

INTERNATIONAL FISHERIES REAUTHORIZATION ACT OF
2003

OCTOBER 7, 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. 2048]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2048) to extend the period for reimbursement under the Fishermen’s Protective Act of 1967, and to reauthorize the Yukon River Restoration and Enhancement Fund, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Fisheries Reauthorization Act of 2003”.

SEC. 2. EXTENSION OF PERIOD FOR REIMBURSEMENT UNDER FISHERMEN’S PROTECTIVE ACT OF 1967.

Section 7(e) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1977(e)) is amended by striking “2003” and inserting “2008”.

SEC. 3. REAUTHORIZATION OF YUKON RIVER SALMON ACT OF 2000.

Section 208 of the Yukon River Salmon Act of 2000 (16 U.S.C. 5727) is amended by striking “2000” and all that follows through “2003” and inserting “2004 through 2008”.

Amend the title so as to read:

A bill to extend the period for reimbursement under the Fishermen’s Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000.

PURPOSE OF THE BILL

The purpose of H.R. 2048, as ordered reported, is to be extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2048 reauthorizes two important fisheries laws: the Fishermen's Protective Act and the Yukon River Salmon Act of 1995.

Fishermen's Protective Act

The Fishermen's Protective Act of 1967 (FPA) established a program under which the Secretary of State may compensate fishermen for fines paid to secure the release of fishing vessels and crew which have been illegally seized by a foreign government and established a system of economic safeguards for U.S. fishermen fishing outside U.S. waters. Repayments made to compensate fishermen for fines paid to a foreign government are made from the Fishermen's Protective Fund established under section 9 of the FPA.

Another safeguard for U.S. fishermen fishing outside U.S. waters is the Fishermen's Guaranty Fund, which is a voluntary self-insurance program administered by the Department of State. This Fund compensates fishermen for vessels and catch confiscated by a foreign nation under claims of jurisdiction not recognized by the United States. Payments under this program are made from the Fishermen's Guaranty Fund under section 7 of the FPA.

H.R. 2048 reauthorizes the FPA through Fiscal Year 2008.

Yukon River Salmon Act

It took over ten years for the United States and Canada to negotiate a long-term agreement for the conservation of salmon stocks originating from the Yukon River in Canada. The headwaters of the Yukon River are located in Canada, and salmon from the river spawn on both the U.S. and Canadian sides of the border. Fishermen from both the United States and Canada harvest salmon originating from the Yukon River and its tributaries. Concerns over the level of each country's harvest and the conservation of the stocks sparked the negotiations between the U.S. and Canada.

On February 3, 1995, the United States and Canada agreed, through an exchange of diplomatic notes, on an interim agreement for the conservation of salmon stocks originating from the Yukon River in Canada. The interim agreement implemented provisions agreed to by the parties and allowed the institutional arrangements to commence while negotiations continued on a long-term arrangement.

The United States implemented the interim agreement through the enactment of the Fisheries Act of 1995 (Public Law 104-43, Section VII). The implementing legislation created the United States section of the Yukon River Salmon Panel and the U.S. Advisory Committee.

The U.S. section of the Panel is made up of six members—a federal official, appointed by the Secretary of State; a State of Alaska official, appointed by their Governor; and four knowledgeable and experienced individuals, nominated by the Governor of Alaska and appointed by the Secretary of State. Out of these four individuals,

one is required to represent the interests of the lower Yukon River Fishing districts, one must represent the interests of the upper Yukon River Fishing districts, and one must be an Alaskan Native. Each member serves a four year term.

The Advisory Committee is made up of at least eight but no more than twelve individuals, with two required to be Alaskan Natives. The Governor of Alaska appoints the Advisory Committee members, who serve two-year terms.

The Fisheries Act of 1995 authorized appropriations of \$4 million for each fiscal year to carry out the purposes and provisions of the Yukon River salmon agreement. Of this appropriation, not more than \$3 million was authorized for each fiscal year to the Department of the Interior and the Department of Commerce for survey, restoration, and enhancement activities. In addition, \$400,000 was authorized for Fiscal Years 1996–1999 for the Yukon River Restoration and Enhancement Fund.

The interim agreement expired on December 31, 1997. The agreement could have been extended if both sides agreed, but no such agreement was reached. The United States and Canada met in early 1998 to negotiate a new agreement, but the negotiations were unsuccessful. Informal discussions have been ongoing; negotiations in the following years were also unsuccessful.

In November 2000, Public Law 106–450 was enacted and reauthorized the authorization of appropriations for the Act. In this reauthorization Congress amended the Act to allow the Secretary of State to designate members of the U.S. panel created by the interim agreement to any successor panel created in any future agreement between U.S. and Canada. In addition, \$4 million was authorized for Fiscal Years 2000–2003. Out of the authorization up to \$3 million was authorized for the Secretary of the Interior. Out of this amount, up to \$1.2 million was authorized for salmon enhancement and restoration projects, if an agreement between the U.S. and Canada is in place, and \$600,000 was authorized for cooperative salmon research and management projects in the U.S. along the Yukon River.

In March 2001, the U.S. and Canada reached an agreement on a management regime for salmon fisheries on the Yukon River. These negotiations were concluded with a passing of diplomatic notes in December 2002. Since this is an executive agreement, legislation is not required to implement it and Senate advice and consent is unnecessary.

H.R. 2048 reauthorizes the Yukon River Salmon Act and the Yukon River salmon stock restoration and enhancement project funding through 2008 at current funding levels.

COMMITTEE ACTION

H.R. 2048 was introduced on May 9, 2003, by Congressman Wayne T. Gilchrest (R-MD). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 22, 2003, the Subcommittee held a hearing on the bill. On July 17, 2003, the Subcommittee met to mark up the bill. Mr. Gilchrest offered an amendment in the nature of a substitute to make certain technical changes suggested by the Administration. The amendment was adopted by voice vote. The bill, as amended, was then

ordered favorably reported to the Full Committee by voice vote. On September 24, 2003, the Full Resources Committee met to consider the bill. There were no further amendments and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

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.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

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 tax expenditures. According to the Congressional Budget Office, enactment of this bill would affect direct spending (by authorizing the collection of additional offsetting receipts), but "any such effects would be insignificant."

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, as ordered reported, is to extend the period for reimbursement under the Fishermen's Protective Act of 1967, and to reauthorize the Yukon River Salmon Act of 2000.

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, October 2, 2003.

Hon. RICHARD W. 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. 2048, the International Fisheries Reauthorization Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Megan Carroll and Melissa E. Zimmerman.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 2048—International Fisheries Reauthorization Act of 2003

CBO estimates that implementing H.R. 2048 would cost \$20 million over the 2004–2008 period, assuming appropriation of the authorized amounts. Enacting the bill could affect direct spending, but we estimate that any such effects would be insignificant. H.R. 2048 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 2048 would reauthorize the Yukon River Salmon Act of 2000, which authorizes funding for activities to restore and conserve stocks of Canadian-origin wild salmon in the Yukon River watershed. The bill would authorize the appropriation of \$4 million a year over the 2004–2008 period for the Secretary of the Interior to continue those activities in cooperation with the Secretary of Commerce. Based on historical spending patterns under the Yukon River Salmon Act, CBO estimates that implementing H.R. 2048 would cost \$4 million in 2004 and \$20 million over the next five years, assuming appropriation of the authorized amounts.

The estimated budget impact of the bill is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level	4	4	4	4	4
Estimated outlays	4	4	4	4	4

H.R. 2048 also would reauthorize the Fisherman's Protective Act of 1967 through 2008. That act established the Fisherman's Guaranty Fund, which pays owners of U.S. fishing vessels for certain financial losses if their vessels are seized by a foreign nation. Vessel owners pay fees sufficient to cover the cost of these payments. H.R. 2048 would authorize this program through 2008, thus allowing additional payments of fees into the fund. (The fund has a current balance of \$2.7 million). However, no owners have applied to participate in the program in recent years, and the fund has paid only

one claim since 1992. Thus, CBO estimates that any additional off-setting receipts from fee collections or spending for claims would not be significant over the next 10 years.

The CBO staff contacts for this estimate are Megan Carroll and Melissa E. Zimmerman. This estimate was approved by Peter H. Fontaine, Deputy 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 7 OF THE FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 7. (a) * * *

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(e) The provisions of this section shall be effective until October 1, **[2003]** *2008*, except that payments may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.

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SECTION 208 OF THE YUKON RIVER SALMON ACT OF 2000

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SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior to carry out this title \$4,000,000 for each of fiscal years **[2000, 2001, 2002, and 2003]** *2004 through 2008*, of which—

(1) * * *

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