§ 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 wish[1] 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

(11) the State has established a revolving fund for the operation of the fleet reduction program that includes an individual account for each category of fishing license (based on type of fishing gear used) and that any moneys received by the State or its agents from the resale of any fishing vessel or gear purchased under the program (A) shall be placed in such revolving fund, (B) shall, for at least 2 years from the date of the program's inception, be placed in the appropriate individual account, and (C) shall be used exclusively to purchase commercial fishing and charter vessels and licenses in accordance with the provisions of this subchapter.

(c) Secretarial action

The Secretary shall approve such program within ninety days of the date of receipt of the program if found to be consistent with this chapter and other applicable law. If the Secretary finds that such program is not in conformity with the provisions of this chapter or other applicable law, he shall return such program to the State with recommendations. Any revision, modification, or amendment to the program shall be approved within thirty days of receipt unless found to be inconsistent with this chapter or other applicable law.

(Pub. L. 96–561, title I, § 132, Dec. 22, 1980, 94 Stat. 3284.)

§ 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

[1] So in original. Probably should be "with".