



## Pacific Fishery Management Council

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Dorothy M. Lowman, Chair | Donald O. Mclsaac, Executive Director

October X, 2013

The Honorable Madeleine Bordallo  
House

The Honorable John Rockefeller  
Senate

Subject: [Not Requested as of 10/15] Pacific Fishery Management Council Comment on H.R. 69 (Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2013) and S. 269 (International Fisheries Stewardship and Enforcement Act)

Dear Delegate Bordallo and Senator Rockefeller:

Thank you for your request for Pacific Fishery Management Council comments on H.R. 69 and S. 269. Both of these bills strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and make other changes. However, they address these issues in different ways.

The Pacific Council and its Legislative Committee have reviewed both bills and have the following comments.

### **Antigua Convention**

During a markup held on July 30 of this year, S. 269, Title IV, Section 405 was changed to remove most of Section 6(c) of the Tuna Conventions Act. The language that was removed benefits domestic commercial fishermen and should be retained. That section of the Tuna Conventions Act states that in making regulations the Secretary of Commerce shall:

in no event . . . [make those regulations effective] . . . prior to an agreed date for the application by *all countries* whose vessels engage in fishing for the species covered by the Convention in the regulatory area on a meaningful scale, in terms of effect upon the success of the conservation program, of effective measures for the implementation of the Commission's recommendations applicable to all vessels and persons subject to their respective jurisdictions. The Secretary *shall suspend* the application of any such regulations when, after consultation with the Secretary of State and the United States Commissioners, he determines that foreign fishing operations in the regulatory area are such as to constitute a serious threat to the achievement of the objectives of the Commission's recommendations. (Emphasis added.)

H.R. 69 takes a different approach to the Antigua Convention. In Title II, Section 206 of that bill, the entire Section 6 of the Tuna Conventions Act is replaced by inserting the same language in subsections (a) and (b) that are in S. 269, but subsection (c) is deleted.

Eventually, these bills will have to be rectified in a Conference Committee. The Pacific Council believes it is extremely important that the language in Section 405 of Title IV of S. 269 should amend Section 6 of the Tuna Conventions Act by inserting subsections (a) and (b) and leaving Section 6(c) of the Tuna Conventions Act intact. This would help ensure that the U.S. fleet fishing for highly migratory species is not disadvantaged in the face of competition from foreign fleets fishing for the same species.

### **Inter-American Tropical Tuna Commission**

S. 269 would add a member of the Pacific Fishery Management Council to the IATTC Commission, which the Council favors.

Thank you again for the opportunity to comment. The Pacific Council appreciates your dedication to West Coast fisheries and the communities that depend on them. Should your staff have any questions about the enclosed report or require additional information, please have them contact me or Ms. Jennifer Gilden at 503-820-2280.

Sincerely,

D. O. McIsaac, Ph.D.  
Executive Director

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#### **Pacific Fishery Management Council Members**

Mr. Randy Fisher, Executive Director, Pacific States Marine Fisheries Commission  
Mr. Chuck Tracy, Deputy Director, Pacific Council  
Ms. Kelly Ames, Staff Officer, Pacific Council  
Mr. John DeVore, Staff Officer, Pacific Council  
Mr. Jim Seger, Staff Officer, Pacific Council  
Mr. David Whaley, Committee on Natural Resources, U.S. House of Representatives  
Ms. Lindsey Kraatz, Legislative Fellow, Office of Congressman Mike Thompson  
Mr. Chad Ramey, Legislative Director, Office of Congresswoman Herrera Beutler  
Mr. Will Stelle, NMFS Regional Administrator  
Mr. Rod McInnis, Acting Director of NOAA Fisheries Office of International Affairs