided, That an environmental impact statement which discusses the impacts upon endangered species or threatened species or their critical habitats shall have been previously prepared with respect to any agency action exempted by such order.

(l) COMMITTEE ORDERS.-

(1) If the Committee determines under subsection (h) that an exemption should be granted with respect to any agency action, the Committee shall issue an order granting the exemption and specifying the mitigation and enhancement measures established pursuant to subsection (h) which shall be carried out and paid for by the exemption applicant in implementing the agency action. All necessary mitigation and enhancement measures shall be authorized prior to the implementing of the agency action and funded concurrently with all other project features.

(2) The applicant receiving such exemption shall include the costs of such mitigation and enhancement measures within the overall costs of continuing the proposed action. Notwithstanding the preceding sentence the costs of such measures shall not be treated as project costs for the purpose of computing benefit-cost or other ratios for the proposed action. Any applicant may request the Secretary to carry out such mitigation and enhancement measures. The costs incurred by the Secretary in carrying out any such measures shall be paid by the applicant receiving the exemption. No later than one year after the granting of an exemption, the exemption applicant shall submit to the Council on Environmental Quality a report describing its compliance with the mitigation and en- hancement measures prescribed by this section. Such report shall be submitted annually until all such mitigation and enhancement measures have been completed. Notice of the public availability of such reports shall be published in the Federal Register by the Council on Environmental Quality.

(m) NOTICE.-The 60-day notice requirement of section 11(g) of this Act shall not apply with respect to review of any final determination of the Committee under subsection (h) of this section granting an exemption from the requirements of subsection (a)(2) of this section.

(n) JUDICIAL REVIEW.-Any person, as defined by section 3(13) of this Act, may obtain judicial review, under chapter 7 of title 5 of the United States Code, of any decision of the Endangered Species Committee under subsection (h) in the United States Court of Appeals for (1) any circuit wherein the agency action concerned will be, or is being, carried out, or (2) in any case in which the agency action will be, or is being, carried out outside of any circuit, the District of Columbia, by filing in such court within 90 days after the date of issuance of the decision, a written petition for review. A copy of such petition shall be transmitted by the clerk of the court to the Committee and the Committee shall file in the court the record in the proceeding, as provided in section 2112, of title 28, United States Code. Attorneys designated by the Endangered Species Committee may appear for, and represent the Committee in any action for review under this subsection.

(o) EXEMPTION AS PROVIDING EXCEPTION ON TAKING OF ENDANGERED SPECIES.-

Notwithstanding sections 1533(d) and 1538(a)(1)(B) and (C) of this title, sections 1371 and 1372 of this title, or any regulation promulgated to implement any such section-

(1) any action for which an exemption is granted under subsection (h) of this section shall not be considered to be a taking of any endangered species or threatened species with respect to any activity which is necessary to carry out such action; and

(2) any taking that is in compliance with the terms and conditions specified in a written statement provided under subsection (b)(4)(iv) of this section shall not be considered to be a prohibited taking of the species concerned.

(p) EXEMPTIONS IN PRESIDENTIALLY DECLARED DISASTER AREAS. In any area which has been declared by the President to be a major disaster area under the Disaster Relief Act of 1974, the President is authorized to make the determinations required by subsections (g) and (h) of this section for any project for the repair or replacement of a public facility substantially as it existed prior to the disaster under section 401 or 402 of the Disaster Relief Act of 1974, and which the President determines (1) is necessary to prevent the recurrence of such a natural disaster and to reduce the potential loss of human life, and (2) to involve an emergency situation which does not allow the ordinary procedures of this section to be followed. Notwithstanding any other provision of this section, the Committee shall accept the determinations of the President under this subsection.

INTERNATIONAL COOPERATION

Sec. 8.

(a) FINANCIAL ASSISTANCE.-As a demonstration of the commitment of the United States to the worldwide protection of endangered species and threatened species, the President may, subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), use foreign currencies accruing to the United States Government under the Agricultural Trade Development and Assistance Act of 1954 or any other law to provide to any foreign country (with its consent) assistance in the development and management of programs in that country which the Secretary determines to be necessary or useful for the conservation of any endangered species or threatened species listed by the Secretary pursuant to section 4 of this Act. The President shall provide assistance (which includes, but is not limited to, the acquisition, by lease or otherwise, of lands, waters, or interests therein) to foreign countries under this section under such terms and conditions as he deems appropriate. Whenever foreign currencies are available for the provision of assistance under this section, such currencies shall be used in preference to funds appropriated under the authority of section 15 of this Act.

(b) ENCOURAGEMENT OF FOREIGN PROGRAMS.-In order to carry out further the provisions of this Act, the Secretary, through the Secretary of State shall encourage-

(1) foreign countries to provide for the conservation of fish or wildlife and plants including endangered species and threatened species listed pursuant to section 4 of this Act;

(2) the entering into of bilateral or multilateral agreements with foreign countries to provide for such conservation; and

(3) foreign persons who directly or indirectly take fish or wildlife or plants in foreign countries or on the high seas for importation into the United States for commercial or other purposes to develop and carry out with such assistance as he may provide, conservation practices designed to enhance such fish or wildlife or plants and their habitat.

(c) PERSONNEL.-After consultation with the Secretary of State, the Secretary may-

(1) assign or otherwise make available any officer or employee of his department for the purpose of cooperating with foreign countries and international organizations in developing personnel resources and programs which promote the conservation of fish or wildlife or plants, and

(2) conduct or provide financial assistance for the educational training of foreign personnel, in this country or abroad, in fish, wildlife, or plant management, research and law enforcement and to render professional assistance abroad in such matters.

(d) INVESTIGATIONS.-After consultation with the Secretary of State and the Secretary of the Treasury, as appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations and research abroad as he deems necessary to carry out the purposes of this Act.