

Calendar No. 238

106TH CONGRESS
1ST SESSION**S. 501****[Report No. 106–128]**

To address resource management issues in Glacier Bay National Park, Alaska.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 1999

Mr. MURKOWSKI (for himself and Mr. STEVENS) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

JULY 29, 1999

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To address resource management issues in Glacier Bay
National Park, Alaska.

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.**

4 This Act may be cited as the “Glacier Bay Fisheries
5 Act”.

1 **SEC. 2. RESOURCE HARVESTING.**

2 (a) In Glacier Bay National Park, the Secretary of
3 the Interior shall accommodate—

4 (1) the conduct of subsistence fishing and gath-
5 ering under title VIII of the Alaska National Inter-
6 est Lands Conservation Act (16 U.S.C. 3111 et.
7 seq.); and

8 (2) the conduct by the State of Alaska, in ae-
9 cordance with the principles of sustained yield, of
10 marine commercial fisheries, except fishing for Dun-
11 geness crab in the waters of the Beardslee Islands
12 and upper Dundas Bay.

13 **SEC. 3. CLAIMS FOR LOST EARNINGS.**

14 Section 3(g) of Public Law 91-383 (16 U.S.C. 1a-
15 2(g)) is amended—

16 (1) in paragraph (1), by striking “and” at the
17 end;

18 (2) in paragraph (2), by striking the period at
19 the end and inserting “; and”; and

20 (3) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) to pay an aggregate of not more than
23 \$2,000,000 per fiscal year in actual and punitive
24 damages to persons that, at any time after January
25 1, 1999, suffered or suffer a loss in earnings from
26 commercial fisheries legally conducted in the marine

1 waters of Glacier Bay National Park, due to any ac-
 2 tion by an officer, employee, or agent of any Federal
 3 department or agency, that interferes with any per-
 4 son legally fishing or attempting to fish in such com-
 5 mercial fisheries.”.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Glacier Bay Fisheries*
 8 *Act”.*

9 **SEC. 2. RESOURCE MANAGEMENT AND USE.**

10 *(a) Section 202(1) of the Alaska National Interest*
 11 *Lands Conservation Act (16 U.S.C. 410hh–1) is amended*
 12 *by adding at the end thereof the following new sentence:*
 13 *“Subsistence fishing and gathering by local residents shall*
 14 *be permitted in the park and preserve in accordance with*
 15 *the provisions of title VIII.”.*

16 *(b) Within the boundaries of Glacier Bay National*
 17 *Park, the Secretary of the Interior shall not take any action*
 18 *that would adversely affect—*

19 *(1) subsistence fishing and gathering under title*
 20 *VIII of the Alaska National Interest Lands Conserva-*
 21 *tion Act (16 U.S.C. 3111 et seq.);*

22 *(2) management by the State of Alaska of ma-*
 23 *rine fisheries including subsistence and commercial*
 24 *fisheries, in accordance with the principles of sus-*

1 *tained yield, except that commercial fishing for Dun-*
 2 *geness crab shall be prohibited; and,*

3 *(3) subsistence gathering activities permitted*
 4 *under the Migratory Bird Treaty.*

5 *(c) Nothing in this section shall enlarge or diminish*
 6 *Federal or State title, jurisdiction or authority with respect*
 7 *to the waters of the State of Alaska, the waters within the*
 8 *boundaries of Glacier Bay National Park and Preserve, or*
 9 *the tidal or submerged lands.*

10 **SEC. 3. CLAIMS FOR LOST EARNINGS.**

11 *Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–*
 12 *2(g)) is amended—*

13 *(1) in paragraph (1), by striking “and” at the*
 14 *end;*

15 *(2) in paragraph (2), by striking the period at*
 16 *the end and inserting “; and”; and*

17 *(3) by inserting after paragraph (2) the fol-*
 18 *lowing:*

19 *“(3) to pay an aggregate of not more than*
 20 *\$2,000,000 per fiscal year in actual and punitive*
 21 *damages to persons who, at any time after January*
 22 *1, 1999, suffered or suffer a loss in earnings from*
 23 *commercial fisheries legally conducted in the marine*
 24 *waters of Glacier Bay National Park, due to any ac-*

- 1 *tion by an officer, employee, or agent of any Federal*
- 2 *department or agency.”*

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