

**§ 3334. Review of State program by Secretary****(a) In general**

The Secretary shall conduct a continuing review of the State program to determine whether the program remains consistent with this chapter or other applicable law. Such review shall include a biennial audit of the records of the State program.

**(b) Action upon finding of noncompliance**

If the Secretary finds that the program or the administration thereof is no longer in compliance with this subchapter, he shall reduce or discontinue distribution of funds under this subchapter, or take other appropriate action.

**(c) Disposition of certain moneys**

If the Secretary finds that any money provided to the State or obtained by the State from the resale of any fishing or charter vessel purchased under the program is not being used in accordance with the provisions of this subchapter, the Secretary shall recover from the fund, and place in the United States Treasury, such moneys.

(Pub. L. 96-561, title I, § 133, Dec. 22, 1980, 94 Stat. 3285.)

**§ 3335. Authorization of appropriations**

There are authorized to be appropriated to the Secretary, for the purposes of carrying out the provisions of this subchapter, \$37,500,000 for the 5-year period beginning October 1, 1981.

(Pub. L. 96-561, title I, § 134, Dec. 22, 1980, 94 Stat. 3285.)

**§ 3336. Special provision**

On the date the Secretary approves the program under section 3333 of this title, the State shall be treated as having expended such portion of \$32,000,000 as the State deems appropriate for purposes of implementing the program.

(Pub. L. 96-561, title I, § 135, Dec. 22, 1980, 94 Stat. 3285.)

## SUBCHAPTER V—MISCELLANEOUS

**§ 3341. Regulations**

The Secretary of Commerce and the Secretary of the Interior may each promulgate such regulations, in accordance with section 553 of title 5, as may be necessary to carry out his functions under this chapter.

(Pub. L. 96-561, title I, § 140, Dec. 22, 1980, 94 Stat. 3286.)

**§ 3342. Annual status reports on programs; monitoring****(a) Reports**

The State of Washington, the State of Oregon, and the appropriate tribal coordinating bodies shall submit to the appropriate Secretary an annual report on the status of the programs authorized by this chapter or any other relevant report requested by such Secretary.

**(b) Monitoring**

After the 18-month period after approval of the report of the Salmon and Steelhead Advi-

sory Commission under subchapter II, the Secretary of Commerce shall establish a system to monitor and evaluate on a continuing basis whether the management program set forth in the report is being effectively implemented. If at any time after the monitoring system is established, the Secretary finds that—

(1) the number of parties referred to in section 3314 of this title has been reduced to the extent that such program cannot be implemented effectively; or

(2) the general implementation of the program is ineffective;

the Secretary shall immediately discontinue any further funding under subchapter III.

(Pub. L. 96-561, title I, § 141, Dec. 22, 1980, 94 Stat. 3286.)

**§ 3343. Construction with fishery conservation and management provisions****(a) Consistency**

Nothing in this chapter shall be construed as affecting the provisions of title III of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1851 et seq.] as it applies with respect to fishery management plans and their application to any fishery, except that the Pacific Fishery Management Council shall ensure that existing and future fishery management plans are consistent with any recommended program approved under section 3311 of this title and any enhancement plan under subchapter III.

**(b) Fleet mobility**

The Secretary of Commerce in coordination with the Pacific Fishery Management Council in its salmon management plan shall ensure that the fishing effort reduction that results from the fleet adjustment program of subchapter IV and the license moratorium of the State of Washington is not replaced by new fishing effort from outside such State.

(Pub. L. 96-561, title I, § 142, title II, § 238(b), Dec. 22, 1980, 94 Stat. 3286, 3300; Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

## REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (a), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended. Title III of the Act is classified generally to subchapter IV (§1851 et seq.) of chapter 38 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208 substituted “Magnuson-Stevens Fishery” for “Magnuson Fishery”.

1980—Subsec. (a). Pub. L. 96-561, § 238(b), substituted “Magnuson Fishery Conservation and Management Act” for “Fishery Conservation and Management Act of 1976”.

## EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.