

Subsec. (b)(2)(E). Pub. L. 109-479, §214(4), inserted “a fixed amount reflecting actual observer costs as described in subparagraph (A) or” after “expressed as”.

Subsec. (b)(2)(F). Pub. L. 109-479, §214(5), (6), inserted “some or” after “against” and “or an electronic monitoring system” after “observer”.

Subsec. (b)(2)(I), (J). Pub. L. 109-479, §214(7), (8), added subpar. (I) and redesignated former subpar. (I) as (J).

2004—Subsec. (j). Pub. L. 108-199 added subsec. (j).

1996—Pub. L. 104-297, §117(a)(1), substituted “conservation” for “research plan” in section catchline.

Subsec. (a). Pub. L. 104-297, §117(a)(2), substituted “North Pacific Council” for “North Pacific Fishery Management Council” in introductory provisions.

Subsecs. (f) to (i). Pub. L. 104-297, §117(a)(3), added subsecs. (f) to (i).

1992—Subsec. (b)(2)(E). Pub. L. 102-582 substituted “2 percent, of the unprocessed ex-vessel” for “one percent, of the”.

§ 1863. Northwest Atlantic Ocean Fisheries Reinvestment Program

(a) Program

(1) Not later than October 1, 1993, the Secretary shall establish a Northwest Atlantic Ocean Fisheries Reinvestment Program for the purposes of—

(A) promoting development of commercial fisheries and markets for underutilized species of the northwest Atlantic Ocean;

(B) developing alternative fishing opportunities for participants in the New England groundfish fishery;

(C) providing technical support and assistance to United States fishermen and fish processors to improve the value-added processing of underutilized species and to make participation in fisheries for underutilized species of the northwest Atlantic Ocean economically viable;

(D) creating new economic opportunities through the improved processing and expanded use of fish waste; and

(E) helping to restore overfished New England groundfish stocks through aquaculture or hatchery programs.

(2) CONSULTATION.—In establishing and implementing the Northwest Fisheries Reinvestment Program, the Secretary shall consult with representatives of the commercial fishing industry, the seafood processing industry, and the academic community (including the National Sea Grant Program).

(3) ACTIVITIES UNDER PROGRAM.—Subject to the availability of appropriations, the Secretary shall award contracts, grants and other financial assistance to United States citizens to carry out the purposes of subsection¹ (1), under the terms and conditions provided in section 713c-3(c) of title 15, except that, in making awards under this section for projects involving participation in fisheries for underutilized species, the Secretary shall give the highest priority to a person who owns or operates a fishing vessel permitted under this chapter to participate in the New England groundfish fishery who agrees to surrender that permit to the Secretary during the duration of the contract, grant or other assistance.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for

¹ So in original. Probably should be “paragraph”.

each of fiscal years 1993 through 1999 to carry out the purposes of this section. For fiscal year 1993 no more than \$1,000,000, and for fiscal year 1994 no more than \$2,000,000, of such funds may be provided from monies made available under section 713c-3(b) of title 15.

(b) Assistance of other agencies

The Secretary shall actively seek the assistance of other Federal agencies in the development of fisheries for underutilized species of the northwest Atlantic Ocean, including, to the extent permitted by other applicable laws, assistance from the Secretary of Agriculture in including such underutilized species as agricultural commodities in the programs of the Foreign Agricultural Service for which amounts are authorized under the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359).

(c) Management plans for underutilized species

The New England Fishery Management Council, in consultation with other appropriate Councils, shall develop fishery management plans as soon as possible for any underutilized species of the northwest Atlantic Ocean that is not covered under such a plan, in order to prevent overfishing of that species.

(d) “Underutilized species” defined

For purposes of this section, the term “underutilized species of the northwest Atlantic Ocean” means any fish species of the northwest Atlantic Ocean that is identified, by the Director of the Northeast Fisheries Center of the National Marine Fisheries Service, as an underutilized species.

(Pub. L. 94-265, title III, §314, as added Pub. L. 102-567, title IX, §902(a), Oct. 29, 1992, 106 Stat. 4317; amended Pub. L. 104-297, title I, §117(b), Oct. 11, 1996, 110 Stat. 3604.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(3), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (b), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 1421 of Title 7, Agriculture, and Tables.

AMENDMENTS

1996—Subsec. (a)(4). Pub. L. 104-297 substituted “1999” for “1997”.

§ 1864. Regional coastal disaster assistance, transition, and recovery program

(a) In general

When there is a catastrophic regional fishery disaster the Secretary may, upon the request of, and in consultation with, the Governors of affected States, establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors,

and owners of related fishery infrastructure affected by the disaster.

(b) Program components

(1) In general

Subject to the availability of appropriations, the program shall provide funds or other economic assistance to affected entities, or to governmental entities for disbursement to affected entities, for—

(A) meeting immediate regional shoreside fishery infrastructure needs, including processing facilities, cold storage facilities, ice houses, docks, including temporary docks and storage facilities, and other related shoreside fishery support facilities and infrastructure while ensuring that those projects will not result in an increase or replacement of fishing capacity;

(B) financial assistance and job training assistance for fishermen who wish to remain in a fishery in the region that may be temporarily closed as a result of environmental or other effects associated with the disaster;

(C) funding, pursuant to the requirements of section 1861a(b) of this title, to fishermen who are willing to scrap a fishing vessel and permanently surrender permits for fisheries named on that vessel; and

(D) any other activities authorized under section 1861a of this title or section 4107(d) of this title.

(2) Job training

Any fisherman who decides to scrap a fishing vessel under the program shall be eligible for job training assistance.

(3) State participation obligation

The participation by a State in the program shall be conditioned upon a commitment by the appropriate State entity to ensure that the relevant State fishery meets the requirements of section 1861a(b) of this title to ensure excess capacity does not re-enter the fishery.

(4) No matching required

The Secretary may waive the matching requirements of section 1861a of this title, section 4107 of this title, and any other provision of law under which the Federal share of the cost of any activity is limited to less than 100 percent if the Secretary determines that—

(A) no reasonable means are available through which applicants can meet the matching requirement; and

(B) the probable benefit of 100 percent Federal financing outweighs the public interest in imposition of the matching requirement.

(5) Net revenue limit inapplicable

Section 4107(d)(3) of this title shall not apply to assistance under this section.

(c) Regional impact evaluation

Within 2 months after a catastrophic regional fishery disaster the Secretary shall provide the Governor of each State participating in the program a comprehensive economic and socio-economic evaluation of the affected region's fisheries to assist the Governor in assessing the current and future economic viability of affected fisheries, including the economic impact of for-

eign fish imports and the direct, indirect, or environmental impact of the disaster on the fishery and coastal communities.

(d) Catastrophic regional fishery disaster defined

In this section the term "catastrophic regional fishery disaster" means a natural disaster, including a hurricane or tsunami, or a regulatory closure (including regulatory closures resulting from judicial action) to protect human health or the marine environment, that—

(1) results in economic losses to coastal or fishing communities;

(2) affects more than 1 State or a major fishery managed by a Council or interstate fishery commission; and

(3) is determined by the Secretary to be a commercial fishery failure under section 1861a(a) of this title or a fishery resource disaster or section 4107(d) of this title.

(Pub. L. 94-265, title III, §315, as added Pub. L. 109-479, title I, §113(a), Jan. 12, 2007, 120 Stat. 3601.)

FISHERIES HURRICANE ASSISTANCE PROGRAM

Pub. L. 109-479, title I, §115, Jan. 12, 2007, 120 Stat. 3604, provided that:

"(a) IN GENERAL.—The Secretary of Commerce shall establish an assistance program for the Gulf of Mexico commercial and recreational fishing industry.

"(b) ALLOCATION OF FUNDS.—Under the program, the Secretary shall allocate funds appropriated to carry out the program among the States of Alabama, Louisiana, Florida, Mississippi, and Texas in proportion to the percentage of the fishery (including crawfish) catch landed by each State before August 29, 2005, except that the amount allocated to Florida shall be based exclusively on the proportion of such catch landed by the Florida Gulf Coast fishery.

"(c) USE OF FUNDS.—Of the amounts made available to each State under the program—

"(1) 2 percent shall be retained by the State to be used for the distribution of additional payments to fishermen with a demonstrated record of compliance with turtle excluder and bycatch reduction device regulations; and

"(2) the remainder of the amounts shall be used for—

"(A) personal assistance, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

"(B) assistance for small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

"(C) domestic product marketing and seafood promotion;

"(D) State seafood testing programs;

"(E) the development of limited entry programs for the fishery;

"(F) funding or other incentives to ensure widespread and proper use of turtle excluder devices and bycatch reduction devices in the fishery; and

"(G) voluntary capacity reduction programs for shrimp fisheries under limited access programs.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$17,500,000 for each of fiscal years 2007 through 2012 to carry out this section."

§ 1865. Bycatch reduction engineering program

(a) Bycatch reduction engineering program

Not later than 1 year after January 12, 2007, the Secretary, in cooperation with the Councils and other affected interests, and based upon the