

111TH CONGRESS
1ST SESSION

H. R. 3583

To provide for a subsidy to sellers and buyers of fish directly delivered to American Samoa from vessels with United States fisheries endorsements that manufacture for the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2009

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for a subsidy to sellers and buyers of fish directly delivered to American Samoa from vessels with United States fisheries endorsements that manufacture for the United States.

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 “American Samoa Pro-
5 tection of Industry, Resources, and Employment Act” or
6 “ASPIRE Act”.

1 **SEC. 2. FINDINGS AND POLICY.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The tuna processing and manufacturing in-
4 dustry is by far the largest private-sector base of
5 employment in American Samoa and serves as the
6 critical foundation for the overall economy of Amer-
7 ican Samoa. The unique local economy created by
8 the operation of tuna canneries is largely irreplace-
9 able as an employment base. The canneries currently
10 provide 80 percent of private sector employment in
11 American Samoa, and generate more than
12 \$80,000,000 (30 percent) of the territory's income
13 from labor according to a recent Department of
14 Labor report. Most other private sector jobs in
15 American Samoa provide goods or services to the
16 tuna processors. Moreover, the economic growth of
17 many other private sector employers in the consumer
18 retail and service sectors is tied either directly or in-
19 directly to the tuna industry.

20 (2) Over the past 30 years, direct employment
21 growth in the fish processing industry has accounted
22 for more than one-third of total job growth in Amer-
23 ican Samoa. Moreover, a recent study reflects that
24 every job added to or subtracted from the economy
25 by a change in employment in the tuna processing
26 industry adds or subtracts another 0.47 jobs from

1 other sectors of American Samoa’s economy, the so-
2 called “multiplier effect”.

3 (3) An important component of the tuna proc-
4 essing industry’s multiplier effect is derived from di-
5 rect delivery of tuna by fishing vessels to American
6 Samoa for processing, which results in revenue for
7 the territory from visitor expenditures on vessel re-
8 fueling, repair, and other shipyard services, steve-
9 dores, fishing net repairs, lodging, dining, and a
10 host of other services. Unfortunately, while having
11 provided limited economic benefit through indirect
12 deliveries which ensured a constant supply of fish to
13 the canneries, the large majority of the eligible fleet
14 which fishes under the auspices of a United States
15 flag and United States license no longer provides di-
16 rect delivery or economic benefit to American
17 Samoa, where many of them are home-ported, choos-
18 ing rather to deliver their catch to massive carrier
19 ships for purposes of transshipping their fish to be
20 cleaned in low-wage labor rate countries.

21 (4) Due to low-wage labor rates of 0.60 cents
22 and less per hour for tuna cannery workers in com-
23 peting countries, increased transportation and en-
24 ergy costs, decreased volumes of direct-delivered fish
25 to American Samoa, recent Federal minimum wage

1 policy changes that have resulted in mandatory an-
2 nual wage increases, heavy foreign competition for
3 United States market share in the tuna industry,
4 and a number of other issues, one of American Sa-
5 moa's tuna canneries has announced that it will shut
6 down by September 2009. This closure will result in
7 job loss for nearly 40 percent of the territory's pri-
8 vate sector employees, as well as increased energy,
9 shipping, and food costs for the remaining busi-
10 nesses and public entities because the canneries help
11 subsidize the costs of these industries.

12 (5) Closure of the remaining tuna processing
13 plant would result in job loss for another 40 percent
14 of private sector employees, and a recent study of
15 the territory's economy concluded that closure of the
16 remaining tuna processing plant would result in
17 total job loss of 44 percent of all employment in the
18 territory, leaving the American Samoan Government,
19 which receives significant operational and capital
20 grants from the Federal Government, as the terri-
21 tory's only significant employer.

22 (6) Due to present dependence on the canneries
23 and Federal aid, if both canneries leave American
24 Samoa, only direct Federal assistance will remain to
25 bridge the gap left by the loss of approximately

1 \$80,000,000 in private sector income from the tuna
2 canneries.

3 (7) The Department of the Interior has pre-
4 viously reported to Congress that in the absence of
5 the revenue derived from the canneries, American
6 Samoa, with its population of nearly 70,000, will be
7 “almost wholly dependent” on direct assistance from
8 the Federal Government, warning that the American
9 Samoaan economy will be “devastated”;

10 (8) Having served, starting at the turn of the
11 last century, as an important refueling station for
12 American ships in the South Pacific, American
13 Samoa has long held a position of strategic and his-
14 toric importance to the United States, and over the
15 years, American Samoans have sacrificed to help
16 keep our country free, with many serving in the
17 United States military.

18 (9) In March 2006, it was reported to Congress
19 that the sacrifice of American Samoa in the Iraq
20 war was disproportionate to the territory’s small
21 size, as residents of the territory were 15 times more
22 likely to be killed in action in Iraq than residents of
23 the United States as a whole.

24 (b) POLICY.—The Federal Government should pro-
25 vide employment stabilization and economic development

1 assistance to the people of American Samoa, including in-
2 centives for the continued operation and development of
3 American Samoa's tuna processing industry, as the terri-
4 tory now faces severe economic conditions.

5 **SEC. 3. EXPANSION OF GENERAL TECHNICAL ASSISTANCE**
6 **TO AMERICAN SAMOA.**

7 Section 601 of the Act of December 24, 1980 (48
8 U.S.C. 1469d(d)) is amended by inserting at the end the
9 following:

10 “(e) EMPLOYMENT SECURITY AND ECONOMIC DE-
11 VELOPMENT ASSISTANCE FOR AMERICAN SAMOA.—

12 “(1) TECHNICAL ASSISTANCE GRANTS.—

13 “(A) The Secretary of the Interior is fur-
14 ther authorized to provide technical assistance
15 to the territory of American Samoa in the form
16 of grants to sellers and buyers of whole tuna di-
17 rectly delivered to tuna processors located with-
18 in American Samoa for processing in American
19 Samoa, in the following amounts:

20 “(i) For each processor of whole tuna
21 directly delivered to American Samoa for
22 processing, as ‘processing’ is defined in
23 paragraph (6)(B): \$200 per metric ton,
24 provided that this amount shall be ad-
25 justed each May 25 by a ratio equal to the

1 ratio of any increase in the federal min-
2 imum wage for American Samoa as com-
3 pared to the Federal minimum wage in
4 American Samoa the prior year.

5 “(ii) For each fishing vessel with a
6 United States fishery endorsement (issued
7 pursuant to section 12113 of title 46,
8 United States Code) and which is other-
9 wise authorized to fish for tuna in areas
10 under the authority of the Western Pacific
11 Regional Fishery Management Council or
12 areas covered by the United States South
13 Pacific Tuna Treaty, or which has an
14 American Samoa Longline Limited Access
15 Permit (issued pursuant to the Fishery
16 Management Plan for Pelagic Fisheries of
17 the Western Pacific Region established
18 under the authority of section 1801 et seq.
19 of title 18, United States Code): \$200 per
20 metric ton.

21 “(iii) For each fishing vessel that does
22 not meet the requirements of clause (ii)
23 but is United States-documented pursuant
24 to section 12103 of title 46, United States
25 Code, and is otherwise authorized to fish

1 for tuna in areas under the authority of
2 the Western Pacific Regional Fishery Man-
3 agement Council or areas covered by the
4 United States South Pacific Tuna Treaty:
5 \$100 per metric ton.

6 “(B) A recipient of a grant under this sub-
7 section may be eligible either as a seller of di-
8 rect-delivered whole tuna or as a processor buy-
9 ing direct-delivered whole tuna, but not both.

10 “(C) Grants provided under this subsection
11 shall not be considered as gross income of the
12 recipient for purposes of the Internal Revenue
13 Code of 1986.

14 “(D) Grant amounts provided under this
15 subsection shall not be subject to reduction by
16 the Secretary for any operation or maintenance
17 set aside.

18 “(2) COLLECTION OF ANNUAL AND TRANSFER
19 FEES FOR THE BENEFIT OF ECONOMIC DEVELOP-
20 MENT IN AMERICAN SAMOA.—

21 “(A) All vessels meeting the requirements
22 of clauses (ii) and (iii) of paragraph (1)(A)
23 shall be subject to a \$250,000 annual fee due
24 and payable to the United States Treasury on
25 January 31 each year for the immediately prior

1 calendar year. This annual fee shall be waived
2 for any calendar year for which the vessel cer-
3 tifies to the Secretary that the vessel has made
4 not less than three direct deliveries in that cal-
5 endar year of whole tuna to processors on
6 American Samoa for processing in American
7 Samoa.

8 “(B) Any vessel that is—

9 “(i) United States-documented pursu-
10 ant to section 12103 of title 46, United
11 States Code;

12 “(ii) authorized to fish for tuna under
13 the United States South Pacific Tuna
14 Treaty; and

15 “(iii) delivers tuna to another vessel
16 or other location for the purposes of trans-
17 shipment,

18 shall be subject to a fee of 6.25 percent per
19 metric ton per each such delivery, regardless of
20 the date payment is received for the delivery.
21 This fee shall be payable to the United States
22 Treasury and shall be due no later than 30
23 days after the date of delivery.

24 “(3) CREATION OF THE AMERICAN SAMOA ECO-
25 NOMIC DEVELOPMENT TRUST FUND.—

1 “(A) There is created within the Treasury
2 of the United States a trust fund to be known
3 as the ‘American Samoa Economic Develop-
4 ment Trust Fund’ (in this subsection referred
5 to as the ‘Trust Fund’), consisting of such
6 amounts as may be credited or appropriated to
7 the Trust Fund under this subsection or any
8 other provision of law.

9 “(B) There is hereby appropriated to the
10 Trust Fund amounts equivalent to the amounts
11 received in the Treasury pursuant to subpara-
12 graphs (A) and (B) of paragraph (2).

13 “(C) The Trust Fund shall be adminis-
14 tered by the Office of Insular Affairs of the De-
15 partment of Interior. The Office of Insular Af-
16 fairs shall pay monies from the Trust Fund to
17 carry out the purposes of paragraph (1)(A) of
18 this subsection. The Office of Insular Affairs
19 may use any excess amounts to provide finan-
20 cial assistance to the territory of American
21 Samoa in accordance with any of the Office’s
22 existing or future programs.

23 “(4) RULEMAKING.—Not later than 180 days
24 after the date of the enactment of this Act but prior
25 to May 1, 2010, whichever comes first, the Secretary

1 shall prescribe such regulations and other guidance
2 as may be necessary or appropriate to carry out the
3 provisions of this subsection. Such regulations shall
4 provide that the Technical Assistance Division of the
5 Office of Insular Affairs shall be responsible for ad-
6 ministering the provisions of this subsection and
7 may not delegate its duties with regard to this sub-
8 section to any person or entity outside the Depart-
9 ment of the Interior.

10 “(5) AUTHORIZATIONS AND APPROPRIA-
11 TIONS.—

12 “(A) There is hereby authorized and ap-
13 propriated to the Secretary of the Interior
14 \$25,000,000 for fiscal year 2010 to carry out
15 the purposes of paragraph (1)(A). Further,
16 there is hereby authorized such annual sums as
17 may be necessary to carry out the purposes of
18 paragraph (1)(A) in fiscal years after 2010.
19 Sums appropriated pursuant to this subpara-
20 graph (A) shall remain available until expended,
21 and shall not be available for administration of
22 this subsection by the Department of the Inte-
23 rior.

24 “(B) There is authorized to be appro-
25 priated to the Secretary \$300,000 for the Sala-

1 ries and Expenses account of the Office of In-
2 sular Affairs to carry out the duties of the Of-
3 fice of Insular Affairs under this subsection,
4 which amount shall remain available until ex-
5 pended and shall be in addition to any other
6 amount appropriated to the Secretary for the
7 Office of Insular Affairs.

8 “(6) DEFINITIONS.—As used in the subsection—

9 “(A) DIRECT DELIVERY.—The term ‘direct
10 delivery’ means whole tuna caught by and
11 moved from a fishing vessel that meets the cri-
12 teria in clause (ii) or (iii) of paragraph (1)(A)
13 directly to a processing facility located in Amer-
14 ican Samoa, for preparation for end-user con-
15 sumption in the United States and its terri-
16 tories, which shall include placing the product
17 in consumer-ready packaging. ‘Direct delivery’
18 excludes the delivery of frozen tuna loins.

19 “(B) TRANSSHIPMENT.—The term ‘trans-
20 shipment’ means unloading any or all of the
21 fish on board a fishing vessel onto another ves-
22 sel or entity for the purpose of transporting
23 that fish to another location for processing.”.

○