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AMERICAN SAMOA SPEND PLAN 2 CONSOLIDATED APPROPRIATIONS ACT, 2021 ASSISTANCE

GOAL: To provide guidance and administrative support for the distribution of the Consolidated Appropriations Act 2021 funding issued to American Samoa (AS) for eligible fishery participants in response to the COVID-19 pandemic.

BACKGROUND

In light of the COVID-19 pandemic, American Samoa received notification of additional financial assistance available through the Consolidated Appropriations Act, 2021, Section M, of \$2,953,444.16 from NOAA on March 29, 2021. This assistance is for commercial fishing businesses, charter/for-hire fishing businesses, qualified aquaculture operations as allowable under section 12005 of the CARES Act, processors and other fishery related businesses as well as subsistence fishermen. The process to develop a plan for eligible participants to apply and utilize the funds was given to the American Samoa Department of Marine & Wildlife Resources (DMWR) with assistance from NOAA and the Pacific States Marine Fisheries Commission (PSMFC) who will distribute the assistance. The spend plan allocates available funds as direct payments to fishery participants in eligible sectors. While all sectors have been negatively impacted by the COVID-19 pandemic, available funds may only cover a portion of the losses incurred by affected fishery participants.

Based on the CARES Act eligibility requirements, this plan identifies potential fishery participants by fisheries sector, develops a general allocation per sector and identifies details on criteria for eligibility with requirements for submission.

The methodology in the following detailed spend plan, once reviewed and approved by NOAA, may be used for any future funds appropriated by Congress for the same purpose.

DEFINITIONS

Charter Fishing Business – a licensed entity that conducts business by providing services and vessels for fishing activities.

Commercial Fishing Business – an individual or entity licensed to catch and sell fish or shellfish for profit.

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Director

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Deputy Director

Fish Dealer – an entity licensed to receive fish/shellfish by way of purchase and sells directly to other dealers, restaurants, markets, retail stores and consumers without altering the fish/shellfish product.

Marine Bait and Tackle Operations – an entity licensed to sell marine bait and tackle products to consumers, where at least 2/3 of their business revenues are derived from sales of bait and tackle products.

Marine Vessel and Gear Suppliers – an entity licensed to sell fishing gear to commercial fishing vessels, where at least 2/3 of their business revenues are derived from sales of commercial fishing gear.

Processing – any activity not limited to cooking, salting, storing that changes the raw condition of fish or shellfish to a seafood product that is used for consumption.

Seafood Processor – an entity, operator or owner responsible for a seafood processing facility that processes seafood for the purpose of human consumption.

Subsistence Fisherman – an individual who fishes substantially to feed his/her family and for cultural purposes. Cultural purposes may include gifting, exchange, trade or any other activity that involves giving away their catch to friends or family without any monetary compensation received in return. No part of his/her catch is used for commercial purposes.

Household - A household is defined as a group of one or more people living in the same dwelling and sharing meals or living accommodation; it may consist of a single family or extended family.

Period of eligibility: the period of time used to determine revenue loss due to COVID 19. The reference period for determining the greater than 35% loss during this relief funding is January 1, 2021 – December 31, 2021.

Revenue loss – loss of fishing income or sales within the period of eligibility compared to previous years up to five years (2015-2019). Revenue shall be considered as the ex-vessel revenue for fish upon landing. All eligible applicants must have been in business at least 1 year between 2015 and 2019 to qualify. It is a requirement that all fishing businesses verify a greater than 35% revenue loss in the period of eligibility as specified in the AS spend plan 2.

Average gross revenue: sum of all eligible year's (e.g. 2015-2019) annual gross revenues for fishery participation ÷ number of years.

Example:

Year Jan-Dec	2015	2016	2017	2018	2019
Annual Gross Revenues	\$ 40,000.00	\$ 25,000.00	\$ 60,000.00	\$ 70,000.00	\$ 55,000.00

Total annual gross revenue = \$250,000

2015-2019 Total annual gross revenue ÷ 5 (years) = \$50,000 (5yr average annual gross revenue)

How to calculate % revenue loss:

5yr Average Annual Gross Revenue = \$50,000

2021 Annual Gross Revenue = \$32,000

Step 1: $50,000 - 32,000 = 18,000$

Step 2: $18,000 \div 50,000 = (.36)$

Step 3: $(.36) \times 100 = 36.0\% \text{ Loss}$

- o Do not include COVID-19 pandemic-related assistance through grant, loan funding, or unemployment to calculate >35% economic revenue loss for 2021.
- o Economic revenue losses must be “incurred,” therefore income and/or loss projections will not be accepted.
- o Applicants must attest to having documentation/records to support the losses stated on the application and used as the basis for eligibility.

All funds are subject to federal audit; therefore, documentation/records must be maintained until October 31st, 2026, and made available upon request by the Pacific States Marine Fisheries Commission, NOAA Fisheries, or the US Office of the Inspector General.

Cannot be Made More Than Whole Requirement

Applicants must attest that the sum of funds received under the Consolidated Appropriations Act of 2021, traditional revenue received in 2021, and any FEDERAL COVID-19 pandemic-related aid received for that year will not exceed their average annual revenue earned across the previous 5 years (2015-2019). Any eligible applicant in receipt of funds under this spend plan cannot receive funds under another state or territory Consolidated Appropriations Act, 2021, spend plan to address the same losses, and cannot receive an assistance amount greater than their reported losses

If it is found that an applicant will be made more than whole in 2021 by this Consolidated Appropriations Act payment, the payment amount will be adjusted accordingly to ensure the applicant will not be made more than whole.

GENERAL ALLOCATION

Funding Allocation

All eligible and approved Commercial Applicants (Charter Fishing Business, Fishing Business, Fish Dealer, Fishing Vessels, Marine Gear & Vessel Suppliers, Marine Bait / Tackle, Processing, Seafood Processor) funding allocation will be based on the demonstrated greater than 35% economic revenue loss when compared to their prior years’ average annual revenue as indicated in the definitions above. While all sectors have been negatively impacted by the COVID-19 pandemic, available funds may only cover a portion of the losses incurred by affected fishery participants.

Funding allocation for Commercial Applicants shall be guided as follows:

CARES 2.0 PROPOSED FUNDING ALLOCATION BY SECTOR		
CARES RELIEF ASSISTANCE TOTAL:	\$2,953,444.16	%
Seafood Processor	\$895,140.73	30.3%
Fishing Business (Longline / Alia)	\$1,335,790.96	45.2%
Fish Dealer	\$88,603.32	3.0%
Marine Gear / Vessel Suppliers	\$29,534.44	1.0%
Marine Bait / Tackle	\$29,534.44	1.0%
Charter Fishing	\$29,534.44	1.0%
Subsistence	\$500,000.00	16.9%
DMWR Admin Costs	\$45,305.83	1.5%
TOTAL	\$2,953,444.16	1.0000

Any remaining funds from these commercial categories shall be evenly distributed amongst the remaining commercial categories. Direct payments to eligible and approved Commercial Applicants shall be proportionately based on the claim as identified in their application, provided that no applicant shall be made more than whole in 2021.

Total Funding allocation for Subsistence fishers shall be valued at \$500,000.00. Funds shall be distributed evenly among all eligible and approved subsistence fishers.

DMWR is qualified to receive Administrative Costs allowance in the amount of \$45,305.83. DMWR will provide an invoice to the Commission for these costs.

GENERAL REQUIREMENTS FOR PERIOD OF ELIGIBILITY

Legal residents of American Samoa that participated in the fishery in 2021 are eligible to apply for this assistance that have been in business at least 1 year between 2015 and 2019. Applicants must provide proof of residency during the period of eligibility (divers license, immigration ID, etc).

Licensed Commercial Fishing Businesses which include Seafood Processors, Charter Fishing, Fishing Vessels, Fish Dealers, Marine Gear & Vessel Suppliers and Marine and Bait Tackle Operations who operate in American Samoa and meet the definitions of each in the section above are eligible.

The period of loss eligibility for Round 2 of Covid assistance is from January 01, 2021 – December 31, 2021. The applicant will be required to show a greater than 35% revenue loss for the period noted above as compared to the prior 5-year average (2015-2019).

Non-Commercial fishing activities conducted by Subsistence Fishermen who do not sell their catch are also eligible given they meet the criteria set forth in the “Criteria” section of this plan.

CRITERIA FOR ELIGIBILITY

Individuals can only apply to ONE category.

Commercial Fishing Business (including Seafood Processors, Fish Dealers, Charter Fishing, Marine Gear and Vessel Suppliers and Marine Bait and Tackle)

1. Applicant(s) must be 18 years old, and a legal resident of Am. Samoa
2. Must provide proof of residency during period of eligibility (AS drivers license, immigration ID, etc)
3. Valid Business License
4. Must demonstrate revenue loss greater than 35% for the period from January 2021 to December 2021 as compared to the same period for the previous five years (2015 to 2019)
5. Signed Self-Certification and Assurance Form
6. Signed W-9 Form for the business
7. Verification of amount of any COVID assistance received in 2021 for 2021 losses.
8. Complete AS-CARES Act 2 Application
9. Copy of valid Commercial Fishing License (Commercial Fishermen only)
10. Applicants whose primary business is not fishery-related must provide verification of the percentage of their business that is fishery-related. To qualify for relief assistance, these businesses are required to provide verification that 2/3 of their annual revenues for the period of eligibility is derived from fishery-related sales (fishing gear, tackle, bait, etc).

Non-Commercial Fishing / Subsistence Fisherman

1. Must be at least 18 years old, and a legal resident of American Samoa
2. Must provide proof of residency during period of eligibility (AS driver's license, Immigration ID, etc)
3. A notarized personal statement indicating subsistence fishing activities and its impacts in relation to COVID-19 during the period of eligibility
4. Signed Self Certification and Assurance Form
5. Signed W-9 Form
6. Complete AS-CARES Act 2 Application
7. Only one application per household will be accepted. More than one applicant per household will nullify all applications from the same household.

MECHANISM FOR DISBURSING OF FUNDS

All assistance will be disbursed to eligible fishery participants in the form of direct payment via post office mail.

For eligible Commercial Fishing Businesses direct payments will be proportionately based on the claim as identified in the application, provided that any successful applicant will not be made "more than whole" in 2021.

An applicant may only apply in one category.

All funds will be disbursed by the Pacific States Marine Fisheries Commission, along with associated tax records, via USPS to the addresses provided by the successful applicants.

APPLICATION REVIEW AND APPROVAL

Applications will be made available 7 - 11 days after the Spend Plan has been approved by NOAA. Applications may be picked up at the DMWR office in Pago Pago. DMWR will conduct community outreach (local media, social media, community forums, etc) to ensure that the community is well-informed of the CARES Act assistance. The application period will be open for 31 calendar days.

Applications received or postmarked after the published due date will not be reviewed or considered. As stated throughout this spend plan, self-certification will be sufficient to claim losses, revenue averages etc. However, applicants should maintain copies of all documents/records supporting eligibility until November 30, 2026. PSMFC, NOAA Fisheries, or the US Office of Inspector General may request documents/records as part of an audit investigation until that time.

DMWR at its Pago Pago location will receive all completed applications. Submissions will be accepted, reviewed and stamped for verification purposes. Submissions will be reviewed DMWR based on the requirements listed in each sector section a participant is applying as. A participant can only apply under one sector for assistance.

Applications will be reviewed by the DMWR, this will take up to 20 business days after the deadline. Once the review is complete, recommendations will be made to the Pacific States Marine Fisheries Commission to ensure all requirements of the Consolidated Appropriations Act, 2021 and CARES Act P.L. 116-136 section 12005 are fully satisfied. The Commission will endorse the recommendations or make the necessary changes as they deem appropriate and notify DMWR. The DMWR will then notify the successful participants. The Commission will issue checks via USPS to approved fishery participants by September 15, 2022.

Required documents needed for submission are official documents issued by the government including ID's, business licenses etc. DMWR will be able verify official stamps and signatures from relevant ASG issuing agencies.

ALL APPLICATIONS MUST BE SUBMITTED SIX (6) WEEKS AFTER NOAA APPROVES THIS SPEND PLAN. DMWR WILL PUBLICIZE THE DEADLINE ONCE THE APPLICATION PROCESS BEGINS.

ABSOLUTELY NO APPLICATIONS WILL BE ACCEPTED AFTER THE DESIGNATED DEADLINE.

PUBLIC NOTICE

DMWR will notify the public via the following mediums:

- Press release to media partners
- Interviews with all media outlets

- Social media outreach
- Outreach events (i.e village mayors, fishing events, etc)

APPLICATION DEADLINES

Application Timeline

- Applications shall be available 7 - 11 days after the spend plan approval
- Deadline for applications will be 31 calendar days after applications are made publicly available.

Application Review process: 20 business days after deadline

Disbursal Deadline

- The Commission shall issue direct payments to eligible fishery participants via USPS by September 15, 2022.

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