

Public Law 106-450
106th Congress

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.

Nov. 7, 2000

[H.R. 1651]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—EXTENSION OF PERIOD FOR
REIMBURSEMENT UNDER FISHER-
MEN'S PROTECTIVE ACT OF 1967**

Fishermen's
Protective Act
Amendments of
2000.

SEC. 101. SHORT TITLE.

This title may be cited as the "Fishermen's Protective Act Amendments of 2000".

22 USC 1971
note.

SEC. 102. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN'S PROTECTIVE ACT OF 1967.

(a) **IN GENERAL.**—Section 7(e) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking "2000" and inserting "2003".

(b) **CLERICAL AMENDMENT.**—Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of the Interior" and inserting "Secretary of Commerce".

TITLE II—YUKON RIVER SALMON

SEC. 201. SHORT TITLE.

This title may be cited as the "Yukon River Salmon Act of 2000".

Yukon River
Salmon Act of
2000.
Alaska.
Canada.
16 USC 5701
note.

SEC. 202. YUKON RIVER SALMON PANEL.

16 USC 5721.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There shall be a Yukon River Salmon Panel (in this title referred to as the "Panel").

(2) **FUNCTIONS.**—The Panel shall—

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

(B) advise the Secretary of the Interior regarding restoration and enhancement of such salmon stocks; and

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

(3) DESIGNATION AS UNITED STATES REPRESENTATIVES ON BILATERAL BODY.—The Secretary of State may designate the members of the Panel to be the United States representatives on any successor to the panel established by the interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada agreed to through an exchange of notes between the Government of the United States and the Government of Canada on February 3, 1995, if authorized by any agreement establishing such successor.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Panel shall be comprised of six members, as follows:

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

(B) One member who is an official of the State of Alaska with expertise in salmon conservation and management, who shall be appointed by the Governor of Alaska.

(C) Four members who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River, who shall be appointed by the Secretary of State in accordance with paragraph (2).

(2) APPOINTEES FROM ALASKA.—(A) The Secretary of State shall appoint the members under paragraph (1)(C) from a list of at least three individuals nominated for each position by the Governor of Alaska.

(B) In making the nominations, the Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries.

(C) The Governor of Alaska may make appropriate nominations to allow for appointment of, and the Secretary of State shall appoint, under paragraph (1)(C)—

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

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

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

(3) ALTERNATES.—(A) The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under paragraphs (1)(A) and (C), who meets the same qualifications, to serve in the absence of the Panel member.

(B) The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(1)(B), who meets the same qualifications, to serve in the absence of that Panel member.

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

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

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

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

SEC. 203. ADVISORY COMMITTEE.

16 USC 5722.

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

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

(c) TERM LENGTH.—Members of such advisory committee shall serve 2-year terms. Any individual appointed to fill a vacancy occurring before the expiration of any term shall be appointed for the remainder of that term.

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

SEC. 204. EXEMPTION.

16 USC 5723.

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

SEC. 205. AUTHORITY AND RESPONSIBILITY.

16 USC 5724.

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

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

(c) RECOMMENDATIONS OF PANEL.—In addition to recommendations made by the Panel to the responsible management entities in accordance with any agreement with Canada regarding management of salmon stocks originating from the Yukon River in Canada, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, the Department of Commerce, the Department of State, the North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

SEC. 206. ADMINISTRATIVE MATTERS.

16 USC 5725.

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

(b) TRAVEL AND OTHER NECESSARY EXPENSES.—Travel and other necessary expenses shall be paid by the Secretary of the

Interior for all Panel members, alternate Panel members, and members of any advisory committee established under section 203 when engaged in the actual performance of duties.

(c) **TREATMENT AS FEDERAL EMPLOYEES.**—Except for officials of the United States Government, all Panel members, alternate Panel members, and members of any advisory committee established under section 203 shall not be considered to be Federal employees while engaged in the actual performance of duties, except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 71 of title 28, United States Code.

16 USC 5726.

SEC. 207. YUKON RIVER SALMON STOCK RESTORATION AND ENHANCEMENT PROJECTS.

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

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

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

(2) amounts available for projects under this section—

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

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

16 USC 5727.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title \$4,000,000 for each of fiscal years 2000, 2001, 2002, and 2003, of which—

(1) such sums as are necessary shall be available each fiscal year for travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee established by paragraph C.2 of the memorandum of understanding concerning the Pacific Salmon Treaty between the Government of the United States and the Government of Canada (recorded January 28, 1985), and members of an advisory committee established and appointed under section 203, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code;

(2) such sums as are necessary shall be available for the United States share of expenses incurred by the Joint Technical Committee and any panel established by any agreement between the Government of the United States and the Government of Canada for restoration and enhancement of salmon originating in Canada;

(3) up to \$3,000,000 shall be available each fiscal year for activities by the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities related to salmon stocks originating from the Yukon River in Canada, of which up to \$1,200,000 shall be available

each fiscal year for Yukon River salmon stock restoration and enhancement projects under section 207(b); and

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

TITLE III—FISHERY INFORMATION ACQUISITION

Fisheries Survey
Vessel
Authorization
Act of 2000.

SEC. 301. SHORT TITLE.

This title may be cited as the “Fisheries Survey Vessel Authorization Act of 2000”.

38 USC 891b
note.

SEC. 302. ACQUISITION OF FISHERY SURVEY VESSELS.

33 USC 891b
note.

(a) **IN GENERAL.**—The Secretary, subject to the availability of appropriations, may in accordance with this section acquire, by purchase, lease, lease-purchase, or charter, and equip up to six fishery survey vessels in accordance with this section.

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

(1) be capable of—

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

(B) conducting fishery population surveys using hydroacoustic, longlining, deep water, and pelagic trawls, and other necessary survey techniques; and

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

(2) have a hull that meets the International Council for

Exploration of the Sea standard regarding acoustic quietness.

(c) **AUTHORIZATION.**—To carry out this section there are authorized to be appropriated to the Secretary \$60,000,000 for each of fiscal years 2002 and 2003.

TITLE IV—MISCELLANEOUS

SEC. 401. FISHERIES RESEARCH VESSEL PROCUREMENT.

33 USC 891e
note.

Notwithstanding section 644 of title 15, United States Code, and section 19.502-2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research

Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

Approved November 7, 2000.

LEGISLATIVE HISTORY—H.R. 1651:

HOUSE REPORTS: No. 106-197 (Comm. on Resources).

SENATE REPORTS: No. 106-302 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Sept. 13, considered and passed House.

Vol. 146 (2000): June 26, considered and passed Senate, amended.

Sept. 18, House concurred in Senate amendment with an amendment.

Oct. 25, Senate concurred in House amendment.