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HOUSE OF REPRESENTATIVES
REPORT
108–272

PACIFIC SALMON RECOVERY ACT

SEPTEMBER 16, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources, submitted the following

R E P O R T

[To accompany H.R. 1945]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1945) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Salmon Recovery Act".

SEC. 2. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this Act to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 3(f)), the Secretary—

(1) shall allocate 90 percent among qualified States, in equal amounts; and

(2) shall allocate 10 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer to a qualified State or qualified tribal government that has entered into a memorandum of understanding under section 3(a) amounts allocated to the qualified State or qualified tribal government, respectively, under subsection (b) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer to a qualified State under paragraph (1)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO QUALIFIED STATES.—Amounts that are allocated to a qualified State for a fiscal year may be reallocated under subsection (b)(1) among the other qualified States, if the amounts remain unobligated at the end of the subsequent fiscal year.

(2) AMOUNTS ALLOCATED TO QUALIFIED TRIBAL GOVERNMENTS.—Amounts that are allocated to a qualified tribal government for a fiscal year may be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 3(a) as of the end of the fiscal year.

SEC. 3. RECEIPT AND USE OF ASSISTANCE.

(a) MEMORANDA OF UNDERSTANDING.—

(1) IN GENERAL.—To receive assistance under this Act, a qualified State or qualified tribal government must enter into a memorandum of understanding with the Secretary in accordance with this subsection.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State or resolutions, ordinances, or regulations of the qualified tribal government, respectively;

(D) in the case of a memorandum of understanding submitted by a qualified State or qualified tribal government the jurisdiction of which, as of the date of the enactment of this Act, contains no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the memorandum of understanding within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State or qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this Act are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) SOLICITATION OF COMMENTS.—In preparing a memorandum of understanding under this subsection a qualified State should to the extent practicable seek comments on the memorandum of understanding from local governments in the qualified State.

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this Act may be used by a qualified State or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (a), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(F) In the case of a memorandum of understanding regarding conservation and restoration in Washington or Idaho, other activities to protect and restore Bull trout.

(G) In the case of a memorandum of understanding regarding conservation and restoration in Oregon, other activities to protect and restore Lahontan cutthroat trout and Bull trout.

(2) USE FOR LOCAL AND REGIONAL PROJECTS.—Funds allocated to qualified States under this Act shall be used for local and regional projects.

(c) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE OF JURISDICTION OF RECIPIENT.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(d) COST SHARING BY QUALIFIED STATES.—

(1) IN GENERAL.—A qualified State shall match 25 percent of the amount of any financial assistance provided to the qualified State for a fiscal year under this Act, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIRING MATCHING FOR EACH PROJECT.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this Act.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(e) COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—Each qualified State and each qualified tribal government receiving assistance under this Act is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) CONSULTATION.—Each qualified State and qualified tribal government receiving assistance under this Act shall consult with the Secretary to ensure there is no duplication in projects funded under this Act.

(f) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amount made available under this Act each fiscal year, not more than 2 percent may be used by the Secretary for administrative expenses incurred in carrying out this Act.

(2) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this Act to a qualified State or qualified tribal government each fiscal year, not more than 4 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this Act.

SEC. 4. PUBLIC PARTICIPATION.

(a) QUALIFIED STATE GOVERNMENTS.—Each qualified State seeking assistance under this Act shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) QUALIFIED TRIBAL GOVERNMENTS.—Each qualified tribal government receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

SEC. 5. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this Act.

SEC. 6. REPORTS.

(a) QUALIFIED STATES.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(a)(2).

(b) SECRETARY.—

(1) ANNUAL REPORT REGARDING FINANCIAL ASSISTANCE.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified States and qualified tribal governments under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(a)(2).

(2) ANNUAL REPORT REGARDING MEMORANDA OF UNDERSTANDING.—The Secretary shall, by not later than one year after the date of the enactment of this Act, and annually thereafter—

(A) review the memorandum of understanding under section 3(a) of each qualified State and each qualified tribal government and the review process of each qualified State and each qualified tribal government salmon recovery program; and

(B) report on such review to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Resources of the House of Representatives, including recommendations of any means to make the State or tribal programs more efficient for salmon recovery.

SEC. 7. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) QUALIFIED STATE.—The term "qualified State" means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) QUALIFIED TRIBAL GOVERNMENT.—The term "qualified tribal government" means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act; and

(B) a village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act.

(4) SALMON.—The term "salmon" means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(5) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 8. REPORT REGARDING TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.

The President shall—

(1) determine the number of United States citizens who—

(A) served as employees of the International Pacific Salmon Fisheries Commission or the International North Pacific Fisheries Commission; and

(B) worked in Canada in the course of employment with that commission;

(2) calculate for each such employee the difference between—

(A) the value, in United States currency, of the annuity payments made and to be made (determined by an actuarial valuation) by or on behalf of each such commission to the employee; and

(B) the value, in Canadian currency, of such annuity payments; and

(3) by not later than September 1, 2004, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the determinations and calculations made under paragraphs (1) and (2).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $200,000,000 for each of the fiscal years 2004, 2005, and 2006 to carry out this Act. Funds appropriated under this section may remain until expended.

SEC. 10. SENSE OF THE CONGRESS REGARDING BIPARTISAN JULY 2000 GOALS.

It is the sense of the Congress that the Congress supports the bipartisan July 2000 goals, objectives, and recommendations of the Governors of Idaho, Montana, Oregon, and Washington to protect and restore salmon and other aquatic species to sustainable and harvestable levels while meeting the requirements of the Endangered Species Act of 1973, the Clean Water Act, the Pacific Northwest Electric Power Planning and Conservation Act, tribal treaty rights, and executive orders and while taking into account the need to preserve a sound economy in Alaska, California, Idaho, Montana, Oregon, and Washington.

PURPOSE OF THE BILL

The purpose of H.R. 1945, the Pacific Salmon Recovery Act, is to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California and Idaho for salmon habitat restoration projects in coastal waters and upland drainages.

BACKGROUND AND NEED FOR LEGISLATION

In the Pacific Northwest there are steelhead and cutthroat trout and five species of salmon (chinook, coho, chum, sockeye, and pink). Pacific salmon and steelhead trout are anadromous fish whose life cycle starts in fresh water, moves into the ocean and then returns to fresh water when it is time to spawn. In the early 1990s, the Northwest region of the National Marine Fisheries Services reviewed the status of west coast populations of Pacific salmon and steelhead with respect to the Endangered Species Act (ESA). To date, the agency has identified over 50 Evolutionary Significant Units of salmon and steelhead from California to the Pacific Northwest, of which 26 are currently listed under the ESA.

On October 14, 1998, the Governors of Alaska, California, Oregon, and Washington sent a letter to the Clinton Administration proposing a coast-wide Pacific salmon restoration and conservation fund which would include $50 million for each State for each of six years for salmon conservation and enhancement projects at local and regional levels within each State. The President responded to the Governors' request by including $100 million in his Fiscal Year 2000 budget request to Congress for a Pacific Coastal Salmon Recovery Fund. In addition to the four States, the President's funding request included funding for the coastal Indian tribes of California, Oregon, and Washington.

While the fiscal year 2000 appropriations bill (Public Law 106–113) appropriated funds to the States for that fiscal year, it was the omnibus appropriation bill for fiscal year 2001 (Public Law 106–553) that authorized $100 million for salmon habitat restoration, salmon stock enhancement, and salmon research for the States of Alaska, California, Oregon and Washington for each of the fiscal years 2000–2003. Pacific coastal tribes and Columbia River tribes were also included in this authorization. Since fiscal year 2000, the States have received a total of: $73 million (Alaska); $49 million (California); $49 million (Oregon); and $98 million (Washington). The coastal tribes have received $32 million and the Columbia River tribes have received $11 million. This authorization of appropriations expires this fiscal year.

In the 106th and 107th Congresses, Congressman Mike Thompson (D–CA) introduced H.R. 2798 and H.R. 1157 respectively to authorize appropriations to the States for salmon recovery programs. The bills passed the House in both Congresses, but the Senate did not act on the measures in either Congress.

Congressman Thompson reintroduced the provisions as H.R. 1945 in the 108th Congress. The bill would authorize $250 million to the States of Alaska, California, Idaho, Oregon and Washington for fiscal each year 2004–2006. Tribes in each of the States are also qualified to receive funds. The States and tribes are required to match the funds they receive. The money, once appropriated, would go toward projects which would restore and conserve endangered and threatened salmon, steelhead, sea-run cutthrout trout and their habitat. In addition, Lahontan cutthroat trout and bull trout habitat restoration projects qualify to receive funding in Oregon as will bull trout habitat in Washington and Oregon. The bill requires annual reports to Congress from each of the States, and the Secretary of Commerce for the tribes and the States, reviewing the use of funds.

COMMITTEE ACTION

H.R. 1945 was introduced on May 1, 2003, by Congressman Mike Thompson (D–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On June 11, 2003, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration by unanimous consent. Congressman Wayne Gilchrest (R–MD) offered an amendment in the nature of a substitute that reduced the authorized appropriations to $200 million each fiscal year; changed the allocation of funds to the States and tribes from an 85–15 split to a

90–10 split; increased the cap on administrative costs by 1 percent; added a review process by the Secretary of Commerce; deleted the section requiring State conservation plans, and instead required each State to have a Memorandum of Understanding; deleted the section requiring the purchase of American-made equipment and products; and deleted the section requiring a report on timber practices in Canada. Congressman Jay Inslee (D–WA) offered an amendment to amend the implementation of recovery plans and withdrew it. The Gilchrest amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section establishes the short title of the Act as the "Pacific Salmon Recovery Act".

Section 2. Salmon conservation and salmon habitat restoration assistance

Section 2 outlines how the Secretary of Commerce will dispense the funds authorized under this Act.

Subsection (a) specifies that the Secretary of Commerce is required to provide assistance to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration projects.

Subsection (b) details the amounts to be given to qualified States and qualified tribal governments. The States will receive equal shares of 90 percent of the funds appropriated to the States. Tribal governments will receive 10 percent of the annual appropriation and the Secretary will determine eligibility and the specific allocations for the tribes.

Subsection (c) states that the Secretary shall promptly transfer funds to qualified States and qualified tribal governments that have a Memorandum of Understanding (MOU) with the Secretary.

Subsection (d) outlines how the Secretary will reallocate funds in cases where one or more States have not obligated matching funds after two years. The Secretary will also reallocate a qualified tribal government's allocation among the other qualified tribal governments if it has not entered into an MOU after one year.

Section 3. Receipt and use of assistance

Subsection (a) states that a qualified State and qualified tribal government is required to have a MOU with the Secretary to receive assistance. The MOU must be consistent with other applicable federal laws, be consistent with the goal of salmon recovery, and give priority to listed salmon through projects that benefit salmon and its habitat. For States and tribal governments that at the date of enactment do not have listed salmon that spawn in areas under its jurisdiction, the use of the assistance also must conserve salmon and its habitat, but can also be used for salmon related research, data collection and monitoring, salmon supplementation and enhancement, salmon habitat restoration, increasing economic opportunities for salmon fishermen, and national and international cooperative habitat programs. If after the date of

enactment a species of salmon does become listed, the MOU must be revised within one year to give priority to projects targeted to the newly listed species. A State or tribal government which did not have any listed species on the date of enactment but does have salmon which become listed at a later point may continue to use its funds for other salmon-related research, data collection and monitoring, salmon supplementation and enhancement, salmon habitat restoration, increasing economic opportunities for salmon fishermen, and national and international cooperative habitat programs.

The States and tribal governments will be required to establish specific goals and timelines for activities funded and include measurable criteria to evaluate those activities.

Activities should be scientifically based, cost effective, conducted on private land only with the consent of the landowner, and contribute to the conservation and recovery of salmon.

The Committee understands that the States, other than Idaho, and some tribal governments currently have MOUs with the Secretary regarding the use of appropriated funds for salmon recovery. A Committee review of the current State and tribal MOUs reveals many consistencies with the MOU requirements in the legislation. The Committee does not envision the States or tribal governments having to redraft or renegotiate their current MOU with the Secretary or make major changes to their State processes. However, if an MOU should be reviewed and modified by the State and the Secretary, every effort should be made to ensure the MOU complies with the MOU requirement of this legislation.

The Committee's intent is to promote the recovery of naturally produced salmon; however, projects that will benefit a natural run of salmon that is mixed with an artificially enhanced run of salmon would still qualify for assistance.

The Committee also encourages the Secretary to expeditiously approve permits received under sections 7 and 10 of the Endangered Species Act for State projects that will benefit salmon and its habitat. The Committee would recommend greater coordination between the National Marine Fisheries Service and the U.S. Fish and Wildlife Service with regard to the issuance of permits to protect salmon. The agencies should coordinate so that the activities funded under this Act can have the greatest benefit to salmon and their habitat.

The Committee's intention is that the cost effectiveness requirement not necessarily be a requirement for a formal economic cost benefit analysis, but more of a subjective weighing of costs and benefits and a generalized public interest test.

The Committee believes it is very important that the States and tribal governments continue to fund projects using State and tribal funds. The Committee has therefore required the States to continue to maintain the aggregate expenditures of funds from non-federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the two fiscal years preceding the date of enactment of the Act. It is also important for the States and tribal governments to use the federal funds available under this Act on activities that are conducted in a manner in which, and in areas where, the activities will have long-term benefits. In addition, States and tribal governments should take care to not fund

projects in areas where adjacent or nearby development projects will erode or undo the benefits of the restoration project.

The Committee supports the funding of local and regional State projects to conserve and restore salmon and their habitat and to ensure local participation. Therefore, the Committee has required qualified States to solicit comments from local governments when making determinations on what programs will receive assistance.

Subsection (b) outlines the use of funds. Qualified States and qualified tribal governments are authorized to make grants for the following: watershed evaluation, assessment and planning; salmon-related research; data collection; monitoring; salmon supplementation and enhancement and salmon habitat restoration; maintenance and monitoring of projects; technical training and education projects; and other activities related to salmon conservation and salmon habitat restoration. It is not the intent of the Committee that funds be used to purchase land or water rights. Funds allocated must be used for local and regional projects. For the State of Oregon, qualified activities may also include programs for Lahontan cutthroat trout and bull trout and qualified activities for bull trout may be undertaken in the States of Washington and Idaho. The Secretary of the Interior, the agency with management authority over Lahontan cutthroat trout and bull trout, should be consulted and existing recovery plans for these species reviewed prior to the expenditure of funds.

Subsection (c) states that assistance may be used by qualified States and qualified tribal governments for activities outside the areas under their jurisdiction if the activities provide conservation benefits to naturally produced salmon in streams or rivers of concern.

Subsection (d) requires States to match 25 percent of the financial assistance provided to the qualified State for a fiscal year. The States can match the funds in the form of monetary contributions or in-kind contribution of services for projects carried out with such assistance. States may not include funds received from other federal sources as matching funds. The Secretary is prohibited from requiring States to provide matching funds on a project by project basis. The qualified States can count the matching funds as a part of the aggregate expenditures of funds from non-federal sources required under subsection (a)(2)(H).

Subsection (e) encourages qualified States and qualified tribal governments to coordinate salmon conservation activities to eliminate duplicative and overlapping activities. The States and tribal governments are also required to consult with the Secretary to avoid the duplication of projects.

Subsection (f) limits the amount of administrative overhead. The Secretary is limited to not more than two percent for administrative expenses. States and tribal governments are limited to four percent for administrative expenses. States and tribal governments may include the cost of holding public meetings related to projects as administrative expenses.

Section 4. Public participation

Section 4 requires each qualified State to establish a citizens advisory committee or other forum for local governments and the public to participate in obtaining and using assistance provided under

this Act. The Committee does not intend for a State which has a process for public participation to create a new public participation process. Qualified tribal governments are required to hold public meetings to receive recommendations on the use of assistance provided under this Act.

Section 5. Consultation not required

Section 5 states that consultation under section 7 of the Endangered Species Act is not required based solely on the provision of financial assistance under this Act.

Section 6. Reports

Section 6 requires qualified States to report annually to Congress on the use of assistance and compliance with the Act. In addition, the Secretary is required to report annually to Congress on qualified States' and qualified tribal governments' use of assistance and compliance with the Act. The Secretary is also required to report on the review process each State has for its salmon conservation programs and make recommendations on how the State or tribal programs can more effectively restore salmon populations.

Section 7. Definitions

Section 7 defines various terms in the Act.

The term "Indian tribe" has the same meaning as that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

The term "qualified State" means each of the States of Alaska, California, Idaho, Oregon and Washington.

The term "qualified tribal government" means a tribal government of an Indian tribe in California, Idaho, Oregon, and Washington or a village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*) that the Secretary of Commerce in consultation with the Secretary of the Interior determines is involved in salmon management and recovery activities under the Endangered Species Act of 1973 and has the management and organization capability to maximize the benefits of assistance provided under this Act.

The term "salmon" means any naturally produced salmon or naturally produced trout of the following species: coho salmon; chinook salmon; chum salmon; pink salmon; sockeye salmon; steelhead trout; and sea-run cutthroat trout.

The term "Secretary" means the Secretary of Commerce.

Section 8. Report regarding treatment of International Fishery Commission pensioners

The President is required to calculate the difference between the valuation of the Commissions' annuity for each employee's payment in U.S. currency and in Canadian currency for the past and future annuity payments and report those findings by September 1, 2004.

Section 9. Authorization of appropriations

Section 9 authorizes an appropriation of $200 million annually for Fiscal Years 2004 through 2006.

Section 10. Sense of Congress regarding bipartisan July 2000 goals

Section 10 states how Congress supports the goals, objectives and recommendations of the Governors of Idaho, Montana, Oregon, and Washington as outlined in the July 2000 document regarding the protection of restoration of salmon and other aquatic species.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of Rule X and clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General performance goals and objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, California, Idaho, Oregon and Washington for salmon habitat restoration projects in coastal waters and upland drainages.

4. Congressional Budget Office cost estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 23, 2003.

Hon. RICHARD POMBO,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1945, the Pacific Salmon Recovery Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

H.R. 1945—Pacific Salmon Recovery Act

Summary: H.R. 1945 would authorize a grant program under the auspices of the National Oceanic and Atmospheric Administration (NOAA) for salmon conservation and habitat restoration projects in the Pacific Northwest. For this purpose, the bill would authorize the appropriation of $200 million for each of fiscal years 2004, 2005, and 2006.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost the Federal Government $600 million over the next five years. Enacting H.R. 1945 would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1945 is shown in the following table. The costs of this legislation would fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Pacific Salmon Programs:						
Budget Authority[1]	90	0	0	0	0	0
Estimated Outlays	170	100	0	0	0	0
Proposed Changes:						
Authorization Level	0	200	200	200	0	0
Estimated Outlays	0	200	200	200	0	0
Spending Under H.R. 1945:						
Authorization Level	90	200	200	200	0	0
Estimated Outlays	170	300	200	200	0	0

[1] The 2003 level is the amount appropriated for that year for activities similar to those that would be authorized by H.R. 1945.

Basis of estimate: H.R. 1945 would authorize appropriations to fund salmon conservation programs in the States of Alaska, Washington, Oregon, California, and Idaho, and Indian tribes in those States. For this estimate, CBO assumes that the full amounts authorized by the bill will be appropriated and transferred to each eligible entity in each fiscal year. The estimate of outlays reflects the bill's requirement that grant money be transferred promptly to an eligible State or tribe once it enters into a memorandum of understanding with NOAA.

The bill also would require the President to report to the Congress on the retirement benefits of U.S. citizens who were once employed by the defunct International Pacific Salmon Fisheries Commission and International North Pacific Fisheries Commission. CBO estimates that implementing this provision would have no significant impact on Federal spending.

Estimated impact on State, local, and tribal governments: H.R. 1945 contains no intergovernmental mandates as defined in UMRA. The bill would benefit Alaska, California, Idaho, Oregon, and Washington, and tribal governments located in those States,

by authorizing the Secretary of Commerce to grant them funds for salmon conservation and habitat restoration.

Estimated impact on the private sector: The bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Deborah Reis. Impact on State, local, and tribal governments: Marjorie Miller. Impact on the private sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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