

109TH CONGRESS  
2D SESSION

# S. 2662

To direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by salmon fishery restrictions along the California and Oregon coast, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2006

Mr. SMITH (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by salmon fishery restrictions along the California and Oregon coast, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. EMERGENCY DISASTER ASSISTANCE.**

4       (a) AUTHORIZATION OF PAYMENT.—The Secretary  
5       of Commerce shall make a direct payment to the Pacific  
6       States Marine Fisheries Commission for distribution to  
7       mitigate the economic losses caused by federal fisheries  
8       restrictions put in place to meet the needs of Klamath

1 River Fall Chinook Salmon. The money provided to the  
2 Pacific States Marine Fisheries Commission shall be dis-  
3 tributed to—

4           (1) persons or entities, including federally rec-  
5 ognized Indian tribes, which have experienced sig-  
6 nificant economic hardship as a result of federal  
7 fisheries closures or fishing restrictions;

8           (2) small businesses including fishermen, fish  
9 processors, and related businesses serving the fishing  
10 industry including, but not limited to, cold storage  
11 facilities, ice houses, docks, and other related shore-  
12 side fishery support facilities and infrastructure; and

13           (3) state and local governments adversely af-  
14 fected by reductions in fish landing fees and other  
15 fishing-related revenue.

16       (b) LIMITATIONS ON DISTRIBUTIONS.—Distributions  
17 authorized under this section may be made in areas de-  
18 clared by the Governor of a state to be in a state of emer-  
19 gency due to Klamath River basin conditions and limita-  
20 tions on ocean commercial and sport salmon fishing.

21       (c) PURPOSE OF DISTRIBUTIONS.—Distributions  
22 may be made for the purposes described in section  
23 312(a)(2) of the Magnuson-Stevens Fishery Conservation  
24 and Management Act (16 U.S.C. 1861a(a)(2)).

1 (d) LIMITATION ON ADMINISTRATIVE COSTS.—Not  
2 more than 4 percent of such funds provided to the Pacific  
3 States Marine Fisheries Commission for disaster relief dis-  
4 tributions may be used for administrative expenses, and  
5 no funds may be used for lobbying activities or representa-  
6 tional expenses. Any funds not distributed by the end of  
7 fiscal year 2008 shall be returned to the Treasury.

8 (e) RELIEF DISTRIBUTION RECIPIENT REPORTS.—  
9 The Secretary of Commerce shall require that the Pacific  
10 States Marine Fisheries Commission shall, within 6  
11 months after receiving a payment under this section, and  
12 every 6 months thereafter, submit to the Secretary of  
13 Commerce and the Committee on Appropriations of the  
14 House of Representatives and the Senate a report listing  
15 the persons and entities to whom the payment was distrib-  
16 uted and the rationale for such distributions.

17 (f) EXCLUSION OF PAYMENTS FROM GROSS IN-  
18 COME.—For the purposes of the Internal Revenue Code  
19 of 1986—

20 (1) EXCLUSION.—Gross income shall not in-  
21 clude any amount received as a payment or distribu-  
22 tion under subsection (a).

23 (2) DENIAL OF DOUBLE BENEFIT.—Rules simi-  
24 lar to the rules of subsections (g)(3) and (h) of sec-

1       tion 139 of such Code shall apply with respect to  
2       any amount excluded under subparagraph (1).

3       (g) APPROPRIATION.—There is appropriated to the  
4       Secretary of Commerce \$81,000,000 to make the payment  
5       under this section for fisheries disaster assistance.

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