

CHAPTER 77—YUKON RIVER SALMON

SUBCHAPTER I—IMPLEMENTATION OF INTERIM AGREEMENT

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SUBCHAPTER I—IMPLEMENTATION OF INTERIM AGREEMENT

§5701. Purposes

It is the purpose of this subchapter—

- (1) to implement 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;
- (2) to provide for representation by the United States on the Yukon River Panel established under such agreement; and
- (3) to authorize to be appropriated sums necessary to carry out the responsibilities of the United States under such agreement.

(Pub. L. 104–43, title VII, §702, Nov. 3, 1995, 109 Stat. 392.)

STATUTORY NOTES AND RELATED SUBSIDIARIES

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–219, title III, §301, Apr. 13, 2004, 118 Stat. 616, provided that: "This title [amending section 5727 of this title and section 1977 of Title 22, Foreign Relations and Intercourse] may be cited as the 'International Fisheries Reauthorization Act of 2004'."

SHORT TITLE

Pub. L. 104–43, title VII, §701, Nov. 3, 1995, 109 Stat. 392, provided that: "This title [enacting this subchapter] may be cited as the 'Yukon River Salmon Act of 1995'."

Pub. L. 106–450, title II, §201, Nov. 7, 2000, 114 Stat. 1941, provided that: "This title [enacting subchapter II of this chapter] may be cited as the 'Yukon River Salmon Act of 2000'."

§5702. Definitions

As used in this subchapter—

(1) The term "Agreement" means 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.

(2) The term "Panel" means the Yukon River Panel established by the Agreement.

(3) The term "Yukon River Joint Technical Committee" means the 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.

(Pub. L. 104-43, title VII, §703, Nov. 3, 1995, 109 Stat. 393.)

§5703. Panel

(a) Representation

The United States shall be represented on the Panel by six individuals, of whom—

(1) one shall be an official of the United States Government with expertise in salmon conservation and management;

(2) one shall be an official of the State of Alaska with expertise in salmon conservation and management; and

(3) four shall be knowledgeable and experienced with regard to the salmon fisheries on the Yukon River.

(b) Appointments

Panel members shall be appointed as follows:

(1) The Panel member described in subsection (a)(1) shall be appointed by the Secretary of State.

(2) The Panel member described in subsection (a)(2) shall be appointed by the Governor of Alaska.

(3) The Panel members described in subsection (a)(3) shall be appointed by the Secretary of State from a list of at least 3 individuals nominated for each position by the Governor of Alaska. The Governor of Alaska may consider suggestions for nominations provided by organizations with expertise in Yukon River salmon fisheries. The Governor of Alaska may make appropriate nominations to allow for, and the Secretary of State shall appoint, at least one member under subsection (a)(3) who is qualified to represent the interests of Lower Yukon River fishing districts, and at least one member who is qualified to represent the interests of Upper Yukon River fishing districts. At least one of the Panel members under subsection (a)(3) shall be an Alaska Native.

(c) Alternates

The Secretary of State may designate an alternate Panel member for each Panel member the Secretary appoints under subsections ¹(b)(1) and (3), who meets the same qualifications, to serve in the absence of the Panel member. The Governor of the State of Alaska may designate an alternative Panel member for the Panel member appointed under subsection (b)(2), who meets the same qualifications, to serve in the absence of that Panel member.

(d) Term length

Panel members and alternate Panel members shall serve four-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.

(e) Reappointment

Panel members and alternate Panel members shall be eligible for reappointment.

(f) Decisions

Decisions by the United States section of the Panel shall be made by the consensus of the Panel members appointed under paragraphs (2) and (3) of subsection (a).

(g) Consultation

In carrying out their functions under the Agreement, Panel members may consult with such other interested parties as they consider appropriate.

(Pub. L. 104-43, title VII, §704, Nov. 3, 1995, 109 Stat. 393.)

¹ So in original. Probably should be "subsection".

§5704. Advisory Committee

(a) Appointments

The Governor of Alaska may appoint an Advisory Committee of not less than eight, but not more than twelve, individuals who are knowledgeable and experienced with regard to the salmon fisheries on the Yukon River. At least 2 of the Advisory Committee members shall be Alaska Natives. Members of the Advisory Committee may attend all meetings of the United States section of the Panel, and shall be given the opportunity to examine and be heard on any matter under consideration by the United States section of the Panel.

(b) Compensation

The members of such Advisory Committee shall receive no compensation for their services.

(c) Term length

Advisory Committee members shall serve two-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

Advisory Committee members shall be eligible for reappointment.
(Pub. L. 104–43, title VII, §705, Nov. 3, 1995, 109 Stat. 394.)

§5705. Exemption

Chapter 10 of title 5 shall not apply to the Panel, the Yukon River Joint Technical Committee, or the Advisory Committee created under section 5704 of this title.
(Pub. L. 104–43, title VII, §706, Nov. 3, 1995, 109 Stat. 394; Pub. L. 117–286, §4(a)(126), Dec. 27, 2022, 136 Stat. 4319.)

EDITORIAL NOTES

AMENDMENTS

2022—Pub. L. 117–286 substituted "Chapter 10 of title 5" for "The Federal Advisory Committee Act (5 U.S.C. App.)".

§5706. Authority and responsibility

(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 the Agreement.

(b) Effect of designation

The designation under subsection (a) shall not be considered to expand, diminish, or 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 the Agreement, the Panel may make recommendations concerning the conservation and management of salmon originating in the Yukon River to the Department of the Interior, Department of Commerce, Department of State, North Pacific Fishery Management Council, and other Federal or State entities as appropriate. Recommendations by the Panel shall be advisory in nature.

(Pub. L. 104–43, title VII, §707, Nov. 3, 1995, 109 Stat. 394.)

§5707. Continuation of Agreement

In the event that the Treaty between Canada and the United States of America concerning Pacific Salmon, signed at Ottawa, January 28, 1985, terminates prior to the termination of the Agreement, and the functions of the Panel are assumed by the "Yukon River Salmon Commission" referenced in the Agreement, the provisions of this subchapter which apply to the Panel shall thereafter apply to the Yukon River Salmon Commission, and the other provisions of this subchapter shall remain in effect.

(Pub. L. 104–43, title VII, §708, Nov. 3, 1995, 109 Stat. 394.)

§5708. Administrative matters

(a) Compensation of Panel members

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 expenses

Travel and other necessary expenses shall be paid for all Panel members, alternate Panel members, United States members of the Joint Technical Committee, and members of the Advisory Committee when engaged in the actual performance of duties.

(c) Status as Federal employees

Except for officials of the United States Government, individuals described in subsection (b) 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 and chapter 71 ¹ of title 28.

EDITORIAL NOTES

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization and Employees.

¹ So in original. Probably should be chapter "171".

§5709. Authorization of appropriations

There are authorized to be appropriated \$4,000,000 for each fiscal year for carrying out the purposes and provisions of the Agreement and this subchapter including—

(1) necessary travel expenses of Panel members, alternate Panel members, United States members of the Joint Technical Committee, and members of the Advisory Committee in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5;

(2) the United States share of the joint expenses of the Panel and the Joint Technical Committee: *Provided*, That Panel members and alternate Panel members shall not, with respect to commitments concerning the United States share of the joint expenses, be subject to section 262(b)¹ of title 22, insofar as it limits the authority of United States representatives to international organizations with respect to such commitments;

(3) not more than \$3,000,000 for each fiscal year to the Department of the Interior and to the Department of Commerce for survey, restoration, and enhancement activities related to Yukon River salmon; and

(4) \$400,000 in each of fiscal years 1996, 1997, 1998, and 1999 to be contributed to the Yukon River Restoration and Enhancement Fund and used in accordance with the Agreement.

(Pub. L. 104–43, title VII, §710, Nov. 3, 1995, 109 Stat. 395.)

¹ So in original. Probably should be section "262b".

SUBCHAPTER II—CONSERVATION AND MANAGEMENT

§5721. Yukon River Salmon Panel

(a) Establishment

(1) In general

There shall be a Yukon River Salmon Panel (in this subchapter 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 subchapter or any other title.¹

(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.

(Pub. L. 106–450, title II, §202, Nov. 7, 2000, 114 Stat. 1941.)

EDITORIAL NOTES

REFERENCES IN TEXT

This subchapter or any other title, referred to in subsec. (a)(2)(C), was in the original "this or any other title". The reference to "any other title" probably was intended to mean a reference to any other act.

STATUTORY NOTES AND RELATED SUBSIDIARIES

SHORT TITLE

For short title of this subchapter as the "Yukon River Salmon Act of 2000", see section 201 of Pub. L. 106–450, set out as a note under section 5701 of this title.

¹ See References in Text note below.

§5722. Advisory committee

(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.

(Pub. L. 106–450, title II, §203, Nov. 7, 2000, 114 Stat. 1943.)

§5723. Exemption

Chapter 10 of title 5 shall not apply to the Panel or to an advisory committee established under section 5722 of this title.

(Pub. L. 106–450, title II, §204, Nov. 7, 2000, 114 Stat. 1943; Pub. L. 117–286, §4(a)(127), Dec. 27, 2022, 136 Stat. 4319.)

EDITORIAL NOTES

AMENDMENTS

2022—Pub. L. 117–286 substituted "Chapter 10 of title 5" for "The Federal Advisory Committee Act (5 U.S.C. App.)".

§5724. Authority and responsibility

(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.

(Pub. L. 106–450, title II, §205, Nov. 7, 2000, 114 Stat. 1943.)

§5725. Administrative matters

(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 5722 of this title 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 5722 of this title 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 and chapter 71 ¹ of title 28.

(Pub. L. 106–450, title II, §206, Nov. 7, 2000, 114 Stat. 1943.)

EDITORIAL NOTES

REFERENCES IN TEXT

GS–15 of the General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization and Employees.

¹ So in original. Probably should be "171".

§5726. 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.

(Pub. L. 106–450, title II, §207, Nov. 7, 2000, 114 Stat. 1944.)

§5727. Authorization of appropriations

There are authorized to be appropriated to the Secretary of the Interior to carry out this subchapter \$4,000,000 for each of fiscal years 2007 through 2011 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 5722 of this title, in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5;
- (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 5726(b) of this title; 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.

(Pub. L. 106–450, title II, §208, Nov. 7, 2000, 114 Stat. 1944; Pub. L. 108–219, title III, §303, Apr. 13, 2004, 118 Stat. 616; Pub. L. 109–479, title III, §302(b), Jan. 12, 2007, 120 Stat. 3623.)

EDITORIAL NOTES

AMENDMENTS

2007—Pub. L. 109–479 substituted "\$4,000,000 for each of fiscal years 2007 through 2011" for "\$4,000,000 for each of fiscal years 2004 through 2008,".

2004—Pub. L. 108–219 substituted "2004 through 2008" for "2000, 2001, 2002, and 2003" in introductory provisions.