

113TH CONGRESS  
1ST SESSION

# S. 1275

To direct the Secretary of Commerce to issue a fishing capacity reduction loan to refinance the existing loan funding the Pacific Coast groundfish fishing capacity reduction program.

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## IN THE SENATE OF THE UNITED STATES

JULY 10, 2013

Ms. CANTWELL (for herself, Mrs. BOXER, Mrs. MURRAY, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To direct the Secretary of Commerce to issue a fishing capacity reduction loan to refinance the existing loan funding the Pacific Coast groundfish fishing capacity reduction program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Revitalizing the Econ-  
5 omy of Fisheries in the Pacific Act” or the “REFI Pacific  
6 Act”.

1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) In 2000, the Secretary of Commerce de-  
5 clared the West Coast groundfish fishery a Federal  
6 fisheries economic disaster due to low stock abun-  
7 dance, an overcapitalized fleet, and historically over-  
8 fished stocks.

9 (2) Section 212 of the Department of Com-  
10 merce and Related Agencies Appropriations Act,  
11 2003 (title II of division B of Public Law 108–7;  
12 117 Stat. 80) was enacted to establish a Pacific  
13 Coast groundfish fishing capacity reduction pro-  
14 gram, also known as a buyback program, to remove  
15 excess fishing capacity.

16 (3) In 2003, Congress authorized the  
17 \$35,700,000 buyback loan, creating the Pacific  
18 Coast groundfish fishing capacity reduction program  
19 through the National Marine Fisheries Service fish-  
20 eries finance program with a term of 30 years. The  
21 interest rate of the buyback loan was fixed at 6.97  
22 percent and is paid back based on an ex-vessel fee  
23 landing rate not to exceed 5 percent for the loan.

24 (4) The groundfish fishing capacity reduction  
25 program resulted in the removal of limited entry  
26 trawl Federal fishing permits from the fishery, rep-

1       resenting approximately 46 percent of total landings  
2       at the time.

3           (5) Because of an absence of a repayment  
4       mechanism, \$4,243,730 in interest accrued before  
5       fee collection procedures were established in 2005,  
6       over 18 months after the groundfish fishing capacity  
7       reduction program was initiated.

8           (6) In 2011, the West Coast groundfish fishery  
9       transitioned to an individual fishing quota fishery,  
10      which is a type of catch share program.

11          (7) By 2015, West Coast groundfish fisher-  
12      men's expenses are expected to include fees of ap-  
13      proximately \$450 per day for observers, a 3-percent  
14      cost recovery fee as authorized by the Magnuson-  
15      Stevens Fishery Conservation and Management Act  
16      (16 U.S.C. 1801) for catch share programs, and a  
17      5-percent ex-vessel landings rate for the loan repay-  
18      ment, which could reach 18 percent of their total  
19      gross revenue.

20          (8) In 2012, the West Coast groundfish limited  
21      entry trawl fishery generated \$63,000,000, an in-  
22      crease from an average of \$45,000,000 during the  
23      years 2006 to 2011. This revenue is expected to con-  
24      tinue to increase post-rationalization.

1 (b) PURPOSE.—The purpose of this Act is to refi-  
2 nance the Pacific Coast groundfish fishery fishing capacity  
3 reduction program to protect and conserve the West Coast  
4 groundfish fishery and the coastal economies in California,  
5 Oregon, and Washington that rely on it.

6 **SEC. 3. REFINANCING OF PACIFIC COAST GROUND FISH**  
7 **FISHING CAPACITY REDUCTION LOAN.**

8 (a) IN GENERAL.—The Secretary of Commerce, upon  
9 receipt of such assurances as the Secretary considers ap-  
10 propriate to protect the interests of the United States,  
11 shall issue a loan to refinance the existing debt obligation  
12 funding the fishing capacity reduction program for the  
13 West Coast groundfish fishery implemented under section  
14 212 of the Department of Commerce and Related Agen-  
15 cies Appropriations Act, 2003 (title II of division B of  
16 Public Law 108–7; 117 Stat. 80).

17 (b) APPLICABLE LAW.—Except as otherwise provided  
18 in this section, the Secretary shall issue the loan under  
19 this section in accordance with subsections (b) through (e)  
20 of section 312 of the Magnuson-Stevens Fishery Conserva-  
21 tion and Management Act (16 U.S.C. 1861a) and sections  
22 53702 and 53735 of title 46, United States Code.

23 (c) LOAN TERM.—

24 (1) IN GENERAL.—Notwithstanding section  
25 53735(c)(4) of title 46, United States Code, a loan

1 under this section shall have a maturity that expires  
2 at the end of the 45-year period beginning on the  
3 date of issuance of the loan.

4 (2) EXTENSION.—Notwithstanding paragraph  
5 (1) and if there is an outstanding balance on the  
6 loan after the period described in paragraph (1), the  
7 Secretary may extend the loan under the terms pro-  
8 vided in this section.

9 (d) LIMITATION ON FEE AMOUNT.—Notwithstanding  
10 section 312(d)(2)(B) of the Magnuson-Stevens Fishery  
11 Conservation and Management Act (16 U.S.C.  
12 1861a(d)(2)(B)), the fee established by the Secretary with  
13 respect to a loan under this section shall not exceed 3 per-  
14 cent of the ex-vessel value of the harvest from each fishery  
15 for where the loan is issued.

16 (e) INTEREST RATE.—

17 (1) IN GENERAL.—Notwithstanding section  
18 53702(b)(2) of title 46, United States Code, the an-  
19 nual rate of interest an obligor shall pay on a direct  
20 loan obligation under this section is the percent the  
21 Secretary must pay as interest to borrow from the  
22 Treasury the funds to make the loan.

23 (2) SUBLOANS.—An individual who holds a  
24 subloan under the loan authorized by this section—

1 (A) shall receive the interest rate described  
2 in paragraph (1) on the subloan; and

3 (B) may pay off the subloan at any time  
4 notwithstanding subsection (c)(1).

5 (f) EX-VESSEL LANDING FEE.—

6 (1) CALCULATIONS AND ACCURACY.—The Sec-  
7 retary shall set the ex-vessel landing fee to be col-  
8 lected for payment of the loan under this section—

9 (A) as low as possible, based on recent  
10 landings value in the fishery, to meet the re-  
11 quirements of loan repayment;

12 (B) upon issuance of the loan in accord-  
13 ance with paragraph (2); and

14 (C) on a regular interval not to exceed  
15 every 5 years beginning on the date of issuance  
16 of the loan.

17 (2) DEADLINE FOR INITIAL EX-VESSEL LAND-  
18 INGS FEE CALCULATION.—Not later than 60 days  
19 after the date of issuance of the loan under this sec-  
20 tion, the Secretary shall recalculate the ex-vessel  
21 landing fee based on the most recent value of the  
22 fishery.

23 (g) AUTHORIZATION.—There is authorized to be ap-  
24 propriated to the Secretary of Commerce to carry out this  
25 section an amount equal to 1 percent of the amount of

- 1 the loan authorized under this section for purposes of the
- 2 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

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