

LEGISLATIVE COMMITTEE REPORT ON LEGISLATIVE MATTERS

The Legislative Committee (Committee) convened at 3:30 p.m. on Friday, April 3, 2009. In attendance were Committee members Mr. Rod Moore (Vice Chair), Ms. Kathy Fosmark, Pacific Fishery Management Council (Council) Chair Mr. Don Hansen, and Mr. Dale Myer. Also present were Council member Mr. Frank Warrens, Council Executive Director Dr. Don McIsaac, Council Deputy Director Dr. John Coon, and Council Staff Officer Mr. Mike Burner.

The Committee reelected Dr. David Hansen and Mr. Rod Moore as Committee Chair and Vice Chair respectively. Two members of the Committee will likely be leaving Council service at the end of their current terms in August. The Committee recommends the Council Chair consider appointing new Committee members in the near future.

H.R. 1080, Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009

The Committee is supportive of the bill's strengthening of enforcement mechanisms to stop illegal, unreported, and unregulated fishing, but focused discussions on the bill's amendatory language to existing legislation that implements technical corrections regarding U.S. representation to the Western and Central Pacific Fisheries Commission and the process specified under the U.S./Canada agreement on Pacific Whiting. The U.S. Senate Committee on Commerce, Science and Transportation is considering legislation to address these corrections and their staff has requested Council input on this matter. Therefore the Committee recommends the Council direct the Executive Director to send a letter to the staff of the U.S. Senate Subcommittee on Commerce, Science and Transportation expressing support for the following three aspects of H.R. 1080.

- Correct confusing language in the Western and Central Pacific Fisheries Commission Implementation Act (WCPFCIA) to clarify that the U.S. shall be represented by five U.S. Commissioners, “one of whom shall be a member of the Western Pacific Fishery Management Council, and one of whom shall be a member of the Pacific Fishery Management Council.”
- Amend the WCPFCIA and the Pacific Whiting Act of 2008 to remove unintentional ethics and conflict-of-interest restriction on U.S. representatives and clarify that individuals appointed to serve the U.S. through either the Western and Central Pacific Fisheries Commission or the U.S./Canada Pacific Whiting Agreement “shall not be considered Federal employees except for purposes of injury compensation and tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”
- Amend the Pacific Whiting Act of 2008 to specify that the U.S. shall appoint no more than two rather than six scientific experts to the joint technical committee under the U.S./Canada Pacific Whiting Agreement.

The Committee briefly reviewed and discussed the other legislation summarized in the Council staff summary (Agenda Item G.1.a, Attachment 1), but because no request has been made for Council comments on these bills, the Committee offers the following general comments for Council information and for potential future development of Council recommendations.

H.R. 860 - Coral Reef Conservation Amendments Act of 2009

The Committee notes that H.R. 860's attention to derelict fishing gear and anchoring implies that fishing vessel activities represent a preeminent cause of coral reef decline. While the Committee agrees that fishing vessel activity can cause coral impacts, west coast vessels tend to use known anchorages which avoid high-relief habitats such as rocky areas and coral reefs. The Committee expressed concern about undue restrictions of fishing vessel activities and recommends that Council staff continue to track this important conservation effort.

S. 532 - Commercial Fishermen Safety Act of 2009

The Committee strongly endorses National Standard 10 and supports the tax incentives in S.532 as a means of promoting the safety of human life at sea.

H.R. 81 – Shark Conservation Act of 2009

The Committee supports H.R. 81's attempt to close a loophole in the regulations that discourage the removal of shark fins and the discard of the carcass at-sea. However, the Committee notes that shark fins are removed from fish that are retained in their entirety as a means of efficient storage and transport. This activity does not represent a conservation concern and should not be curtailed by legislation or regulation.

H.R. 21 - Ocean Conservation, Education, and National Strategy for the 21st Century Act

The Council has commented on this legislation as it was introduced in the last U.S. Congress. The bill has been reintroduced in the current U.S. Congress and may change and/or be divided into several separate bills as it moves through the legislative process. The Committee and Council staff will continue to track this legislation and its potential changes to ocean governance.

Future Meeting Plans

Pending Council scheduling and workload planning under Friday's Agenda Item G.5, the Committee anticipates there will be sufficient activity in the U.S. Congress to warrant a Committee meeting at the June Council meeting.

Public Comment

None.

The Committee adjourned at 4 p.m.

Legislative Committee Recommendations

- 1. Direct the Council Executive Director to send a letter to staff of the U.S. Senate Subcommittee on Commerce, Science and Transportation expressing support for the following three aspects of H.R. 1080.**
- 2. Consider scheduling the next meeting of the Legislative Committee for the June 2009 Council meeting under Agenda Item G.5.**

PFMC
04/05/09