

106<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1651

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 1999

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, 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 **TITLE I—EXTENSION OF PERIOD**  
 4 **FOR REIMBURSEMENT**  
 5 **UNDER FISHERMEN’S PRO-**  
 6 **TECTIVE ACT OF 1967**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Fishermen’s Protec-  
 9 tive Act Amendments of 1999”.

10 **SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT**  
 11 **UNDER FISHERMEN’S PROTECTIVE ACT OF**  
 12 **1967.**

13 (a) **IN GENERAL.**—Section 7(e) of the Fishermen’s  
 14 Protective Act of 1967 (22 U.S.C. 1977(e)) is amended  
 15 by striking “2000” and inserting “2003”.

16 (b) **CLERICAL AMENDMENT.**—Section 7(a)(3) of the  
 17 Fishermen’s Protective Act of 1967 (22 U.S.C.  
 18 1977(a)(3)) is amended by striking “Secretary of the Inte-  
 19 rior” and inserting “Secretary of Commerce”.

20 **TITLE II—YUKON RIVER**  
 21 **SALMON**

22 **SEC. 201. SHORT TITLE.**

23 This title may be cited as the “Yukon River Salmon  
 24 Act of 1999”.

1 **SEC. 202. YUKON RIVER SALMON PANEL.**

2 (a) ESTABLISHMENT.—

3 (1) IN GENERAL.—There shall be a Yukon  
4 River Salmon Panel (in this title referred to as the  
5 “Panel”).

6 (2) FUNCTIONS.—The Panel shall—

7 (A) advise the Secretary of State regarding  
8 the negotiation of any international agreement  
9 with Canada relating to management of salmon  
10 stocks originating from the Yukon River in  
11 Canada;

12 (B) advise the Secretary of the Interior re-  
13 garding restoration and enhancement of such  
14 salmon stocks; and

15 (C) perform other functions relating to  
16 conservation and management of such salmon  
17 stocks as authorized by this or any other title.

18 (3) DESIGNATION AS UNITED STATES REP-  
19 RESENTATIVES ON BILATERAL BODY.—The Sec-  
20 retary of State may designate the members of the  
21 Panel to be the United States representatives on any  
22 successor to the panel established by the interim  
23 agreement for the conservation of salmon stocks  
24 originating from the Yukon River in Canada agreed  
25 to through an exchange of notes between the Gov-  
26 ernment of the United States and the Government

1 of Canada on February 3, 1995, if authorized by  
2 any agreement establishing such successor.

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Panel shall be com-  
5 prised of six members, as follows:

6 (A) One member who is an official of the  
7 United States Government with expertise in  
8 salmon conservation and management, who  
9 shall be appointed by the Secretary of State.

10 (B) One member who is an official of the  
11 State of Alaska with expertise in salmon con-  
12 servation and management, who shall be ap-  
13 pointed by the Governor of Alaska.

14 (C) Four members who are knowledgeable  
15 and experienced with regard to the salmon fish-  
16 eries on the Yukon River, who shall be ap-  
17 pointed by the Secretary of State in accordance  
18 with paragraph (2).

19 (2) APPOINTEES FROM ALASKA.—(A) The Sec-  
20 retary of State shall appoint the members under  
21 paragraph (1)(C) from a list of at least three indi-  
22 viduals nominated for each position by the Governor  
23 of Alaska.

24 (B) In making the nominations, the Governor  
25 of Alaska may consider suggestions for nominations

1 provided by organizations with expertise in Yukon  
2 River salmon fisheries.

3 (C) The Governor of Alaska may make appro-  
4 priate nominations to allow for appointment of, and  
5 the Secretary of State shall appoint, under para-  
6 graph (1)(C)—

7 (i) at least one member who is qualified to  
8 represent the interests of Lower Yukon River  
9 fishing districts; and

10 (ii) at least one member who is qualified to  
11 represent the interests of Upper Yukon River  
12 fishing districts.

13 (D) At least one of the members appointed  
14 under paragraph (1)(C) shall be an Alaska Native.

15 (3) ALTERNATES.—(A) The Secretary of State  
16 may designate an alternate Panel member for each  
17 Panel member the Secretary appoints under para-  
18 graphs (1)(A) and (C), who meets the same quali-  
19 fications, to serve in the absence of the Panel mem-  
20 ber.

21 (B) The Governor of the State of Alaska may  
22 designate an alternative Panel member for the Panel  
23 member appointed under subsection (b)(1)(B), who  
24 meets the same qualifications, to serve in the ab-  
25 sence of that Panel member.

1 (c) TERM LENGTH.—Panel members and alternate  
2 Panel members shall serve four-year terms. Any individual  
3 appointed to fill a vacancy occurring before the expiration  
4 of any term shall be appointed for the remainder of that  
5 term.

6 (d) REAPPOINTMENT.—Panel members and alternate  
7 Panel members shall be eligible for reappointment.

8 (e) DECISIONS.—Decisions of the Panel shall be  
9 made by the consensus of the Panel members appointed  
10 under subparagraphs (B) and (C) of subsection (b)(1).

11 (f) CONSULTATION.—In carrying out their functions,  
12 Panel members may consult with such other interested  
13 parties as they consider appropriate.

14 **SEC. 203. ADVISORY COMMITTEE.**

15 (a) APPOINTMENTS.—The Governor of Alaska may  
16 establish and appoint an advisory committee of not less  
17 than eight, but not more than 12, individuals who are  
18 knowledgeable and experienced with regard to the salmon  
19 fisheries on the Yukon River. At least two of the advisory  
20 committee members shall be Alaska Natives. Members of  
21 the advisory committee may attend all meetings of the  
22 Panel, and shall be given the opportunity to examine and  
23 be heard on any matter under consideration by the Panel.

24 (b) COMPENSATION.—The members of such advisory  
25 committee shall receive no compensation for their services.

1 (c) TERM LENGTH.—Members of such advisory com-  
2 mittee shall serve two-year terms. Any individual ap-  
3 pointed to fill a vacancy occurring before the expiration  
4 of any term shall be appointed for the remainder of that  
5 term.

6 (d) REAPPOINTMENT.—Members of such advisory  
7 committee shall be eligible for reappointment.

8 **SEC. 204. EXEMPTION.**

9 The Federal Advisory Committee Act (5 U.S.C. App.)  
10 shall not apply to the Panel or to an advisory committee  
11 established under section 203.

12 **SEC. 205. AUTHORITY AND RESPONSIBILITY.**

13 (a) RESPONSIBLE MANAGEMENT ENTITY.—The  
14 State of Alaska Department of Fish and Game shall be  
15 the responsible management entity for the United States  
16 for the purposes of any agreement with Canada regarding  
17 management of salmon stocks originating from the Yukon  
18 River in Canada.

19 (b) EFFECT OF DESIGNATION.—The designation  
20 under subsection (a) shall not be considered to expand,  
21 diminish, or otherwise change the management authority  
22 of the State of Alaska or the Federal Government with  
23 respect to fishery resources.

24 (c) RECOMMENDATIONS OF PANEL.—In addition to  
25 recommendations made by the Panel to the responsible

1 management entities in accordance with any agreement  
2 with Canada regarding management of salmon stocks  
3 originating from the Yukon River in Canada, the Panel  
4 may make recommendations concerning the conservation  
5 and management of salmon originating in the Yukon River  
6 to the Department of the Interior, the Department of  
7 Commerce, the Department of State, the North Pacific  
8 Fishery Management Council, and other Federal or State  
9 entities as appropriate. Recommendations by the Panel  
10 shall be advisory in nature.

11 **SEC. 206. ADMINISTRATIVE MATTERS.**

12 (a) COMPENSATION.—Panel members and alternate  
13 Panel members who are not State or Federal employees  
14 shall receive compensation at the daily rate of GS–15 of  
15 the General Schedule when engaged in the actual perform-  
16 ance of duties.

17 (b) TRAVEL AND OTHER NECESSARY EXPENSES.—  
18 Travel and other necessary expenses shall be paid by the  
19 Secretary of the Interior for all Panel members, alternate  
20 Panel members, and members of any advisory committee  
21 established under section 203 when engaged in the actual  
22 performance of duties.

23 (c) TREATMENT AS FEDERAL EMPLOYEES.—Except  
24 for officials of the United States Government, all Panel  
25 members, alternate Panel members, and members of any



1 advisory committee established under section 203 shall not  
2 be considered to be Federal employees while engaged in  
3 the actual performance of duties, except for the purposes  
4 of injury compensation or tort claims liability as provided  
5 in chapter 81 of title 5, United States Code, and chapter  
6 71 of title 28, United States Code.

7 **SEC. 207. YUKON RIVER SALMON STOCK RESTORATION**  
8 **AND ENHANCEMENT PROJECTS.**

9 (a) IN GENERAL.—The Secretary of the Interior, in  
10 consultation with the Secretary of Commerce, may carry  
11 out projects to restore or enhance salmon stocks origi-  
12 nating from the Yukon River in Canada and the United  
13 States.

14 (b) COOPERATION WITH CANADA.—If there is in ef-  
15 fect an agreement between the Government of the United  
16 States and the Government of Canada for the conservation  
17 of salmon stocks originating from the Yukon River in Can-  
18 ada that includes provisions governing projects authorized  
19 under this section, then—

20 (1) projects under this section shall be carried  
21 out in accordance with that agreement; and

22 (2) amounts available for projects under this  
23 section—

24 (A) shall be expended in accordance with  
25 the agreement; and

1 (B) may be deposited in any joint account  
2 established by the agreement to fund such  
3 projects.

4 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Sec-  
6 retary of the Interior to carry out this title \$4,000,000  
7 for each of fiscal years 2000, 2001, 2002, and 2003, of  
8 which—

9 (1) such sums as are necessary shall be avail-  
10 able each fiscal year for travel expenses of Panel  
11 members, alternate Panel members, United States  
12 members of the Joint Technical Committee estab-  
13 lished by paragraph C.2 of the memorandum of un-  
14 derstanding concerning the Pacific Salmon Treaty  
15 between the Government of the United States and  
16 the Government of Canada (recorded January 28,  
17 1985), and members of an advisory committee estab-  
18 lished and appointed under section 203, in accord-  
19 ance with Federal Travel Regulations and sections  
20 5701, 5702, 5704 through 5708, and 5731 of title  
21 5, United States Code;

22 (2) such sums as are necessary shall be avail-  
23 able for the United States share of expenses in-  
24 curred by the Joint Technical Committee and any  
25 panel established by any agreement between the

1 Government of the United States and the Govern-  
2 ment of Canada for restoration and enhancement of  
3 salmon originating in Canada;

4 (3) up to \$3,000,000 shall be available each fis-  
5 cal year for activities by the Department of the Inte-  
6 rior and the Department of Commerce for survey,  
7 restoration, and enhancement activities related to  
8 salmon stocks originating from the Yukon River in  
9 Canada, of which up to \$1,200,000 shall be available  
10 each fiscal year for Yukon River salmon stock res-  
11 toration and enhancement projects under section  
12 207(b); and

13 (4) \$600,000 shall be available each fiscal year  
14 for cooperative salmon research and management  
15 projects in the portion of the Yukon River drainage  
16 located in the United States that are recommended  
17 by the Panel.

## 18 **TITLE III—FISHERY**

### 19 **INFORMATION ACQUISITION**

#### 20 **SEC. 301. SHORT TITLE.**

21 This title may be cited as the “Fisheries Survey Ves-  
22 sel Authorization Act of 1999”.

#### 23 **SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.**

24 (a) IN GENERAL.—The Secretary, subject to the  
25 availability of appropriations, may in accordance with this

1 section acquire, by purchase, lease, lease-purchase, or  
2 charter, and equip up to six fishery survey vessels in ac-  
3 cordance with this section.

4 (b) VESSEL REQUIREMENTS.—Any vessel acquired  
5 and equipped under this section must—

6 (1) be capable of—

7 (A) staying at sea continuously for at least  
8 30 days;

9 (B) conducting fishery population surveys  
10 using hydroacoustic, longlining, deep water, and  
11 pelagic trawls, and other necessary survey tech-  
12 niques; and

13 (C) conducting other work necessary to  
14 provide fishery managers with the accurate and  
15 timely data needed to prepare and implement  
16 fishery management plans; and

17 (2) have a hull that meets the International  
18 Council for Exploration of the Sea standard regard-  
19 ing acoustic quietness.

20 (c) AUTHORIZATION.—To carry out this section there  
21 are authorized to be appropriated to the Secretary  
22 \$60,000,000.

Passed the House of Representatives September 13,  
1999.

Attest:

JEFF TRANDAHL,

*Clerk.*