

Union Calendar No. 115

106TH CONGRESS
1ST Session

H. R. 1652

[Report No. 106-201]

A BILL

To establish the Yukon River Salmon Advisory
Panel.

JUNE 25, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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To establish the Yukon River Salmon Advisory Panel.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1999

Mr. YOUNG of Alaska (for himself and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Resources

JUNE 25, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on April 29, 1999]

A BILL

To establish the Yukon River Salmon Advisory Panel.

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 “Yukon River Salmon*
5 *Act of 1999”.*

1 **SEC. 2. YUKON RIVER SALMON PANEL.**

2 (a) *ESTABLISHMENT.*—

3 (1) *IN GENERAL.*—*There shall be a Yukon River*
4 *Salmon Panel (in this Act 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 Can-*
11 *ada;*

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 con-*
16 *servation and management of such salmon stocks*
17 *as authorized by this or any other Act.*

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

1 1995, if authorized by any agreement establishing
2 such successor.

3 **(b) MEMBERSHIP.—**

4 **(1) IN GENERAL.—***The Panel shall be comprised*
5 *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 shall*
9 *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 appointed*
17 *by the Secretary of State in accordance with*
18 *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 3 individuals*
22 *nominated for each position by the Governor of Alas-*
23 *ka.*

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

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

3 *(C) The Governor of Alaska may make appro-*
4 *prate nominations to allow for appointment of, and*
5 *the Secretary of State shall appoint, under paragraph*
6 *(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 under*
14 *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 qualifica-*
19 *tions, to serve in the absence of the Panel member.*

20 *(B) The Governor of the State of Alaska may*
21 *designate an alternative Panel member for the Panel*
22 *member appointed under subsection (b)(1)(B), who*
23 *meets the same qualifications, to serve in the absence*
24 *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 made*
 9 *by the consensus of the Panel members appointed under sub-*
 10 *paragraphs (B) and (C) of subsection (b)(1).*

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

14 **SEC. 3. ADVISORY COMMITTEE.**

15 (a) *APPOINTMENTS.*—*The Governor of Alaska may es-*
 16 *tablish and appoint an advisory committee of not less than*
 17 *8, but not more than 12, individuals who are knowledgeable*
 18 *and experienced with regard to the salmon fisheries on the*
 19 *Yukon River. At least 2 of the advisory committee members*
 20 *shall be Alaska Natives. Members of the advisory committee*
 21 *may attend all meetings of the Panel, and shall be given*
 22 *the opportunity to examine and be heard on any matter*
 23 *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 of
 4 any term shall be appointed for the remainder of that term.

5 (d) *REAPPOINTMENT.*—Members of such advisory com-
 6 mittee shall be eligible for reappointment.

7 **SEC. 4. EXEMPTION.**

8 *The Federal Advisory Committee Act (5 U.S.C. App.)*
 9 *shall not apply to the Panel or to an advisory committee*
 10 *established under section 3.*

11 **SEC. 5. AUTHORITY AND RESPONSIBILITY.**

12 (a) *RESPONSIBLE MANAGEMENT ENTITY.*—The State
 13 *of Alaska Department of Fish and Game shall be the respon-*
 14 *sible management entity for the United States for the pur-*
 15 *poses of any agreement with Canada regarding manage-*
 16 *ment of salmon stocks originating from the Yukon River*
 17 *in Canada.*

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

23 (c) *RECOMMENDATIONS OF PANEL.*—In addition to
 24 *recommendations made by the Panel to the responsible*
 25 *management entities in accordance with any agreement*

1 *with Canada regarding management of salmon stocks origi-*
2 *nating from the Yukon River in Canada, the Panel may*
3 *make recommendations concerning the conservation and*
4 *management of salmon originating in the Yukon River to*
5 *the Department of the Interior, the Department of Com-*
6 *merce, the Department of State, the North Pacific Fishery*
7 *Management Council, and other Federal or State entities*
8 *as appropriate. Recommendations by the Panel shall be ad-*
9 *visory in nature.*

10 **SEC. 6. ADMINISTRATIVE MATTERS.**

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

16 (b) *TRAVEL AND OTHER NECESSARY EXPENSES.*—
17 Travel and other necessary expenses shall be paid by the
18 Secretary of the Interior for all Panel members, alternate
19 Panel members, and members of any advisory committee
20 established under section 3 when engaged in the actual per-
21 formance of duties.

22 (c) *TREATMENT AS FEDERAL EMPLOYEES.*—Except
23 for officials of the United States Government, all Panel
24 members, alternate Panel members, and members of any ad-
25 visory committee established under section 3 shall not be

1 *considered to be Federal employees while engaged in the ac-*
 2 *tual performance of duties, except for the purposes of injury*
 3 *compensation or tort claims liability as provided in chapter*
 4 *81 of title 5, United States Code, and chapter 71 of title*
 5 *28, United States Code.*

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

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

12 (b) *COOPERATION WITH CANADA.*—*If there is in effect*
 13 *an agreement between the Government of the United States*
 14 *and the Government of Canada for the conservation of salm-*
 15 *on stocks originating from the Yukon River in Canada that*
 16 *includes provisions governing projects authorized under this*
 17 *section, then—*

18 (1) *projects under this section shall be carried*
 19 *out in accordance with that agreement; and*

20 (2) *amounts available for projects under this*
 21 *section—*

22 (A) *shall be expended in accordance with*
 23 *the agreement; and*

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

4 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

8 (1) such sums as are necessary shall be available
9 each fiscal year for travel expenses of Panel members,
10 alternate Panel members, United States members of
11 the Joint Technical Committee established by para-
12 graph C.2 of the memorandum of understanding con-
13 cerning the Pacific Salmon Treaty between the Gov-
14 ernment of the United States and the Government of
15 Canada (recorded January 28, 1985), and members of
16 an advisory committee established and appointed
17 under section 3, in accordance with Federal Travel
18 Regulations and sections 5701, 5702, 5704 through
19 5708, and 5731 of title 5, United States Code;

20 (2) such sums as are necessary shall be available
21 for the United States share of expenses incurred by
22 the Joint Technical Committee and any panel estab-
23 lished by any agreement between the Government of
24 the United States and the Government of Canada for

1 *restoration and enhancement of salmon originating in*
2 *Canada;*

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

11 *(4) \$600,000 shall be available each fiscal year*
12 *for cooperative salmon research and management*
13 *projects in the portion of the Yukon River drainage*
14 *located in the United States that are recommended by*
15 *the Panel.*