



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 12, 2015

### **H.R. 774**

### **Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2015**

*As ordered reported by the House Committee on Natural Resources on April 30, 2015*

H.R. 774 would provide the National Oceanic and Atmospheric Administration (NOAA) with additional tools to enforce fisheries laws and combat illegal, unreported, and unregulated (IUU) fishing. The bill would establish uniform enforcement policies and procedures under the many federal statutes that govern the regulation of commercial fishing. The bill also would allow NOAA to implement two international fishing agreements previously entered into by the United States.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 774 would cost \$2 million over the 2016-2020 period. Because enacting the bill could increase revenues (from civil and criminal penalties) and associated direct spending, pay-as-you-go procedures apply. However, CBO estimates that such increases in penalties and spending would be less than \$500,000 annually and would offset each other in most years.

CBO has reviewed title I of H.R. 774 and determined that it contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Section 4 of UMRA excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that Titles II and III fall within that exclusion because they would implement international fishing treaties.

#### **Enforcement of Fisheries Laws**

Title I would authorize the appropriation of \$450,000 a year for NOAA to expand the scope of information considered for identifying IUU vessels and require the agency to keep a list of countries with vessels engaged in IUU fishing in the preceding three years. Assuming appropriation of the authorized amounts, CBO estimates that carrying out those activities would cost about \$2 million over the 2016-2020 period.

Title I also would provide NOAA with greater authority to combat IUU fishing. While the bill would not explicitly mandate an increase in NOAA's enforcement efforts, the enhanced enforcement authorities could result in additional costs if those authorities

increased the number of violations adjudicated by the agency. In 2015, NOAA received appropriations totaling \$66 million to enforce more than 35 federal statutes. Based on information provided by the agency, CBO expects that any increase in enforcement costs under H.R. 774 associated with IUU fishing would not be significant in any year.

In addition, title I would make various amendments to portions of the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act. Based on information provided by NOAA, CBO expects that implementing those amendments would not affect the agency's workload because the agency is conducting most of the newly required activities under current law. The authorization of appropriations to carry out the affected portions of those acts expired in 2013; however, the Congress has continued to appropriate funds to conduct activities under those laws. In 2015, the agency received appropriations totaling \$3 million to implement those provisions.

Finally, title I could increase civil and criminal penalties for violations of fisheries laws. Based on information provided by NOAA, CBO estimates that any increase in revenues from penalties would be less than \$500,000 a year and would be offset by similar increases in direct spending from the Crime Victims Fund (for criminal penalties) or by NOAA (for civil penalties) as authorized by existing law.

### **Implementation of the Antigua Convention**

Title II would amend the Tuna Conventions Act of 1950 to implement the Antigua Convention and would establish guidelines for the selection, composition, and duties of certain bodies that represent the United States on the Inter-American Tropical Tuna Commission. Because those bodies currently exist and members of those bodies are not compensated by the federal government, CBO estimates that implementing title II would have no significant effect on the federal budget.

### **Implementation of the Agreement on Port State Measures**

Title III would require NOAA to identify ports that can be used by foreign vessels, coordinate inspections of those vessels with the U.S. Coast Guard (USCG), deny port entry to vessels that have engaged in IUU fishing, and share information with foreign governments and other entities regarding the results of inspections and any actions taken if IUU fishing is discovered. Title III also would establish civil and criminal penalties for entities that violate provisions in the bill.

Based on information provided by NOAA and the USCG, CBO estimates that implementing title III would have no significant effect on the federal budget. The affected agencies already carry out the activities required under the bill. Enacting the legislation could increase revenues (from civil and criminal penalties) and associated direct spending; however, CBO estimates that such increases would be small and would offset each other in most years.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.