



CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

July 25, 2008

S. 2907

International Fisheries Stewardship and Enforcement Act

*As ordered reported by the Senate Committee on Commerce, Science, and Transportation
on June 24, 2008*

SUMMARY

S. 2907 would establish uniform enforcement policies and procedures among federal statutes that govern the regulation of commercial fishing. The bill also would authorize funding for new programs to improve the enforcement of laws related to international fisheries and coordinate enforcement actions among federal agencies.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2907 would cost \$90 million over the 2010-2013 period and \$120 million after 2013. Enacting this legislation could increase revenues (from civil and criminal penalties) and associated direct spending, but CBO estimates that such increases would be less than \$500,000 annually and would offset each other in most years.

Section 4 of the Unfunded Mandates Reform Act (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 the provisions of title IV fall within that exclusion because they would implement the Antigua Convention. Therefore, CBO has not reviewed title IV for the presence of intergovernmental or private-sector mandates.

The remaining provisions contain an intergovernmental and private-sector mandate as defined in UMRA because they would require public and private entities, if subpoenaed, to provide testimony, documents, or other evidence to the Department of Commerce. CBO estimates that the cost to comply with the mandate would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$68 million and \$136 million in 2008, respectively, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2907 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					2009- 2013
	2009	2010	2011	2012	2013	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	0	35	35	35	35	140
Estimated Outlays	0	10	15	30	35	90

BASIS OF ESTIMATE

For this estimate, CBO assumes that the legislation will be enacted near the beginning of fiscal year 2009 and that the amounts authorized will be appropriated for each year. Estimated outlays are based on historical spending patterns for similar programs.

S. 2907 would authorize the appropriation of \$30 million for each of fiscal years 2010 through 2015 for a new program to detect, investigate, and enforce laws against certain fishing activities. The new program would be administered by the National Oceanic and Atmospheric Administration (NOAA) and carried out with help from other federal agencies such as the U.S. Coast Guard and U.S. Customs and Border Protection. The bill also would authorize the appropriation of \$5 million annually over the same period for grants and other assistance to foreign governments to improve international enforcement of fisheries laws. Assuming appropriation of the authorized amounts, CBO estimates that implementing the new programs would cost \$90 million over the 2010-2013 period and \$120 million after 2013.

Finally, S. 2907 would 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.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

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 the provisions of title IV fall within that exclusion because they would implement the Antigua Convention. Therefore, CBO has not reviewed title IV for the presence of intergovernmental or private-sector mandates.

The remaining provisions contain an intergovernmental and private-sector mandate as defined in UMRA. The bill would expand the authority of the Secretary of Commerce to issue subpoenas when investigating violations of certain fishing laws. Public and private entities, if subpoenaed, would be required to provide testimony, documents, or other evidence. CBO expects that the Secretary would use that authority sparingly and that the costs to private and public entities to comply with such subpoenas would be small. Therefore, CBO estimates that the cost of the mandate would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$68 million and \$136 million in 2008, respectively, adjusted annually for inflation).

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