



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 21, 2016

S. 3099

Access for Sportfishing Act of 2016

*As ordered reported by the Senate Committee on Commerce, Science, and Transportation
on June 29, 2016*

S. 3099 would prohibit the National Park Service (NPS) from implementing or enforcing restrictions on fishing in Biscayne National Park in Florida, unless the restrictions are developed in coordination with the Florida Fish and Wildlife Conservation Commission (FWC) and are the least restrictive measures necessary for effective management of the fishery. The bill also would require the National Oceanic and Atmospheric Administration (NOAA) to issue a final regulation implementing the Billfish Conservation Act of 2012, which prohibits the sale of billfish, within 45 days of enactment of the bill. Finally, S. 3099 would amend the Magnuson-Stevens Fishery Conservation and Management Act to prohibit people from feeding sharks in federal waters.

Based on information from the NPS and the FWC about the agencies' positions on fishing restrictions within the park, CBO expects that the NPS would probably not choose to enter into an agreement with the FWC to develop new fishing regulations. As a result, CBO estimates that implementing the legislation would not affect federal spending with respect to management of Biscayne National Park.

Based on information from NOAA, CBO estimates that implementing S. 3099 would cost less than \$500,000 annually to issue rules on the sale of billfish and to implement the prohibition on feeding sharks. Any such spending would be subject to the availability of appropriated funds. Enacting the legislation could increase revenues and associated direct spending; therefore, pay-as-you-go procedures apply.

S. 3099 would create new civil and criminal penalties, for feeding sharks; such penalties are recorded as revenues. Because criminal penalties are deposited into the Crime Victims Fund and later spent without further appropriations action, the bill also could increase direct spending. However, CBO expects that any additional revenues and subsequent direct spending would not be significant in any year because the number of civil and criminal violations would probably be small.

CBO estimates that enacting S. 3099 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

S. 3099 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

The bill contains private-sector mandates as defined in UMRA. Specifically, the bill would prohibit anyone from feeding sharks in U.S. waters for any purpose other than to harvest sharks. It also would prohibit anyone from operating a vessel for the purpose of carrying passengers to engage in or observe shark feeding. The cost of the mandates would be the net income forgone as a result of the prohibitions. Some diving operators use bait to attract sharks so that their customers can get a closer look. Feeding sharks is already banned in some state waters, including California and Florida. However, some dive operators have gotten around state bans by taking their customers out of state waters and into adjacent federal waters. The bill would make such practices illegal. Based on information from the academic literature about the size of the industry in the United States and in other countries, the rates charged for charter trips, and the customer base for such trips, CBO estimates that revenues generated by the industry amount to about \$10 million annually. Therefore, CBO estimates that the cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2016, adjusted annually for inflation).

The CBO staff contacts for this estimate are Robert Reese and Jon Sperl (for federal costs) and Logan Smith (for private-sector mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.