

Calendar No. 569

106TH CONGRESS
2^D SESSION**H. R. 1651****[Report No. 106-302]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 1999

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

MAY 23, 2000

Reported by Mr. MCCAIN, with an amendment

[Omit the part struck through and insert the part printed in *italie*]

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,*

1 **TITLE I—EXTENSION OF PERIOD**
2 **FOR REIMBURSEMENT**
3 **UNDER FISHERMEN’S PRO-**
4 **TECTIVE ACT OF 1967**

5 **SEC. 101. SHORT TITLE.**

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

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

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

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

18 **TITLE II—YUKON RIVER**
19 **SALMON**

20 **SEC. 201. SHORT TITLE.**

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

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

24 (a) **ESTABLISHMENT.**—

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

4 (2) FUNCTIONS.—The Panel shall—

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

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

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

16 (3) DESIGNATION AS UNITED STATES REP-
17 RESENTATIVES ON BILATERAL BODY.—The Sec-
18 retary of State may designate the members of the
19 Panel to be the United States representatives on any
20 successor to the panel established by the interim
21 agreement for the conservation of salmon stocks
22 originating from the Yukon River in Canada agreed
23 to through an exchange of notes between the Gov-
24 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.~~ *\$60,000,000 for each of fiscal years 2002 and*
23 *2003.*

1 **TITLE IV—MISCELLANEOUS**

2 **SEC. 401. USE OF AIRCRAFT PROHIBITED.**

3 *Section 7(a) of the Atlantic Tunas Convention Act of*
4 *1975 (16 U.S.C. 971e(a)) is amended—*

5 (1) *by striking “or” after the semicolon in para-*
6 *graph (1);*

7 (2) *by striking “fish.” in paragraph (2) and in-*
8 *serting “fish; or”; and*

9 (3) *by adding at the end the following:*

10 “(3) *for any person, other than a person holding*
11 *a valid Federal permit in the purse seine category—*

12 “(A) *to use an aircraft to locate or other-*
13 *wise assist in fishing for, catching, or retaining*
14 *Atlantic bluefin tuna; or*

15 “(B) *to catch, possess, or retain Atlantic*
16 *bluefin tuna located by use of an aircraft.”.*

17 **SEC. 402. FISHERIES RESEARCH VESSEL PROCUREMENT.**

18 *Notwithstanding section 644 of title 15, United States*
19 *Code, and section 19.502–2 of title 48, Code of Federal Reg-*
20 *ulations, the Secretary of Commerce shall seek to procure*
21 *Fisheries Research Vessels through full and open competi-*
22 *tion from responsible United States shipbuilding companies*
23 *irrespective of size. Any such procurement shall require, as*
24 *an award criterion, that at least 40 percent of the value*
25 *of the total contract for the construction and outfitting of*

- 1 *each craft be obtained from responsible small business con-*
- 2 *cerns either directly or through subcontracting.*

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