

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.)

**Editorial Notes**

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 foreign 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.)

#### Statutory Notes and Related Subsidiaries

##### 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 best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The program shall—

(1) be regionally based;

(2) be coordinated with projects conducted under the cooperative research and management program established under this chapter;

(3) provide information and outreach to fishery participants that will encourage adoption and use of technologies developed under the program; and

(4) provide for routine consultation with the Councils in order to maximize opportunities to incorporate results of the program in Council

actions and provide incentives for adoption of methods developed under the program in fishery management plans developed by the Councils.

##### (b) Incentives

Any fishery management plan prepared by a Council or by the Secretary may establish a system of incentives to reduce total bycatch and seabird interactions, amounts, bycatch rates, and post-release mortality in fisheries under the Council's or Secretary's jurisdiction, including—

(1) measures to incorporate bycatch into quotas, including the establishment of collective or individual bycatch quotas;

(2) measures to promote the use of gear with verifiable and monitored low bycatch and seabird interactions, rates; and

(3) measures that, based on the best scientific information available, will reduce bycatch and seabird interactions, bycatch mortality, post-release mortality, or regulatory discards in the fishery.

##### (c) Coordination on seabird interactions

The Secretary, in coordination with the Secretary of<sup>1</sup> Interior, is authorized to undertake projects in cooperation with industry to improve information and technology to reduce seabird bycatch, including—

(1) outreach to industry on new technologies and methods;

(2) projects to mitigate for seabird mortality; and

(3) actions at appropriate international fishery organizations to reduce seabird interactions in fisheries.

##### (d) Report

The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources that—

(1) describes funding provided to implement this section;

(2) describes developments in gear technology achieved under this section; and

(3) describes improvements and reduction in bycatch and seabird interactions associated with implementing this section, as well as proposals to address remaining bycatch or seabird interaction problems.

(Pub. L. 94-265, title III, §316, as added Pub. L. 109-479, title I, §116(a), Jan. 12, 2007, 120 Stat. 3605.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), 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.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House

<sup>1</sup> So in original. Probably should be “of the”.