

to exceed \$7,000,000 for the ten-year period beginning on such date for the Columbia River conservation area.

(c) Limitation

No moneys appropriated pursuant to subsection (a) or (b) may be used for the operation and maintenance of enhancement programs and related facilities as they existed on or before the date of the approval by the Secretary under section 3321 of this title of the enhancement plan for the conservation area concerned.

(Pub. L. 96-561, title I, § 124, Dec. 22, 1980, 94 Stat. 3283.)

SUBCHAPTER IV—COMMERCIAL FISHING
FLEET ADJUSTMENT

§ 3331. Fleet adjustment program

(a) In general

The Secretary of Commerce (hereinafter referred to in this subchapter as the “Secretary”), upon approval of a program submitted pursuant to section 3333 of this title, is authorized to distribute Federal funds to the State of Washington (hereinafter in this subchapter referred to as the “State”), subject to the standards, conditions, and restrictions set forth in this subchapter, for the purchase of commercial fishing and charter vessels (including the associated fishing gear) and licenses by the State in accordance with the provisions of this subchapter. The Federal share payable under this subchapter shall not exceed 75 percent of the total cost of the program.

(b) Legal title

Title to any vessel or other personal property purchased under a State program approved by the Secretary in accordance with the provisions of this subchapter shall vest upon purchase in the State. If the State sells such vessels or other property, title may pass in accordance with such sale.

(Pub. L. 96-561, title I, § 130, Dec. 22, 1980, 94 Stat. 3283.)

§ 3332. State program for reduction of overall fishing capacity

The State shall submit to the Secretary a program within three months of December 22, 1980, designed to—

- (1) provide incentives for early retirement of licenses, or early sale of vessels;
- (2) set aside specific allocations of funds for each gear type to achieve the specific fleet reductions provided for in the program;
- (3) obtain an effective and expeditious reduction in the overall fishing capacity of and the number of vessels and licenses in the non-Indian commercial and charter salmon fishing fleets in the Washington conservation area; and
- (4) provide State funding for 25 per centum of the total cost of the program.

(Pub. L. 96-561, title I, § 131, Dec. 22, 1980, 94 Stat. 3284.)

§ 3333. Program approval

(a) Submission for approval

The State shall submit its program and submit revisions, modifications, or amendments to the Secretary in accordance with standards established pursuant to section 3332 of this title and in such manner and form as the Secretary shall prescribe.

(b) Requirements for approval

Prior to approving such program or any revision, modification, or amendment, and authorizing Federal funds to be distributed in accordance with this subchapter, the Secretary must find that—

(1) the State, acting through its chosen agency or agencies, has authority to carry out a commercial and charter vessel fleet reduction program in accordance with the provisions of this subchapter;

(2) the State program provides that a fishing or charter vessel may not be purchased by the State from other than the person who owned the vessel on December 22, 1980;

(3) the State program prevents the expenditure of a disproportionate amount of funds available for vessel acquisition on vessels owned by any one person;

(4) the State program prohibits the purchase of any fishing or charter vessel unless all State commercial and charter salmon fishing licenses attached to the vessel are also sold to the State;

(5) the State program provides that no person may purchase from the State any vessel which that person or a member of that person's immediate family had previously sold to the State;

(6) the State program provides that no person may purchase any vessel sold to the State pursuant to the program and use such vessel for commercial or charter salmon fishing in the Washington conservation area, unless State law provides that the use of such vessel could not result in any additional fishing effort in the non-Indian fishing fleet;

(7) the State program provides for purchase of vessels at their fair market value;

(8) the State program provides for the reduction of salmon fishing licenses, through purchase of such licenses at their fair market value, and the use of bonuses and schedules, to—

(A) secure an early retirement from the salmon fishery;

(B) recognize productiveness if the commercial harvesters using a gear type wish¹ that gear type's specific allocation of funds to recognize productiveness; and

(C) recognize passenger-carrying capacity for charter fishing licenses;

(9) the State program provides, with respect to marginally productive commercial salmon fishermen, for the purchase of their salmon fishing licenses, but not their fishing vessels;

(10) the State maintains a moratorium, or similar program, to preclude the issuance of new commercial or charter salmon fishing licenses; and

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