

PUBLIC LAW 102-396

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

SEC. 9135. For an additional amount for 'Operations, research, and facilities' to cover the cost of grants to persons engaged in commercial fisheries, as provided in section 308 of the Interjurisdictional Fisheries Act of 1986, as amended by this Act, \$65,000,000 to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of such Act is transmitted by the President to Congress: *Provided further*, That section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended by adding at the end the following new subsection:

`(d) GRANTS TO COMMERCIAL FISHERMEN- (1) In addition to the amounts authorized under subsections (a), (b), and (c), there are authorized to be appropriated to the Department of Commerce \$65,000,000 for fiscal year 1992 to enable the Secretary to award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered as a direct result of a fishery resource disaster arising from Hurricane Hugo, Hurricane Andrew, Hurricane Iniki, or any other natural disaster. Amounts appropriated under this subsection shall remain available until expended.

`(2) The Secretary shall determine the extent, and the beginning and ending dates, of any fishery resource disaster under this subsection.

`(3) Eligibility for a grant under this subsection shall be limited to any person that has less than \$2,000,000 in gross revenues annually, as determined by the Secretary.

`(4) A person may receive a grant under this subsection for up to 75 percent of any uninsured commercial fishery loss resulting from such a fishery resource disaster (to the extent that such losses have not been compensated by other Federal and State programs), but shall receive no more than \$100,000 in the aggregate for all such losses suffered as a result of any particular fishery resource disaster.

`(5) The Secretary shall establish, after notice and opportunity for public comment, appropriate limitations, terms, and conditions for awarding grants under this subsection, including provisions specifying the means by which applicants must demonstrate claimed losses and limiting the aggregate amounts that may be paid to persons that are affiliated with each other or under common ownership.

`(6) As used in this subsection, the term `person' means any individual or any corporation, partnership, trust, association, or other nongovernmental entity.'

**EMERGENCY APPROPRIATIONS: AMOUNTS PREVIOUSLY
APPROPRIATED MADE AVAILABLE BY THE PRESIDENT**

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

Operations, research, and facilities..... \$12,000,000

P.L. 102-396, the Department of Defense Appropriations Act, 1993, which was enacted into law on October 6, 1992, provided \$65 million to the National Oceanic and Atmospheric Administration in contingent emergency funding. The availability of these funds was made contingent upon the President submitting an official budget request to the Congress and designating the entire amount of the request as an emergency requirement. None of the \$65 million has yet been designated as an emergency requirement and made available.

The funds were provided to enable the Secretary of Commerce to award grants to persons engaged in commercial fisheries for uninsured losses determined by the Secretary to have been suffered as a direct result of a fishery resource disaster arising from Hurricanes Hugo, Andrew, and Iniki, or any other natural disaster. The Act further provides that the Secretary of Commerce must establish appropriate limitations, terms, and conditions for awarding grants.

It has been determined that \$12 million is now required to provide assistance to fishermen in Washington, Oregon, and California who have been adversely affected by the emergency closure of the salmon harvest. The recent decline in populations of salmon is attributed, in large part, to natural effects, including ocean warming believed to be caused by the El Nino phenomenon. The funds made available will be used for financing alternative job creation, short-term employment aimed at restoring salmon populations in the region, and for compensating fishermen for the surrender of fishing permits.