

**Dec. 7, 2006:** re **H.R. 5946** Cong. Pombo's amendment (also approved in **S.A. 5224**, Ted's version) **approved by Congress** with MSA reauthorization. However, rather than go directly into the MSA, the wording below amends a two-year old Appropriations act! That's how government works, loading the earmarks and other important items into bills modifying MSA – making it all the more difficult for fishermen to track. This ensures **only the SRA can do the buyback** program, as well! **The new MSA is Public Law 109-479.** A **redline version** is available at <http://www.nmfs.noaa.gov/msa2007/> on the NOAA Fisheries website. (Key language emphasis added in SE Seine Buyback authorization below.)

## **SEC. 121. SOUTHEAST ALASKA FISHERIES COMMUNITIES CAPACITY REDUCTION.**

**Section 209** of the Department of **Commerce and Related Agencies Appropriations Act, 2005** (Public Law 108-447; 118 Stat. 2884) is amended--

- (1) by inserting '(a) IN GENERAL- ' after 'Sec. 209.';
- (2) by striking 'is authorized to' in the first sentence and inserting 'shall';
- (3) by striking '\$50,000,000' and all that follows in the first sentence and inserting '**up to \$25,000,000** pursuant to section 57735 of title 46, United States Code.';
- (4) by striking the third sentence and inserting: '**The loan shall have a term of 40 years.**'; and
- (5) by adding at the end the following:

(b) Southeast Alaska Fisheries Program-

(1) CONDUCT OF PROGRAM BY RSA- **The program described** in subsection (a) **shall be conducted under Alaska law by the Southeast Revitalization Association.**

(2) TREATMENT UNDER CHAPTER 577 OF TITLE 46- For purposes of section 57735 of title 46, United States Code, the program shall be considered to be a program established under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

(3) APPLICATION OF MAGNUSON-STEVENS ACT- Notwithstanding paragraph (2), the program shall not be subject to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except for subsections (b)(1)(C) and (d) of that section.

(c) SOUTHEAST ALASKA FISHERIES PROGRAM APPROVAL AND REFERENDUM-

(1) IN GENERAL- **The Secretary of Commerce may approve a capacity reduction plan submitted by the Southeast Revitalization Association** under subsection (b).

(2) REFERENDUM- The Secretary shall conduct an industry fee system referendum for the buyback under the program in accordance with section 312(d)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a), except that--

(A) **no Council request and no consultation shall be required; and**

(B) **the fee shall not exceed 3 percent of the annual ex-vessel value of all salmon harvested in the southeast Alaska purse seine fishery.**

(d) DISBURSAL OF LOAN PROCEEDS- If the industry fee system is approved as provided in section 312(d)(1)(B) of that Act (16 U.S.C. 1861a(d)(1)(B)), the **Secretary shall disburse the loan in the form of reduction payments to participants in such amounts as the Southeast Revitalization Association certifies to have been accepted under Alaska law for reduction payments.** The Secretary shall thereafter administer the fee system in accordance with section 312(d)(2) of that Act (16 U.S.C. 1861a(d)(2)), and any person paying or collecting the fee shall make such payments or collection such fees in accordance with the requirements of that Act (16 U.S.C. 1801 et seq.).

