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THE UPCOMING 18TH REGULAR MEETING OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT)

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

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OVERSIGHT HEARING ON THE UPCOMING 18TH REGULAR MEETING OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS (ICCAT)

Thursday, October 30, 2003
U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans
Committee on Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 2:10 p.m., in Room 1324, Longworth House Office Building, Hon. Wayne T. Gilchrest [Chairman of the Subcommittee] presiding.

Members Present: Representatives Gilchrest, Pallone, Faleomavaega, and Bordallo.

STATEMENT OF THE HONORABLE WAYNE T. GILCHREST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. GILCHREST. The Subcommittee will come to order. We appreciate everyone's forbearance and patience with the ongoing saga of the changing descriptions of a college student, slash, whatever someone has seen in complex. The Cannon Office Building is still locked down, as we understand it. The description has been changed from a man to a young woman, long brown hair, pink shirt and a backpack. So I think she was one of the New Jersey Devils, although I am not sure. Mr. Pallone made some inquiry as to where she came from.

But I appreciate your attendance here. I apologize for starting a little bit late. Any updates on security will certainly be passed along to all of you, but I would like to welcome you all here this afternoon. We look forward to your testimony and a lively hearing that is informative.

Since most of our witnesses are either Commissioners or are members of the U.S. ICCAT Advisory Committee, I understand almost everyone here will be traveling to Dublin in just over 2 weeks to attend this year's annual meeting, and I would just recommend that you stay away from the Guiness beer over there while you are there unless you have a strong stomach. Not everybody agrees with that.

Well, this year's ICCAT meeting will not involve the renewal of any quotas from member nations. I hope the focus will be on

compliance. I know that the U.S. delegation has heard this again and again from our members, but it is extremely hard for us to put more and more restrictions on our own fishermen when other nations continue to ignore the quotas and conservation recommendations of the Commission.

Just this week the House passed H. Con. Res. 268, which expresses the sense of Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation in management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas that are threatening the continued viability of the United States commercial and recreational fisheries.

The petition to list white marlin as endangered on the Endangered Species Act that was filed last year certainly raised the concern that noncompliance by other nations could have disastrous effects on U.S. fishermen, despite causing less than 5 percent of the mortality of white marlin. A listing under the Endangered Species Act could have closed the recreation of billfish tournaments throughout the Atlantic and could have closed a number of commercial fisheries which have incidental interactions with white marlin.

The U.S. has consistently pushed for conservation measures at ICCAT. In fact, the U.S. delegation led the efforts to implement the swordfish rebuilding plan which has proven to be very successful. We need to continue to push for conservation measures that will allow species such as marlins to reach a sustainable level, and we need to push for binding sanctions for all species that are managed by ICCAT.

And I look forward to your testimony here this afternoon, and I am not sure which Members are traveling to Dublin to buttress the U.S. efforts over there, but I wish you well in that arena.

I yield now to the gentleman from New Jersey, Mr. Pallone.

[The prepared statement of Mr. Gilchrest follows:]

Statement of The Honorable Wayne Gilchrest, Chairman, Subcommittee on Fisheries Conservation, Wildlife and Oceans

I would like to welcome our witnesses today.

Since most of our witnesses are either Commissioners or are members of the U.S. ICCAT Advisory Committee, I understand almost everyone here will be traveling to Dublin in just over two weeks to attend ths year's annual meeting.

While this year's ICCAT meeting will not involve the renewal of any quotas for member nations, I hope the focus will be on compliance.

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We need to continue to push for conservation measures that will allow species such as marlins to reach a sustainable level, and we need to push for binding sanctions for all species that are managed by ICCAT.

I look forward to hearing from all of you about the issues that you think will be the most crucial for the U.S. delegation at the upcoming meeting and how we can be helpful.

STATEMENT OF THE HONORABLE FRANK PALLONE, JR. A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PALLONE. Thank you, Mr. Chairman. I am one of those that is supposed to be going to the ICCAT meeting in Dublin, but I guess we don't really know with the House schedule whether we are going to be able to go or not. It will be interesting to see as things develop over the next few weeks.

I just wanted to say I am very pleased to see that so much of the Subcommittee's time and effort is going toward addressing the issues associated with our highly migratory species fisheries, especially those managed under ICCAT. Successfully reporting H. Con. Res. 268 from the House was certainly an impressive accomplishment, and I hope that those of us here that are attending the upcoming ICCAT meeting will take note of that.

I would also like to echo, however, the eloquent comments made on the House Floor on Tuesday by my colleague Mr. Faleomavaega. ICCAT is but one of the—a number of international fisheries management bodies dealing with issues of compliance, illegal trade bycatch and depleted stocks. While Atlantic highly migratory species deserve every amount of time we have devoted to them, I know my fellow Democrats on this Subcommittee, three of whom are from districts literally in the Pacific Ocean, are equally concerned about Pacific highly migratory species, and I hope that once we have fulfilled our goals this November in Dublin, we might turn our attention to the far Western coast of our country.

It is almost universally accepted that the U.S. has been at the forefront of international fisheries conservation and management. I urge our ICCAT Commissioners to continue this tradition.

While I have no doubt that historically controversial issues will consume our U.S. delegation, I encourage them to think outside of the box.

Increasingly scientists are finding that the removal of top predators from ecosystems have effects that resonate through their respective environments. To demonstrate that the ecosystem effects of larger predator removal are not restricted to the Atlantic Ocean but are in fact a global problem, I would like to submit an article from the proceedings of the National Academy of Science regarding the vast changes in the North Pacific food web due to the removal of whales by now-defunct industrial whaling practices.

The article, Mr. Chairman, makes the important point that the systematic catch of these large whales remove the major prey for Orcas, or killer whales, in the region. And consequently, this led to the eventual shift toward the Orcas feeding on smaller marine mammals such as seals.

Examples of this phenomena also occurred in terrestrial ecosystems, and therefore I would like to submit for the record an article concerning the systematic effect of wolves returning to Yellowstone for the information of members. I am giving you a lot of things for the record here, Mr. Chairman.

And though it may be difficult, I urge a shift toward an ecosystem-level approach with regard to both the research and the management under ICCAT, and I know that you have often talked about that, Mr. Gilchrest.

While we continue to promote compliance and cooperation amongst contracting parties, we must also confront the questions of how to account for the unregulated fishing of nations who are not members of ICCAT. We heard at our September 11th hearing that our Administration is limited in its ability to take unilateral action against countries to accomplish fisheries management goals. Therefore, we as a Congress must actively encourage broader global participation in and adherence to the goals of these international organizations.

As Mr. Balton, the State Department witness, said at our last hearing, no one state operating on its own can produce a successful solution. Although it appears we have had our hands full negotiating with the current ICCAT members, we should remember that any successes are limited to contracting countries.

I look forward to hearing from all of our witnesses today, to know not only what the most pressing issues at ICCAT will be this year but also how you suggest we address them in Dublin and beyond.

And, Mr. Chairman, I just want to take the opportunity to submit another article that I mentioned on our September 11th hearing but didn't provide for the record. This paper, published in the Journal of Science in January, estimates the populations of several large coastal and oceanic sharks have declined by over 75 percent in the past 15 years. ICCAT compiles data on the bycatch of sharks, but it seems that little is being done internationally to prevent their rapid dissemination.

And finally I would like to submit a statement for the record from Mr. Ken Hinman, the President for the National Coalition of Marine Conservation. I am giving you all these things for the record today and I want to thank you again for having the hearing.

Mr. GILCHREST. Thank you, Mr. Pallone, and we will try to pursue the reading of those articles, and we will submit them to the record.

[NOTE: Due to copyright restrictions, the articles have been retained in the Committee's official files.]

[The prepared statement of Mr. Pallone follows:]

Statement of The Honorable Frank Pallone, Ranking Democrat, Subcommittee on Fisheries Conservation, Wildlife and Oceans

Thank you, Mr. Chairman. I am very pleased to see that so much of the Subcommittee's time and effort is going towards addressing the issues associated with our highly migratory species fisheries, especially those managed under the International Convention for the Conservation of Atlantic Tunas (ICCAT). Successfully reporting H. Con. Res. 268 from the House is an impressive accomplishment, and I hope those of us here that are attending the upcoming ICCAT meeting will take note.

I would like to echo, however, the eloquent comments on the House Floor Tuesday of my colleague Mr. Faleomavaega. ICCAT is but one of a number of international

fisheries management bodies dealing with issues of compliance, illegal trade, bycatch, and depleted stocks. While Atlantic highly migratory species (HMS) deserve every minute of time we have devoted to them, I know my fellow Democrats on the Subcommittee—three of whom are from districts literally in the Pacific Ocean—are equally concerned about Pacific HMS. I hope that once we have fulfilled our goals this November in Dublin, we might turn our attention to the far Western Coast of our country.

It is almost universally accepted that the U.S. has been at the forefront of international fisheries conservation and management. I urge our ICCAT Commissioners to continue this tradition. While I have no doubt that historically controversial issues will consume our U.S. delegation, I encourage them to think outside of the box.

Increasingly scientists are finding that the removal of top predators from ecosystems has effects that resonate through their respective environments. To demonstrate that the ecosystem effects of large predator removal are not restricted to the Atlantic Ocean, but are in fact a global problem, I would like to submit an article from the Proceedings of the National Academy of Science, regarding the vast changes in the North Pacific food web due to the removal of whales by now-defunct industrial whaling practices. The article makes the important point that the systematic catch of these large whales removed the major prey items for Orcas, or killer whales, in the region. Consequently, this led to the eventual shift toward the Orcas feeding on smaller marine mammals, such as seals.

Examples of this phenomenon also occur in terrestrial ecosystems and therefore I would like to submit for the record an article concerning the systemic effect of wolves returning to Yellowstone for the information of members. Accordingly, and though it may be difficult, I urge a shift toward an ecosystem level approach with regard to both the research and management under ICCAT.

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Mr. Chairman, I would also like to take this opportunity to submit an article that I mentioned at our September 11th hearing, but did not provide for the record. This paper, published in the journal Science in January, estimates that populations of several large coastal and oceanic sharks have declined by over 75 percent in the past 15 years. ICCAT compiles data on the bycatch of sharks, but it seems that little is being done internationally to prevent their rapid decimation.

Finally, I would like to submit a statement for the record from Mr. Ken Hinman, the President of the National Coalition for Marine Conservation.

Thank you.

[The statement submitted for the record by Ken Hinman, President, National Coalition for Marine Conservation, follows:]

Statement of Ken Hinman, President,
National Coalition for Marine Conservation

Mr. Chairman and members of the Committee, I appreciate this opportunity to submit testimony regarding United States participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT), and specifically, what we, as a nation, can do to make the commission more effective in conserving highly migratory species of the Atlantic Ocean.

The National Coalition for Marine Conservation, the nation's oldest public advocacy organization dedicated exclusively to conserving ocean fish and their environment, has been promoting the conservation and management of tunas, swordfish and billfish for over 30 years. I have been personally involved in highly migratory species conservation, at the national and international levels, for more

than 25 years. During this time, I've served on the U.S. Advisory Committee to ICCAT and as Chairman of the South Atlantic Council's Billfish Advisory Panel. I've published over 100 articles about "big fish conservation" and served for 11 years as the regular conservation columnist for Marlin magazine. As program coordinator for NCMC's "Marine Fisheries Symposium" series, I organized the 2nd International Billfish Symposium in 1988 (overseeing publication of the two-volume proceedings, Planning the Future of Billfishes) and the 1996 symposium on managing highly migratory species of the Pacific Ocean (editing the proceedings, Getting Ahead of the Curve: Conserving the Pacific Ocean's Swordfish, Tunas, Billfish and Sharks).

Over the past three decades, I have seen ICCAT struggle to control overfishing of most of the species under its purview, beginning with bluefin tuna in the 1970s. The commission has had precious little success, with the recent exception of North Atlantic swordfish, which appears to be in the early stages of recovery. But even in the case of swordfish, as with bluefin tuna, the U.S. has often been frustrated by the lack of cooperation from other ICCAT members (not to mention the problem of illegal and unregulated fishing by nonmembers).

Although our own record is far from perfect—segments of our own fishing industry have at times thwarted conservation and ignored the best scientific advice for short-term gain, and here I'm thinking of bluefin—the U.S. is without question the leading voice for conservation and sustainable fisheries at ICCAT. In most cases, we have led by example, i.e., by demonstrating our commitment to our professed conservation goals by acting on them first (as the U.S. Magnuson Fishery Conservation and Management Act mandates). I've said many times that virtually every agreement by ICCAT to conserve Atlantic highly migratory species has originated with the U.S. delegation. The converse of that is, without U.S. leadership, ICCAT does nothing.

All of this leads me to what the National Coalition for Marine Conservation considers the most pressing issue before ICCAT over the next few years, and the one that demands the most attention from the U.S. delegation—international conservation of Atlantic billfish, specifically blue and white marlin. Because of the dire condition of these fish, and the difficult challenge of minimizing fishing mortality on species that are taken primarily as bycatch in other fisheries, rebuilding marlin populations will require aggressive and sustained leadership by the United States beginning immediately.

We urge Congress (and the Administration) to insist that the U.S. delegation to ICCAT, at each meeting between now and 2005, including the upcoming meeting in Dublin, Ireland, be united in its mission—to get the strongest possible conservation of blue and white marlin when the commission reviews the next scheduled assessment in 2005 and develops a long-range billfish rebuilding program.

* * * * * * *

Populations of blue and white marlin in the Atlantic are at all-time lows. Although recently denied for listing as a threatened or endangered species, the white marlin remains a Candidate Species for listing under the U.S. Endangered Species Act, because its numbers have dropped to around 6% of historical abundance (i.e., before the advent of intensive long-lining in the 1960s). Blue marlin populations are only marginally better off.

ICCAT's Standing Committee on Research and Statistics will assess the condition of blue and white marlin stocks again in 2005. The ICCAT billfish conservation program, adopted in 2000, will be revised, based on that assessment, at the November '05 annual meeting. According to the last assessment in 2000, the white marlin population had been overfished to just 13% of the level needed to produce the maximum sustainable yield (MSY), while blue marlin was reduced to 40% of its estimated MSY level. Both were still in decline three years ago because of excessive fishing mortality throughout their range.

Blue and white marlin are accidentally killed by commercial longlines and nets set for swordfish. Today, this bycatch accounts for over 95% of all marlin killed in the Atlantic. Current ICCAT regulations strictly limit landings of marlin (although indications are that these regulations are not being adhered to). Nevertheless, even prohibiting all commercial fishing for marlin would not necessarily recover these populations, as they will continue to be caught and killed when commercial vessels are fishing for swordfish and tuna.

We believe the only viable method of recovering marlin stocks in the Atlantic, in addition to strict landings limits, is through international time-area closures to longline and other indiscriminate fishing methods where marlin congregate to feed and spawn. The United States has begun addressing longline bycatch, closing known hot spots off Florida, Georgia and South Carolina, and in the Gulf of Mexico.

According to preliminary results, they've been effective in reducing bycatch mortality of blue and white marlin.

The U.S. has recently made substantial progress in bringing U.S. long-lining under control. We should continue to monitor the effectiveness of the time-area closures designed to minimize longline bycatch of billfish and other non-target species and make sure they remain in place and/or augment if necessary. We should also enhance the stellar, and mostly voluntary, conservation efforts of our recreational billfish fishermen, who release nearly every marlin they catch, by promoting wider use of circle hooks to bring the survival of released billfish as close to 100% as possible. While we can always do more for fish that are in such a depleted state, U.S. fishermen—recreational and commercial—have led by example in billfish conservation. It's now time to put the onus squarely on the fleets of other nations.

The problem we are dealing with today is almost entirely foreign fleets fishing on the high seas, which account for over 95% of total billfish mortality. Unfortunately, as I said, current ICCAT regulations, which only limit landings, not bycatch, are inadequate to rebuild severely depleted populations of marlins and may not even be enough to stop the decline of white marlin, the most endangered of the billfishes.

The only way to secure such closures is by working through agreement at ICCAT. ICCAT will conduct another billfish stock assessment in 2005, followed by new management measures. Therefore, the next three ICCAT meetings (2003, 2004, and 2005) will be critical to the future of white and blue marlin. Obtaining international longline closures at ICCAT will take dedicated and prolonged leadership from the U.S. delegation, since most other countries are opposed to placing restrictions on their longline fleets in order to conserve what they consider bycatch.

The National Coalition for Marine Conservation urges Congress (and the Administration) to make marlin conservation the top priority at ICCAT through the 2005 meeting. We must make fishery officials from other countries understand how important billfish are to the U.S. public and the U.S. economy. We must be as aggressive in pursuing our national goals for billfish as we have been for bluefin tuna and swordfish.

I repeat—the U.S. must give marlins the same level of attention and commitment of resources as have been devoted to bluefin tuna and swordfish at past meetings. Moreover, lingering and unresolved bluefin issues must not be allowed to deter the U.S. from its billfish conservation goals over the next three years. During the previous three decades, the concerns of the bluefin tuna (and to a lesser extent swordfish) industries have dominated our national ICCAT agenda. Over the next three years, that must change, because the marlins are the most severely depleted of the ICCAT-managed species and are still in decline; protecting these bycatch species will require particularly difficult decisions by our fellow ICCAT members; and, not least, the U.S. recreational fisheries that depend on healthy marlin stocks involve more fishermen and produce more economic benefit to the nation than the commercial bluefin and swordfish fisheries combined.

* * * * * * *

In summary, successful international marlin conservation will require a combination of:

- Continued leadership by example. The U.S. must keep strong and effective U.S. billfish conservation measures intact, including time-area closures;
- A determined strategy. The U.S. must develop a strong conservation plan based on the lowest possible landings limits augmented by restrictions on long-lining in billfish bycatch "hot spots." Just as importantly, we must be prepared each meeting, not just knowing what we want and being resolved to stand firm. We must also have an offensive aggressive strategy for getting what we want; and
- Aggressive pursuit of our billfish conservation agenda by the U.S. delegation. The U.S. must be united in purpose and unflagging in its determination to employ whatever means necessary to achieve its goals, including negotiations at the highest levels and trade sanctions, where appropriate.

Thank you for holding this hearing, for your interest in improving conservation through ICCAT, and for considering our views and recommendations.

Mr. Faleomavaega.

STATEMENT OF THE HONORABLE ENI F.H. FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM AMERICAN SAMOA

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I would like to state for the record that I associate myself with the statements and the comments made earlier by you, Mr. Chairman, and also our Ranking Member of our Fisheries Subcommittee, Mr. Pallone, concerning the issue involving ICCAT.

The seriousness of the problem goes beyond just to talk about the Commission and its activities, and what really concerns me is the fact that not only are we on a global scale in looking at things like this, conservation of fisheries and the fish stocks, but the fact that if it doesn't exist there is going to be overfishing in the Atlantic. Well, guess where they are going to be coming? They are going to come to my backyard. In fact, they are already doing that right now. 53 percent of the tuna caught in the world right now is in the Western and Central Pacific. Fishers from Europe now are already in the Pacific waters. Why? Because the situation in the Atlantic is getting worse and worse of being overfished.

And the fact that—with all due respect, I have the highest respect for our members who are members with the ICCAT, but I think we have done enough talking. We have done enough rhetoric. And as I mentioned on the Floor yesterday, Mr. Chairman, maybe to get the attention of our member countries, we ought to extend our EEZ zone to a thousand miles so that perhaps we could at least do serious conservation measures of the fishery stock that are within the thousand-mile scale and not just 200 miles. Because the seriousness of the situation is that—and I say this in very broad terms—the population of the world is increasing, resources are decreasing, and fisheries is among them.

For the life of me, Mr. Chairman, I don't know why we have to import $9 billion worth of fish from foreign countries, why within our own domestic resources we are not able to cultivate and to raise fish farms to provide for our own local consumption. That amazes me of the situation even in our own sense of priorities, Mr. Chairman, with all due respect. I support everything that we do with the land grant programs where the Congress appropriates almost a billion dollars a year, but when it comes to sea grant, which to me parallels all the things that we are trying to do with the fisheries programs and marine resources, biology, all of this, amazingly $70 million nationally to provide for the national program, and it just boggles my mind, Mr. Chairman, that somehow in the overall situation, somehow the issue of fisheries just is not on the radar screen as far as our national priorities are concerned. And I am very concerned, not only maybe perhaps in a very selfish reason, because I happen to be right in the middle of the Pacific Ocean and seeing these resources depleted which affects not just where my district is, but it affects all States and Territories. So I sincerely hope that our delegation who is prepared to go to this meeting, that we come back with more teeth. We really—I am seriously supportive of Congressman Saxton's resolution.

If we don't put sanctions, if we don't really bear on our fellow countries who are members of ICCAT to really come forth and be responsible, then we are just spinning our wheels for another 30 years. In the meantime, the depletion of fish applies and all this

continues to go on. And my concerns is that if it is going to happen in the Atlantic, then sure as hell it is going to happen in the Pacific, and it is happening right now in the Pacific.

So I want to thank you, Mr. Chairman, for calling this hearing, and I thank my Ranking Member, Mr. Pallone, also for tremendous support. And, again, gentlemen, we support your efforts in ICCAT, but I think rhetoric is enough is enough, and we need to really put more substance in terms if we are really serious about providing conservation measures, because it doesn't impact our economies. It impacts our recreational and our commercial fishing interests here, and I just think I am tired of writing papers and shuffling papers. Let's put some teeth in this.

Thank you, Mr. Chairman.

Mr. GILCHREST. Thank you. Mr. Faleomavaega.

The gentlelady from Guam.

Ms. BORDALLO. Thank you, Mr. Chairman. The only opening remarks I have is I would like to associate myself with my colleague here from American Samoa, Representative Faleomavaega. I too represent an area in the Pacific area, and we are concerned. So I have the very same concerns as he does, and, Mr. Chairman, I do have some questions later for the panel.

Mr. GILCHREST. Yes. Thank you.

Ms. BORDALLO. Thank you.

Mr. GILCHREST. And I think the four of us here and the rest of the Subcommittee realizes the difficulty that the witnesses have and have had in the past with ICCAT. So we want to send you off with all the support that you can get from us, not to bring a sledge hammer to the meeting but to buttress your negotiations with as much influence as the U.S. can bear on good fisheries management.

[The prepared statement of Mr. Saxton follows:]

Statement of The Honorable Jim Saxton, a Representative in Congress from the State of New Jersey

Good afternoon, Mr. Chairman and members of the Subcommittee. I am pleased to be here today to discuss a number of important fisheries conservation issues with respect to the upcoming 18th regular meeting of ICCAT. I would like to extend a warm welcome to all of our witnesses who took time out of their schedules to be with us today. I would like to especially thank Herb Moore, who is here testifying on behalf of the Recreational Fishing Alliance, with whom I have done a great deal of work over the years.

House Concurrent Resolution 268, on which Mr. Gilchrest joined with me, as well as Mr. Faleomavaega and Mr. Pallone, was introduced on July 25, 2003, and which passed out of this Committee and then was passed by the Full House on October 28, 2003.

This resolution expresses the sense of Congress regarding the imposition of trade sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic marlin adopted by the International Convention for the Conservation of Atlantic Tunas (ICCAT) and that are threatening the continued viability of United States commercial and recreational fisheries.

Several hearings have been held prior to this one to examine these issues, and it is my hope we can examine them further and hopefully draw some conclusions as to how we ought to proceed. One of the biggest of these issues is that of compliance—on many levels. For example: as more than 90 percent of the world's fish are taken within countries' EEZs, how do we get compliance with international fishery regimes within countries' EEZs?

Another part of the compliance issue is: since white marlin has been petitioned for listing under the U.S. Endangered Species Act and the problem is international fishing pressure, how do we get compliance on marlin conservation measures already in place?

Finally, ICCAT was created to protect these species and to work toward attainable management goals to ensure their survival. One question which could be logically asked of this process is: what mechanisms are there within ICCAT to insure compliance with member nations?

I have for a very long time been concerned with the dramatic drop in population of white marlin. Prior to the 1960s these species were healthy and thriving, just before the introduction of pelagic longline fishing in the Atlantic Ocean. Since this time, the species has steadily plummeted.

The latest stock assessment I have seen indicates the total Atlantic stock population had declined to less than 12 percent of its maximum sustainable yield level; current fishing mortality was estimated to be at least seven times higher than the maximum sustainable level; over fishing had taken place for over three decades and the stock is less productive than previously estimated, with a maximum sustainable yield of less than 1300 metric tons. The bottom line—this species needs an immediate strong conservation measure or it may disappear forever.

The passage out of the House of H. Con. Res. 268 represents an important step in the process of the international conservation of this dwindling species. I have spent a great deal of time on this issue, it is important we recognize the bottom line is pelagic longline fishing is an indiscriminate, irresponsible way of fishing. Though the U.S. longline fleet does contribute to the taking of this species, the majority of bycatch comes from the international fleets and this needs to be stopped.

I was pleased that the Recreational Fishing Alliance (RFA) filed a petition with the U.S. Trade Representative last year, requesting the President take action against the European Union under Section 301 of the Trade Act of 1974, as amended. Though this petition was withdrawn, this issue remains a critical one.

As a contracting nation, the U.S. has a history of compliance with ICCAT quotas and conservation measures. However, the European Union, particularly Spain and Portugal, has a history of serious non-compliance with ICCAT. For example, the EU has consistently exceeded catch limits, quotas, and landing limits for Eastern Atlantic bluefin tuna and ignored rules for the protection of juvenile swordfish.

In deciding that the white marlin does not warrant as threatened or endangered under the Endangered Species Act (ESA), the National Marine Fisheries Service said the U.S. accounts for approximately five percent of the total mortality of white marlin, while the rest is due to bycatch in international longline fisheries.

The petition alleges that the EU has committed three unfair trade practices under Section 301 including: non-compliance with ICCAT catch limits, quotas, and landing limits for certain species of highly migratory fish, non-compliance with ICCAT rules for the protection of juvenile fish, and granting subsidies to its fishing industry through its Common Fisheries Policy in violation of the WTO Subsidies Agreement.

The U.S. is a world leader on so many important and complex issues; I do not understand why the issue of fisheries management and enforcement of the regulations currently in place both domestically and internationally, seems impossible to accomplish. I look forward to working with all of you to find a solution to this grave problem. I fear if we do not, many of these species may simply disappear forever, which would be tragic.

Thank you, and I look forward to hearing your testimony.

Mr. GILCHREST. We will begin with Dr. Hogarth.

STATEMENT OF DR. WILLIAM T. HOGARTH, ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL MARINE FISHERIES SERVICE;

Dr. HOGARTH. Thank you, Mr. Chairman and members of the Subcommittee. It is nice to be here again to talk about the International Commission for the Conservation of Atlantic Tunas, ICCAT. We will be holding our 18th regular meeting of ICCAT in Dublin, Ireland, on November the 17th through the 24th. I am Bill Hogarth, the Assistant Administrator for Fisheries at the National Oceanic and Atmospheric Administration, and I am also the U.S. Government Commissioner to ICCAT.

On September 11th of this year, a member of my staff, John Dunnigan, testified before this body on the international fisheries issues. Many of the issues raised during this hearing concern

ICCAT and remain germane to today's hearing. But rather than repeating earlier testimony, today I will focus more narrowly on what I see are the major issues for the upcoming ICCAT meeting.

But before getting started in the specifics of the 2003 ICCAT agenda, I would like to make a few general comments about the Commission. I am sincerely concerned about the future of ICCAT as a scientific and management body. This is based on the fact that I am concerned that the problems associated with having current data and data being submitted on catches to do the stock assessments to carry out the management are lacking, and unless this is corrected, I do not see how we can continue to make the decisions that the body has to make.

Also the issue of harvest of undersized fish has to be addressed. There is a tremendous number of countries that are taking small fish, and this has to be stopped. And then we have to have much stronger compliance issues.

So based on these comments, I will talk about what we see as the issues for the upcoming meeting of the Commission. And although there will be no species quotas as such that affect us on the agenda this year, there are quite a few issues that we think are extremely important for the future of the Commission.

The meeting will begin with a working group on an integrated movement in tuna management. This is something the U.S. pushed for very hard at the last meeting, and we are very disappointed it has become almost 1 year or will be 1 year before we can get this meeting in place. The issues associated with integrated bluefin tuna are extremely important to the U.S.

The data are clear that the East and West stocks of bluefin tuna overlap, and our current management approach does not adequately take this biological reality into consideration. ICCAT must find ways to appropriately integrate the management of these two interdependent stocks. We expect that the first working group meeting will set out a structure for future work which will include identifying and evaluating the various management options and identifying needed research. We understand that the Commission would also be considering a recommendation from its science body to invest in a comprehensive, coordinated bluefin tuna research program.

Another critical issue facing ICCAT this year is the election of the Executive Secretary. There are currently five candidates that have made the short list. One of these is from the United States, and I consider the United States candidate, Dr. Joe Powers, to be the strongest candidate in the field. ICCAT needs a strong leader to ensure that the Secretary can meet the challenges associated with the increasing commission membership, rising number of conservation management decisions, compliance issues, and the dramatically expanded workload. I believe that the strong science and management credentials of Dr. Powers make him the perfect candidate for this position.

The EC will be supporting their own candidate, and they made it very clear that due to the fact they catch the most fish and put the most money into the Commission, that they feel like they should have the Secretary. So this will be interesting.

A third area of focus this year concerns data, and as I stated previously, the Commission is facing a very critical period. For some stocks data are inadequate or are reported so late that ICCAT's scientific body, the Standard Committee for Research and Statistics, cannot conduct robust stock assessments. Without the data, we cannot effectively manage ICCAT stocks.

In addition, you may recall the United States has expressed concern in the past about the lax data collection reported by the EC. At the 2002 ICCAT meeting, the EC agreed to measures to improve their data collection programs. A couple weeks ago we met with our EC counterparts and discussed their progress. While they ensured us that the efforts were underway to improve the data situation, they have not provided us with the specifics. We will continue to seek the information over the coming weeks and months.

This is an important issue, because it is the factor in a future decision concerning a request to certify the EC under the Pelly Amendment to the Fishermen's Protective Act. So, therefore, I will be also seeking specific information from the EC regarding conservation measures that have been adopted by ICCAT to reduce the harvest of undersized bluefin tuna.

A fourth area of focus at ICCAT this year is compliance. Compliance issues have been and will continue to be one of the highest priority areas for the United States in ICCAT. Since it was included in my earlier testimony, I will not repeat all the gains we have made in the area today, but the bottom line is we believe that more has to be done.

In closing, I think there will probably be other matters that arise at ICCAT, and each member will have a different perspective on what it wants to see done. This is the nature of a regional fisheries management organization. For ICCAT, this is especially true given the fact that the organization now has 37 members, representing both developing and developed states. Despite these challenges, I believe progress can be made on the issues outlined above, and in that regard I look forward to the support of those Congressional Members and staff who will be attending with us on the delegation this year.

I just want to remind you that in 2004, the United States will host the ICCAT meeting for the first time in history. It will be in New Orleans. In November you will hear more about it. But we think it is time to bring this body to the United States. It has so many issues that affect our fishermen and we would like to make it available to our fishermen.

Thank you. I look forward to any questions.

[The prepared statement of Dr. Hogarth follows:]

Statement of William T. Hogarth, Ph.D., Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Mr. Chairman and Members of the Subcommittee, thank you for inviting me to present testimony on issues facing the International Commission for the Conservation of Atlantic Tunas (ICCAT) at its Eighteenth Regular Meeting, to be held in Dublin, Ireland, on November 17-24, 2003. I am Dr. William T. Hogarth, Assistant Administrator for Fisheries at the National Oceanic and Atmospheric Administration (NOAA). I am also the U.S. Government Commissioner to ICCAT.

On September 11th of this year, a member of my staff, John H. Dunnigan, testified before this body on international fisheries issues. Many of the issues raised

during that hearing concerned ICCAT and are still germane. Rather than repeating earlier testimony, today I will focus more narrowly on what I see as the major issues for the upcoming ICCAT meeting.

Before getting into the specifics of the 2003 ICCAT agenda, I would like to make a few general comments about the Commission. ICCAT's membership has grown dramatically in the last few years, due in large part to the successful efforts of the organization to address illegal, unreported, and unregulated fishing. The increased use of total allowable catches to control fisheries and the development of quota allocation arrangements have also created incentives for countries to join the Commission. The United States is encouraged by this growth since it indicates that ICCAT is expanding its influence over Atlantic highly migratory species fisheries. In addition to increased membership, the Commission has also been contending with a significant expansion of its annual workload. Currently, the Commission meets for 8 days in the fall, in addition to convening a number of intersessional meetings throughout the year. To support this workload, ICCAT members must expend increasing amounts of time and energy. With this growth in membership and workload come greater challenges for the organization, and progress on some issues can be slower than we would like. On a more positive note, ICCAT will be considering ways to improve the functioning of its meetings this fall, and we have made a number of suggestions in this regard.

For the upcoming 2003 ICCAT Regular Meeting, the Commission will once again have a full agenda. Stock issues include albacore, bigeye, and yellowfin tunas, and Mediterranean swordfish. Due to U.S. insistence last year, ICCAT will convene a working group on November 15 to begin to seriously examine the issue of integrated bluefin tuna management. This is an extremely important issue to the U.S., since the data are clear that the east and west stocks of bluefin tuna overlap and our current management approach does not adequately take this biological reality into consideration. ICCAT must find ways to appropriately integrate the management of these two interdependent stocks. We expect that the first working group meeting will set out a structure for future work, which will include identifying and evaluating various management options and identifying needed research. We understand that the Commission will also be considering a recommendation from its science body to invest in a comprehensive, coordinated bluefin tuna research program that is intended to provide a basis for providing scientific advice on the risks and robustness of potential revised management procedures for bluefin tuna.

Another critical issue facing ICCAT this year is the election of a new Executive Secretary. There are currently five candidates, one of which is from the United States. I consider the U.S. candidate, Dr. Joseph Powers, to be the strongest candidate in the field. ICCAT needs a strong leader to ensure that the Secretariat can meet the challenges associated with the increasing Commission membership, rising number of conservation and management decisions, and dramatically expanding workload. I believe that the strong scientific and management credentials of Dr. Powers make him the perfect candidate for this position. The EC will be supporting their own candidate and they have made it known that they feel they should hold other positions of power within the Commission. While we feel that the EC certainly has an important role to play in ICCAT, we strongly believe that there must be equity within the Commission with regards to its administrative and political leadership.

A third area of focus this year concerns data. The Commission is facing a critical period. For some stocks, data are so inadequate or are reported so late that ICCAT's science body, the Standing Committee for Research and Statistics (SCRS), cannot conduct robust stock assessments. To make matters worse, bluefin tuna farming has made data collection and verification even more difficult for that species. Without good data we cannot effectively manage ICCAT stocks. The obligation to collect and report data is no different than the obligation to abide by a conservation measure. If countries are not reporting, intentionally misreporting, or reporting so late that the SCRS cannot do its job, ICCAT should deal with the issue as a compliance matter. This approach would be possible, since the allocation criteria developed by ICCAT in 2001 already link quota access to data reporting. Regarding farming, we will support efforts to ensure that there is a proper accounting of the fish entering and leaving these farming operations. ICCAT recently held a workshop to identify data collection and reporting problems and solutions, which did help to advance the debate. We are considering ways to address data issues in ICCAT, including those discussed at the recent workshop.

In addition, you might recall that the United States has expressed concern in the past about lax data collection and reporting by the EC. At the 2002 ICCAT meeting, the EC agreed to measures to improve their data collection programs. Two weeks ago, we met with our EC counterparts and discussed their progress on this matter.

While they assured us that efforts were underway to improve the data situation, they were not able to provide specifics. I will continue to seek that information over the coming weeks and months. This is an important issue that will factor into a future decision concerning a request to certify the EC under the Pelly Amendment to the Fishermen's Protective Act. Similarly, I will also be seeking specific information from the EC regarding conservation measures that have been adopted by ICCAT to reduce that harvest of undersized bluefin tuna. At the urging of the United States, ICCAT adopted bluefin tuna measures last year to increase the absolute minimum size in the Mediterranean from 3.2 kg to 4.8 kg and, for the Atlantic and Mediterranean, reducing the number of fish that can be retained below 6.4 kg. ICCAT also is requiring the development of plans setting out how reductions in the harvest of undersized bluefin tuna in the Mediterranean will be achieved.

A fourth area of focus at ICCAT this year is compliance. Compliance issues have been, and will continue to be, one of the highest priority areas for the United States at ICCAT. Since it is included in earlier testimony, I will not repeat all the gains we have made in this area to date. The bottom line is that we believe more needs to be done. In addition to improving the implementation of existing measures, the overall compliance regime process should be streamlined and the scope broadened to improve the use of our trade and quota penalty tools. For example, the existing quota penalty provisions should be expanded to cover all species under quantitative harvest restriction, including marlins. In the same vein, we support efforts to improve ICCAT's monitoring and control regime. Effective monitoring and control measures are essential for implementation of ICCAT's rules. Proposals for establishing a vessel monitoring system program and spelling out flag state duties are pending before the Commission this year. Other monitoring and control matters will also be addressed in future years.

The other two U.S. Commissioners and I recently met with our European, Japanese, and Canadian counterparts to exchange views on the issues facing ICCAT this year. In addition, earlier this week we met with the Advisory Committee to the U.S. Section to ICCAT to obtain their advice on the matters I have raised here. These are critical steps in the U.S. position development process. The timing of this hearing is such that the final U.S. positions have not yet been set, but I have tried to indicate our general views in the major areas of discussion for the upcoming meeting. Undoubtedly, there will be other matters that arise at ICCAT, and each ICCAT member will have a different perspective on what is important. This is the nature of regional fisheries management organizations. For ICCAT, this is starkly true given the fact that the organization now has 37 members representing both developing and developed states. Despite these challenges, I believe progress can be made on the issues outlined above. In that regard, I look forward to the support of those Congressional members and staff who will be joining the U.S. delegation in Ireland this year.

Thank you, Mr. Chairman, for this opportunity to review the issues that will be facing ICCAT in November 2003. This concludes my testimony, and I would be pleased to respond to any questions that Members of this Subcommittee may have. Thank you very much.

Mr. GILCHREST. Thank you, Dr. Hogarth.

There is a tiny little fishing village on the Eastern Shore of Maryland called Crisfield, which if New Orleans doesn't work out—

Dr. HOGARTH. I am not sure that Crisfield could handle all those people.

Mr. GILCHREST. Oh, yeah, we could. Absolutely.

Mr. Delaney.

STATEMENT OF GLENN R. DELANEY, U.S. ICCAT COMMERCIAL COMMISSIONER

Mr. DELANEY. Thank you, Mr. Chairman. Good afternoon, members of the Committee. Thank you for holding this hearing, and I am especially grateful for the opportunity to testify. Hearings like this one, as well as H. Con. Res. 268, are extremely helpful to bring focus to the ICCAT issues that we face today.

Mr. Chairman, I have had the privilege of serving as Commissioner since 1995. The Dublin meeting will be my ninth ICCAT

meeting serving as Commissioner. But I first became involved with ICCAT in 1982 as a fisheries staffer on the old Merchant Marine and Fisheries Committee, and I have been involved in some capacity ever since.

With this experience in mind, I would just first like to put the U.S. 2003 agenda into context. The ICCAT Convention was signed in 1966, and it wasn't until 1969 that they really had their first meeting. In the 1970s and 1980s, these were essentially the dark ages of ICCAT. What few decisions were made were made mostly for political reasons, and some of those were very bad decisions, such as the bluefin tuna management regime for which we continue to pay the price today. Status quo was the mantra of ICCAT, and I have to admit the U.S. delegation shared in that view.

The U.S. did not really get serious about ICCAT until literally about 1994, when the leadership of the U.S. ICCAT delegation changed dramatically.

Attached to my testimony is a list of the 122 active ICCAT conservation measures now on the books. About 90 percent of those were adopted since the U.S. leadership changed in 1994. The point is serious U.S. participation at ICCAT began only about 10 years ago. This is an important context in considering of where and why we are where we are today.

The good news is that I think the U.S. is and has been for the past decade focused on the correct objectives. Our first priority had to be to fill the void by establishing a set of conservation and management rules for each of the many stocks and fisheries. In the past few years we have made the necessary transition to really zero in on the compliance and enforcement of those conservation and management rules.

Today our primary focus is on the aggressive application of market controls and trade measures to put real teeth behind our comprehensive regime. Having a business background, I tend to advocate a business approach to ICCAT compliance. There can be tradeoffs to this, but I believe that measures that take money away from ICCAT violators are the measures that will get their attention. And Lord knows, we need their attention.

The bad news is I don't think we, the Commissioners, can do this ourselves. We really need help.

Mr. Chairman, ICCAT is an incredibly complex challenge. At any given time there are literally thousands of vessels of all sizes and gear types fishing for 30 different ICCAT species divided up into many separate stocks in a convention area that covers over 20 million square miles of the Atlantic Ocean. These fishing vessels are operated by as many as 50 or more ICCAT nations from 5 different continents ranging from the poorest and most politically unstable to the wealthiest and most technologically sophisticated.

If I can say so myself, I believe the U.S. Commissioners and our outstanding ICCAT team can certainly handle the conservation and management end of things, even as complex as they are. However, when ICCAT compliance is put into the proper economic and geopolitical terms, that is when I believe we need much higher level discussions between our governments.

The kind of political muscle we need cannot be applied effectively at the ICCAT level. To be clear, I am not suggesting ICCAT does

not have a fundamental scientific and environmental mission to conserve and manage highly migratory species. It does. However, it is much more than that.

Instead of viewing ICCAT only as a scientific and environmental forum, it would be helpful for high-level U.S. economic policymakers to understand and act on the substantial economic implications ICCAT decisions have on thousands of U.S. small businesses accounting for a vast amount of economic activity which many, many coastal communities depend on from Maine to Texas. Noncompliance by other nations really hits us in our own wallets in the form of unfair competition from illegal imports as well as in reduced access of our fishermen to fish stocks damaged by foreign overfishing. If we can succeed in getting the right people in the U.S. Government to see it that way, I think we will be on our way toward solving the toughest issues at ICCAT.

Mr. Chairman, I have included a number of very specific issues and recommendations for your consideration regarding our ICCAT agenda this year. Many of these focus on the market controls and trade measures I mentioned, but they also include some very important issues regarding white marlin, bluefin tuna and swordfish specifically. I would be pleased to elaborate of course on these key issues in our ensuing discussion.

Again, thank you very much for your time and attention to this matter by holding this hearing and for moving forward with H. Con. Res. 268.

Mr. Chairman, I just wanted to make another special note, if I might. I want to thank especially those Members of Congress and their staffs that may be planning and hopefully are able to attend the ICCAT meeting next month, and in that respect I would like to make what I hope is a helpful suggestion and perhaps one way to maximize the impact of your visit, which is very important to us, is to request that our U.S. mission in Brussels, where the EC is headquartered, arrange for you perhaps to meet with some of your fishery counterparts from the European Commission, since we will be meeting in an EC member nation in Ireland. That way you could help us to deliver the strongest possible message above the heads of the EC ICCAT Commissioner and his delegation. It might be a good opportunity. There perhaps could be some messages and receptivity to our messages at a higher level than the EC Commissioner.

Thank you again, Mr. Chairman, members of the Committee. I appreciate the opportunity.

[The prepared statement of Mr. Delaney follows:]

Statement of Glenn Roger Delaney, U.S. Commissioner to ICCAT

Mr. Chairman, Members of the Subcommittee, thank you for holding this timely and important hearing. And, thank you for this opportunity to provide the following testimony regarding ICCAT issues that are important to the 2003 annual meeting.

I first became involved with ICCAT in 1982 as a staffer on the Merchant Marine & Fisheries Committee, Subcommittee on Fisheries & Wildlife Conservation and the Environment. In the late 1980s and early 1990s, I participated as an ICCAT industry advisor, and for the past nine years I have served as one of the three U.S. Commissioners.

Given this background, I would first like to provide a brief historical perspective of how and why we are where we are at ICCAT today. I think this would be helpful to put the 2003 U.S. ICCAT agenda in the proper context. Then, I will provide some

very specific recommendations for inclusion on the U.S. agenda of ICCAT priorities and objectives at the 2003 meeting.

Historical Context of 2003 Meeting

Since 1982, ICCAT has gone through a remarkable transformation. During the 1980s, it would not be unfair to characterize ICCAT as being in the Stone Age of fisheries conservation and management. It was during that time such terrible decisions as drawing an arbitrary line down the middle of the Atlantic to divide the bluefin tuna population into 2 separate stocks and management regimes were made. This placed U.S. bluefin tuna fishermen under an overly conservative and rigid management regime while nations fishing in the eastern Atlantic were effectively allowed to run amok. This was done more for political expediency than good conservation or smart science (bluefin certainly do not respect an imaginary line drawn across the ocean). Today, we still suffer the conservation, political and economic consequences of that decision as we struggle with serious conservation and compliance issues in the Mediterranean and an inequitable situation for U.S. fishermen.

Compliance and enforcement during those years were essentially "non-issues" because, frankly, there were few rules to comply with or to enforce. Year after year, my impression of the basic result of the annual ICCAT meeting was for nations to report your catches, proclaim "status quo" for the almost nonexistent management regime, and go home. Frankly, the U.S. didn't appear to do much to change or improve that course.

As stocks began to suffer, U.S. industry and other constituencies did begin pushing a more progressive and conservation-oriented agenda in the late 1980s and early 1990s. However, it wasn't until 1994, when the leadership of the U.S. ICCAT Delegation changed dramatically, that a serious U.S. effort to reform ICCAT became possible.

Since then, the U.S. has asserted itself as an effective leader and voice of conservation at ICCAT. We began a deliberate and stepwise campaign to put in place the many basic rules for conserving the stocks, managing the fisheries and collecting the data necessary to properly assess stock status and measure the results of the management regime. We also moved quickly to put rebuilding plans in place for some of the stocks of greatest interest to the U.S., such as swordfish, billfish and bluefin tuna.

The U.S. succeeded in pushing through a comprehensive regime of conservation, management, rebuilding, scientific data collection, quota allocation, compliance, monitoring, enforcement and trade measures now adopted by ICCAT. A compendium of these many ICCAT measures now on the books is attached to my testimony. (see Attachment 1) Today ICCAT is arguably the most progressive international fishery conservation and management forum in the world—at least on paper.

That is not to say we haven't achieved some remarkably tangible results. For example the rapid rebuilding of the north Atlantic swordfish stock was an extraordinary conservation achievement. But, the truth is that the more rules we put on paper, it seems the more these rules are broken by many of the nearly 50 nations represented in the ICCAT process. It is becoming a very serious problem with no easy solutions.

Compliance Violations

Violations fall across the entire spectrum of conservation measures—from quota overages and the excessive harvest of juvenile swordfish and tunas to blatant failure to submit even the most basic catch data vital to scientific stock assessments. Serious violations also fall across the full spectrum of ICCAT nations—from the least developed and most politically unstable to the richest and most technologically advanced. There follow just two examples among the more egregious problem areas, but the actual list is much, much longer.

The bluefin tuna situation in the eastern Atlantic is out of control. The relatively recent development of pen-raising technology for rapidly growing and fattening bluefin tuna for the high-valued sashimi market has created a black hole in the ICCAT management system. We will have to wait until November to see what the official numbers are, but we are hearing credible reports that bluefin landings in the eastern Atlantic may be as much as 50,000 metric tons—substantially above the ICCAT quota and about twice the level recommended by the scientists. Much of this fish is going into farming pens and there are serious questions about the correct reporting and accounting of this harvest. The European Union is the major player in that situation, but the reality is that nearly all of the nations bordering the Mediterranean contribute to the chaos, particularly those on the north African coast.

Another tremendous concern is the performance of Taiwan. Fishing vessel operators based in Taiwan, but hidden by many layers of paper companies, have been

the source of a fleet of pirate large-scale pelagic longline vessels using flags of convenience to operate in the Atlantic and throughout the world. These vessels are often referred to in international circles as the "IUU fleet" (Illegal Unreported and Unregulated).

Only due to strong pushing by the Japanese government, the Taiwanese government has responded half-heartedly. In addition, Taiwanese fishing companies have now deliberately built a fleet of vessels that fall just under the 24 meter minimum length for application of most ICCAT measures. These, 23.9 meter vessels have operated extensively in the Caribbean decimating shark stocks and causing serious billfish bycatch problems. Even those Taiwanese vessels that actually do fly the Taiwan flag and are large enough to fall under ICCAT jurisdiction are causing serious compliance problems with swordfish and bigeye tuna. The government of Taiwan either lacks the means or will to control this situation.

Current U.S. Focus at ICCAT

I think the U.S. continues to be on the right track. We are following through on the necessary progression of first putting into place the basic conservation rules for ICCAT and now we are pursuing a very deliberate process of ratcheting down on compliance and enforcement. We must put teeth behind those rules, primarily through increasing the scope and effectiveness of market controls and trade measures. In this regard I believe the U.S. is focused on the proper issues, and we are being just as aggressive in pursuing the full range of compliance and enforcement measures as we were in establishing the basic conservation and management rules in the first place. A valid question, however, is whether the U.S. Commissioners alone can be successful.

Market controls and trade measures are the most effective response to compliance problems because they take money away from people when they behave badly. It's a great way to get a non-compliant nation's attention. But, it takes great strength and a smart plan to achieve. Market controls and trade measures, as well as more effective conservation and management regimes for bluefin tuna and billfish, will continue to be among the most difficult to negotiate. While I don't think there is cause for panic, I think all of the Commissioners would agree that we could definitely use some high-level assistance in this current ICCAT era. The U.S. Commissioners will need the strong backing from high levels of U.S. Government including Congress to pursue these objectives.

I have no doubt that we have such backing from Congress and especially the members of this Committee. Such efforts as House Concurrent Resolution 268 can be particularly helpful in demonstrating to our ICCAT adversaries a sense of U.S. Government purpose, resolve and solidarity behind the Commissioner's efforts at ICCAT. That Resolution as well as this hearing also help to raise the issue to a higher level of attention within our own Administration. We are beginning to gain some serious attention at the highest level of the Department of Commerce thanks to your efforts.

U.S. ICCAT Agenda for 2003

Although our U.S. position has yet to be formally decided, there follows several of the more important issues I hope and expect will be on the U.S. agenda of priorities for the 2003 meeting. Please note that I have also identified areas where I think Congress can assist our efforts and that some of these would require a financial commitment.

White Marlin

In the case of white marlin, a picture is worth a thousand words. The chart that follows is an excerpt taken from the 2002 ICCAT white marlin scientific stock assessment and shows the distribution of catch for the decade 1990-1999 across the Atlantic. (A complete chart showing the same information for each decade since 1950 is attached to this testimony. See Attachment 2.)

SCRS/2002/011 Col. Vol. Sci. Pap. ICCAT, 55(2): 350-452 (2003)

REPORT OF THE 2002 ICCAT
WHITE MARLIN STOCK ASSESSMENT MEETING
(Madrid, May 14-17, 2002)

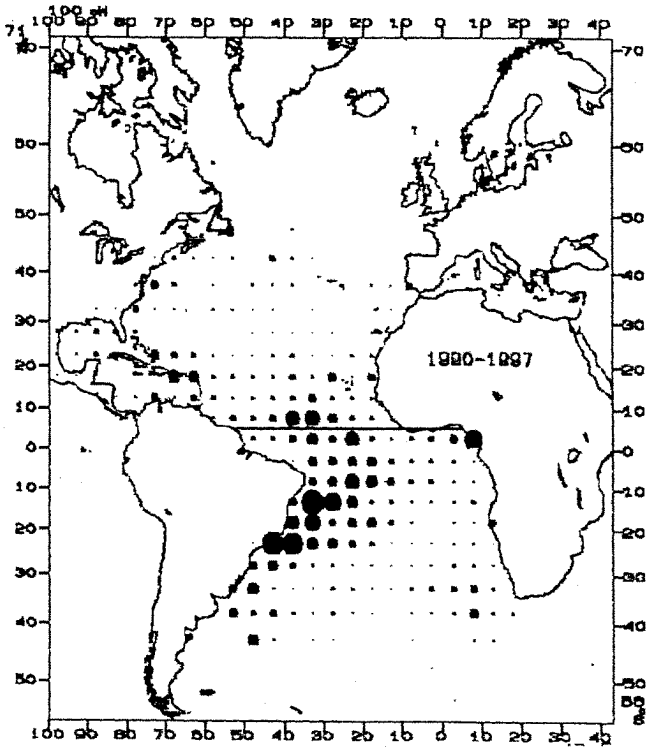

Figure 3. Average catch (t) distribution of white marlin by decade (Source: ICCAT Catch & Effort Database).

As you can see, the vast majority of white marlin mortality occurs in areas south of the equator, especially off the southeastern coast of Brazil. (The distribution of blue marlin catch is very similar. See Attachment 3.) This has been a consistent occurrence since the 1960s. As extensive U.S. tagging efforts have confirmed, particularly those supported by The Billfish Foundation, these fish are highly migratory. Excessive mortality off the coast of South America will have a direct impact on the abundance of white marlin (and blue marlin) off the U.S. east coast.

Because white marlin is generally a bycatch species in directed fisheries for tuna and swordfish, the solution to this problem is not so simple. ICCAT took the first step by adopting a U.S. proposal designed to substantially reduce both white and

blue marlin mortality through requirements to reduce landings and increase the release of fish that are alive when brought to the boat.

However, these measures alone are not likely to be sufficient to reduce fishing mortality to levels that can rebuild this stock. And, compliance has been a problem. I anticipate that the data we receive at ICCAT this year will indicate that Brazil, and perhaps Venezuela, will confirm their violation of the ICCAT marlin landing reduction requirements. Given the status of white marlin, much more will have to be done. There follow two recommendations for U.S. initiative to address this situation.

1) Strengthen enforcement of white marlin bycatch limits. ICCAT must authorize market controls—such as the suspension of eligibility of the violating nation's vessels to market tuna and swordfish in other ICCAT nations. The key is to authorize market or trade sanctions against ICCAT species other than marlin, because marlin are not regularly exported to other ICCAT nations and are consumed within the harvesting nations. (The U.S. already prohibits sale of Atlantic marlin in the U.S.)

2) U.S. Cooperative Research Program to reduce white marlin bycatch. In order to reduce marlin mortality beyond the current ICCAT live release and landing measures, we will have to do better than simply tell other nations they have to stop or substantially reduce their directed fishing for tuna and swordfish. I do not believe that would be a realistic goal.

If we expect to achieve any further meaningful reductions in marlin mortality, I think the reality is that the United States must take the initiative to develop alternative pelagic longline fishing gear and methods and then export these solutions to other ICCAT nations. The truth is that no other nation is likely to take this initiative or make the investment and, frankly, the U.S. has by far the greatest social and economic interests in doing so. We are also faced with the continued threat of an Endangered Species Act listing, which would have catastrophic impacts on U.S. commercial and recreational fisheries. I believe this research program is a very important financial commitment for Congress to consider.

The first phase of developing such solutions could be achieved through an NMFS cooperative research program with U.S. longline fishing vessels. NMFS and the U.S. pelagic longline fishery has established a very positive cooperative research relationship through their phenomenally successful experimental fishery to substantially reduce bycatch and nearly eliminate bycatch mortality of sea turtles on the Grand Banks (Northeast Distant [NED] statistical area).

As we learned from the Grand Banks project, the use of special baits and circle hooks, specifically designed to reduce bycatch and bycatch mortality of whatever the species in question is, holds great promise. The use of hook timers and time-depth recorders, used so successfully in the Grand Banks research to understand sea turtle behavior, is also likely to provide extremely valuable information regarding marlin behavior and provide clues for how to reduce marlin interactions with longline gear.

It would seem that the second phase of exporting solutions that reduce marlin bycatch and bycatch mortality to foreign fisheries where the preponderance of marlin bycatch mortality occurs should be initiated in the areas off of Brazil where marlin bycatch has been so highly concentrated for so many years. This is something we can initiate through ICCAT. Of course, the same solutions should be implemented for U.S. longline fisheries as appropriate.

Specific ICCAT Trade Measures and Market Controls

I recommend that the U.S. pursue the following objectives at the 2003 ICCAT meeting:

General: Harmonize the hodgepodge of ICCAT trade and market control measures adopted to date into one overarching program that expands these measures to have the broadest possible coverage of fish stocks harvested by member and non-member nations.

This initiative is already underway at ICCAT but much more work and strong U.S. leadership will be required to get the job done. Notably, the current drafts of this Supplemental Trade Measures proposal we have been working on with the EC, Japan and Canada over the past year include the crucial multilateral authority for ICCAT importing nations to enforce ICCAT bycatch controls (such as for marlin) through import restrictions on other, non-bycatch (tuna and swordfish) exports.

Tuna Farming: Expand the scope of the ICCAT "positive list" market control program to include the explosion of poorly regulated bluefin tuna farms in the Mediterranean. Currently this program, (which was a U.S. initiative), establishes a formal registry of ICCAT vessels and enables member nations to prohibit the importation of fish landed by any vessel not on that list.

The U.S. should lead an effort to expand the application of the ICCAT "positive list" market controls to bluefin tuna farming pens.

Billfish: As explained previously, the challenge with white marlin and blue marlin is that in most nations' fisheries it is a bycatch. (This may or may not be the case in Ghana, where blue marlin consumption and landings are the highest on record.) Billfish bycatch is generally not exported to major market nations like the U.S., Japan and EC where effective market controls can be exerted.

The U.S. should lead an effort to enforce current ICCAT marlin bycatch management measures. I believe immediate action should be considered for some nations through the suspension of a violating nation's ICCAT "positive list" status if that nation's exports include species for which ICCAT has a "statistical document" program (bluefin, swordfish and bigeye tuna).

Alternatively, if adopted, the Supplemental Trade Measures proposal designed to harmonize and expand the scope of existing ICCAT trade measures for both member and non-member nations now under consideration by ICCAT potentially provides a much broader coverage of the situation. As mentioned earlier in my testimony, this proposal includes provisions to restrict non-marlin bycatch exports (such as tuna and swordfish) until such time as the violating nation comes into compliance. This approach may take another year before it can be applied, but it would effectively address the Ghana blue marlin problem by targeting their canned tuna exports for control.

Scientific Data: Incredibly, it appears that some ICCAT member nations are deliberately withholding catch data from ICCAT on key fisheries, such as bluefin tuna. I suspect this has been done in order to escape scrutiny and enforcement of compliance measures. This is about as low as it gets. ICCAT data is fundamental to our scientific ability to assess the status of the stocks and, therefore, to develop or adjust management measures to achieve the goals or rebuilding stocks and of maximizing the yield from each stock.

The U.S. should lead an effort for ICCAT to adopt a provision that has the effect of automatically suspending "positive list" status for the vessels of any nation that fails to submit timely data to ICCAT.

U.S. Office of Fishery Trade Monitoring and Enforcement: The future of ICCAT, and presumably other international fishery management organizations, is the aggressive adoption and implementation of a comprehensive regime of trade measures and market controls necessary to effectively enforce the conservation and management program. To be effective, such trade measures and market controls must be very closely monitored and enforced by U.S. Government personnel. This is not at all intended to be a criticism, but it has been my observation that the NMFS personnel responsible for this activity are already struggling to keep up with what ICCAT has on the books today. In anticipation that this activity and workload will increase substantially as ICCAT fully develops this regime, and given that an effective U.S. capability to monitor and enforce ICCAT trade and market control measures, I believe Congress and the Administration should seriously consider the establishment of a new office devoted entirely to this mission and this would likely require a financial investment by Congress.

Limit Exports to ICCAT Quotas: Although certainly not a new idea, there has been increased interest in developing ICCAT multilateral authority for member nations to limit the total amount of their imports of a specific ICCAT stock to the amount of the exporting nation's catch quota.

While on the surface it sounds simple enough, in actuality the implementation would be very tricky and this is why the concept has not gained widespread support in the past. One very big problem is that ICCAT completely lacks any mechanism or resources to keep track of real-time exports of individual ICCAT stocks for each exporting nation. Exporting nations generally export ICCAT species to multiple destinations. The problem is how ICCAT and importing nations can determine when a nation's total exports to all nations have reached its total ICCAT catch quota and, therefore, when it would be appropriate and effective for individual importing nations to prevent further imports of that stock from that nation. Absent this information, it seems unlikely that this approach will be effective. Nevertheless, because management and compliance problems have become so dire it is probably time to at least revisit this approach.

The U.S. should explore the feasibility of developing an effective mechanism for providing authority to ICCAT importing nations to limit their imports of an ICCAT stock to each exporting nation's total ICCAT quota.

Unilateral Trade Measures

Our efforts at ICCAT are necessarily delimited by recognized principles of international trade law requiring multilateral authority for trade restrictive measures.

I believe this has also been the consistent view of each Administration I have served under as Commissioner.

Nevertheless, as a private citizen I am certainly NOT averse to discussing some unilateral approaches which may strengthen our hands at ICCAT. It is a very sensitive issue—both within domestic law and policy circles—as well as at ICCAT. If U.S. unilateral trade measures are to be applied against ICCAT nations, this must be very well conceived and timed.

I think the Committee is probably already far more familiar than I with the Pelly Act and Section 301 of the Trade Act of 1974, both of which are under current consideration by the Administration for application to ICCAT.

However, I would also like to reinforce the Committee's attention to the trade measures also on the books within the Atlantic Tunas Convention Act (ACTA). This statute is the "organic Act" for U.S. implementation of the ICCAT Convention.

The ACTA authorizes the Secretary of Commerce to prohibit the entry into the United States of any ICCAT-managed species and taken from the ICCAT Convention area (Atlantic Ocean / Mediterranean) in a manner which would diminish the effectiveness of ICCAT's conservation program. The Act authorizes the Secretary to prohibit the importation of ICCAT species other than the species for which violations occur. This is central to the ability to effectively enforce bycatch requirements for species that only enter international trade in very limited numbers such as white and blue marlin.

I am grateful to the authors, Congressmen Gilchrest and Saxton, that this authority is a particular focus of H. Con. Res. 268. The legislative amendments that created this authority in the 1990s was an initiative and priority of the U.S. fishing industry. Unfortunately, it has been my very frustrating experience that the Administration (NMFS) never embraced this authority as the effective tool it could have been. Specifically, NOAA/NMFS attorneys interpreted the provisions to require automatic sanctions if any nation (or its vessels) was so much as "identified" as diminishing the effectiveness of ICCAT.

To the contrary, I would argue that the "consultations" provisions of these ACTA trade measures deliberately provide an opportunity for the U.S. to enter into a bilateral negotiation with a violating ICCAT nation from a position of great strength, and to achieve a constructive, mutually acceptable resolution of the situation without the need to actually apply a trade sanction.

I hope that the Committee will strongly encourage the Agency to revisit its interpretation of this statute and reconsider its application to any number of situations in which ICCAT member nations and non-member nations are clearly, repeatedly and, in some cases, deliberately undermining the effectiveness of ICCAT. With the proper interpretation of its authority, the Administration could move forward immediately in applying this tool without the need for any further legislative action.

Bluefin Tuna

As I mentioned earlier in my testimony, the arbitrary line drawn down the middle of the Atlantic Ocean in 1982 split the management of bluefin tuna into two very different programs with dire consequences for U.S. fishermen and the resource. In the western Atlantic area, the U.S., Canada and Japan have operated for more than 20 years under a very conservative quota and compliance has been excellent.

In stark contrast, the eastern Atlantic area, member nations of the European Union and other nations bordering the Mediterranean has operated under a very liberal quota regime that is literally ten times larger than the western quota. Still, overall compliance by eastern Atlantic bluefin fishing nations has been poor. The situation is very complex and not consistent among nations—we have cases of some nations overfishing their quotas, some declaring autonomous quotas outside ICCAT management, and some choosing not to report their catches at all. The situation is also not static—each year we are presented with a widely different mix of compliance problems among those nations.

As you may know, the problem is exacerbated by the recent definitive scientific conclusions that even if there are two separate, reproductively distinct stocks originating in the Mediterranean and in the Western Atlantic, the spatial and temporal degree of mixing of these two stocks is so great that separate stock management cannot be effective. This landmark U.S. scientific research employing state-of-the-art satellite tagging technologies and funded directly by Congress has turned bluefin tuna science on its head. ICCAT must now answer the very difficult question of how to effectively conserve, manage and allocate bluefin tuna across the Atlantic as if it were one stock.

To answer this question, in 2002 the U.S. initiated the establishment of the ICCAT Working Group on Integrated and Coordinated Atlantic Bluefin Tuna Management Strategies. This Working Group is unique in that it will bring both sci-

entists and managers together. Although the first formal meeting of the Working Group is scheduled for November 15 in Dublin (just prior to the ICCAT meeting), U.S. and other ICCAT scientists have already met to outline the scientific research program that will be essential to support this huge endeavor. My understanding is that this program will need a budget of $2-3 million per year for several years.

The key point is that U.S. fishermen have a great stake in how fisheries are managed in the eastern Atlantic. Gross overfishing and noncompliance in the eastern Atlantic bluefin tuna fisheries have a direct, negative impact on U.S. fishermen as well as U.S. efforts to properly manage and rebuild this fishery. The U.S. must address itself to solving this problem for both parochial and global conservation and economic reasons.

Unfortunately, the reality is that we will have to drag along kicking and screaming those nations that now fish in the eastern Atlantic. For obvious economic reasons, they do not want this Working Group or this scientific research to succeed in stopping the out-of-control situation they now enjoy in eastern Atlantic bluefin fisheries. Therefore, I believe it will be necessary for the U.S. to again step up to the plate to fund the scientific research crucial to support the Working Group efforts. This is a very important financial commitment for Congress to consider.

The origins of the eastern Atlantic bluefin tuna management problems are incredibly complex and varied. They include the geopolitics of the region, the ineffectiveness of the EC bureaucracy to control member nations, the wide range of the relative state of economic development and political stability within individual nations, and even cultural issues, as in the case of the large harvest of juvenile bluefin tuna in the Mediterranean that supplies the region's traditional cuisine. Overlying this complex situation is the fact that the Mediterranean is perhaps the most important spawning area for bluefin tuna in the Atlantic.

Although the U.S. has focused a great deal of its attention on the EC, it is not so simple to say this is just an EC problem. Nations that participate in these fisheries range from such nations as France, Spain and Italy to Libya, Tunisia, Malta, Turkey and Morocco. Nevertheless, my strong personal belief is that the EC must become the leader of a regional solution to the problem. Other, less-developed nations in the region, are likely to follow the example of the EC—good or bad. The U.S. and other concerned ICCAT nations must continue to put great pressure—at the ICCAT level and at much higher levels of the U.S. Government—on the EC to adopt the conservation ethic and leadership role necessary to effect a meaningful change in the Mediterranean bluefin fisheries.

I must be frank, however. I don't know what a single, specific solution to the eastern Atlantic bluefin problem is. There is no silver bullet—at least I can't see one. We have invested enormous efforts in attacking this on all fronts at the ICCAT level year after year. This year will certainly be no exception and it will consume a huge part of our time and attention.

And, while it is true that each year at ICCAT we chip away at the problem, it is also true that each year we are confronted and frustrated by a different and often deteriorating set of circumstances. We need real help on this one. I, and others in the U.S. ICCAT community have been seeking bilateral interventions from the highest levels of our government with such problem areas as the EC, and I think we are beginning to receive it. Congressional actions, such as this hearing and the introduction of H. Con. Res. 268, certainly help a great deal.

Swordfish

One important concern I have regarding the north Atlantic swordfish stock is that the U.S. protect its current quota share. Years of aggressive domestic bycatch controls combined with the dramatic rebuilding of the north Atlantic swordfish stock has left the U.S. pelagic longline fishery without sufficient access to the resource to harvest the full U.S. quota.

Repeated failure of the U.S. to harvest any ICCAT quota places our quota in real jeopardy of being reallocated to other nations with poor records of compliance and far less control over their vessels than the U.S. The demand for ICCAT swordfish, particularly by new ICCAT members and developing nations, far exceeds the scientific total allowable catch. The consequence of such a reallocation to such nations would be to undermine the current level of conservation in the fisheries. Far more white and blue marlin, small swordfish and sea turtles will be killed if U.S. quota is lost to these other nations.

I believe there are two things the U.S. should do to address this concern.

1) Re-open the Grand Banks Fishery. This is a U.S. domestic initiative. As explained above, the U.S. is soon to complete an incredibly successful cooperative research program to reduce sea turtle bycatch with the U.S. longline industry in the NED statistical area. This was conducted under an experimental fishery

permit after the NED area was closed to U.S. longline vessels pursuant to the Endangered Species Act (ESA).

I believe the experimental fishery has far exceeded the sea turtle bycatch and mortality reductions of the ESA mandate and that the fishery should be fully reopened early next year. To date, approximately 12-14 U.S. pelagic longline vessels have been allowed to participate in the experimental fishery. This fishery could be expanded through the reopening of the area and by providing U.S. vessel operators the opportunity to refit existing vessels or to build larger vessels that can safely operate so far offshore.

I don't want to overstate this, but the expansion of the Grand banks (NED) fishery provides one important opportunity for the U.S. to shift pelagic longline fishing effort away from U.S. near-coastal areas to the productive Grand banks swordfish and tuna grounds as well, as to more fully harvest the U.S. quota share.

2) Defend ICCAT Quota. The U.S. must vigorously defend its ICCAT quota share of north Atlantic swordfish so that it is not reallocated to nations that do not even approach the U.S. level of conservation of directed-species or bycatch species. Failure to achieve this objective will undermine the conservation of many ICCAT species.

NOTE: An attachment to Mr. Delaney's statement has been retained in the Committee's official files.

Mr. GILCHREST. Thank you, Mr. Delaney.

Mr. Hayes.

STATEMENT OF ROBERT G. HAYES,
U.S. ICCAT RECREATIONAL COMMISSIONER

Mr. HAYES. It is always a pleasure to come and talk to you, Mr. Chairman. The meeting this year I think has been pretty well described by Glenn and by Bill. With my remarks I want to channel in the focus of white marlin, because as the Recreational Commissioner that really is the focus that I have got.

If we look at white marlin, white marlin is a species which is caught as a bycatch by, as Glenn points out, by 50 different nations. It is only really in the United States where we view white marlin in the tone and the style in which we view it, which is as an important economically valuable species to the United States. Most other countries don't. Frankly, they view it as a nuisance.

So when you begin to talk about white marlin conservation measures internationally, you have to be frankly a little bit more inventive than simply walking out and saying what we need here is huge time and area closures or something that is going to close down 50 or 49—well, including our own, 50 nations' commercial fleets. Those kind of measures are very difficult to negotiate.

We have an opportunity this year to negotiate what I view as one of those measures that could be extraordinarily helpful, and that measure is comprehensive compliance. The trick to ICCAT—and I believe the trick in the Pacific—will ultimately be how do you put in measures into the importing countries that allow those countries to prohibit imports of species that are being conserved when related violations of other species occurs.

So white marlin is a great example. There is really no international trade in white marlin. You can't go out and buy a white marlin very easily, frankly. In the United States, if you do, you are going to be in big trouble.

What you need is a measure that prevents the import of an ICCAT-managed species. Bluefin tuna is an example—if there is a violation of some other comprehensive—for example, some other

conservation—measure, the no-landing of—or the discard prohibition—for white marlin.

Until we get that kind of a comprehensive measure, which I believe your resolution heads us toward, we are not going to solve some of these broader issues, particularly issues about things like turtles, seabirds, white marlin, blue marlin, sharks, a lot of things that are being caught incidentally to other directed fisheries.

That is sort of the key, in my view, of where we ought to focus this year, and we have had some discussions about that and how much progress we can make on this. This is not an uncomplicated issue, as you can imagine, but that certainly is one of the focuses we are going to have.

I want to describe to you just very quickly what I see is kind of the conundrum that we are in. Can you imagine in the United States having 50 States which essentially allowed—and we allowed, you know, for whatever reason —illegal activity to occur under conservation laws and we simply ignored it or we designed things that didn't work and we didn't enforce it? It is unimaginable in the United States.

Can you imagine duck hunting, commercial duck hunting, on the Eastern Shore to occur and the United States wouldn't go out there and enforce it? Well, frankly, until these measures that Glenn has been talking about, those 122 measures were put in place—and we need more of them—that is frankly what was going on internationally, not just in the Atlantic but going on in the Pacific. That progress that we are making toward this larger comprehensive compliance measures is moving in a direction where that is not going to occur. That basic conservation ethic that we have here in the United States is going to get carried forward.

Now, one of the questions always is: So what can you do here at home, particularly on white marlin? One of the problems we have in white marlin is that Glenn Delaney and Bill Hogarth are great negotiators, great negotiators, but if you don't have any science on your side, as Bill was saying, if you don't have the data, you don't have the facts, it is awful tough to negotiate a very good understanding of where you ought to go.

In the United States what we need is we need to do some research on two issues in white marlin. One is the basic biology. That has been clear for some time. Although some of that is going on, we need to get at it and get it done.

The second one is how do long liners with the technology available to them today avoid catching white marlin? It might be time and area closures. It might be gear limitations. We are not sure what the answers are, and one of the reasons we are not sure is because we don't have a research program to find it out.

What I would ask the Committee to do is to support the Senate in this regard. The Senate has a $2.5 million appropriation in for billfish research. The funding that is in the Commerce, Justice, State and the Judiciary appropriations bill and has gotten out of the full Committee and the Senate, but it is under negotiation at the moment. If this Committee could support that $2.5 million, maybe we could at least initiate some kind of a billfish program or enhance the existing billfish program so that we could get some research done here at home. I can tell you that without a little bit

of research, frankly billfish will have to always be sort of set back and will not be very well advanced.

And I, too, welcome your participation in Ireland and look forward to it, and we hope that Congress can do what it has to do and so that you can be available to come visit with us. Thanks.

[The prepared statement of Mr. Hayes follows:]

Statement of Robert G. Hayes, U.S. Commissioner, International Commission for the Conservation of Atlantic Tunas

Good afternoon. My name is Bob Hayes and I am the Commissioner to the International Commission for the Conservation of Atlantic Tunas (ICCAT) for recreational interests. I am also the general counsel for the Coastal Conservation Association (CCA). This Committee has always supported the efforts of recreational and commercial fishermen to conserve tuna, swordfish and billfish through international arrangements like ICCAT. This year, by the passage of H. Con. Res. 268 and through your direct participation in the process, you will be reinforcing those efforts. I know that I, the other Commissioners, and the recreational community appreciate and welcome your participation and support.

The international management of highly migratory species is at a crossroads. Nowhere in the world is this more of an issue than in the Atlantic Ocean. I would like to concentrate on the root of the dilemma and what can be done through ICCAT and here at home to advance the conservation of all highly migratory species. First, let me describe what is going on in the Atlantic, which today may be as dynamic as any time in the history of the fishery.

Today, there are three distinct forms of activity going on in the Atlantic: 1) harvest by ICCAT-member nations under specific conservation measures; 2) harvest by non-member countries; and 3) harvest by vessels that are illegal, unregulated, unreported and now undersized. In addition to this mix, add the commercial phenomenon in the Mediterranean of large scale tuna farming. The directed harvests are of swordfish, sharks, yellowfin, bigeye, bluefin and albacore tuna. The bycatch includes seabirds, sea turtles, some sharks and billfish, but primarily blue and white marlin. The harvesting techniques include longlines, purse seines, and hook and line. The fleets include transfer vessels and large catcher processors. The combined fleet consists of thousands of vessels that harvest around 400,000 metric tons of tuna and swordfish. Of that, the United States harvests less than 5 percent. Oddly enough, the most valuable ICCAT fishery for the United States is billfish, about which almost no other ICCAT member seems to care.

The entity trying to manage all this—ICCAT—includes 37 members representing over 60 countries. In the last decade, ICCAT has adopted a series of conservation measures to control the harvest of tunas, swordfish and billfishes. These measures have generally fallen into two categories—harvest limitations and measures to ensure compliance. During the same period, the harvest effort in the Atlantic by member and non-member nations has grown, and the production capabilities of individual countries have advanced significantly. If we are to accomplish anything this year regarding white marlin it has to be in the area of market-based compliance.

Compliance

This year, like many in the past, the U.S. focus should be on compliance by member and non-member countries with ICCAT conservation measures. Three ideas have surfaced, all of which have merit. The first idea would control bluefin tuna quotas by allowing the principal importing country to stop imports from a country's vessels once that country has exceeded its quota. For example, Japan may be importing more bluefin from some eastern bluefin countries than the total allowable harvest for those countries. Something is wrong with that. Such a measure will not be easy to implement; however, if Japan is willing to use such a measure we ought to be wiling to empower them to use it.

The second enforcement idea that may have some merit is adding tuna farming operations to the positive list. Failure to comply with reporting requirements would be grounds for delisting a farm. (See discussion of positive and negative lists below.)

The third option is most intriguing. It would allow importing nations to prohibit trade in ICCAT species in the event of any violation of any ICCAT conservation measure by any vessel of a contracting or non-contracting party. This would, for the first time, link all ICCAT conservation measures with market access for any ICCAT species. It would affirm what many have thought all along, that ICCAT marlin restrictions cannot be effective unless importing countries can deny access for other valuable ICCAT species.

We need to make progress on all three of these measures this year.

In addition to compliance there are a number of other important issues, some of which are addressed below. The issue of mixing is not included because it is unclear where that road will lead.

Tuna Farming

In recent years a whole new industry has developed in the Mediterranean. Purse seiners now catch small bluefin tuna and put them in pens to grow. They are fed in the pens for up to six months and harvested for sale to Japan. This is a very high quality product and one that can be sold at a distinct market advantage. The size of these operations is enormous and the growth of this sector could outstrip the scientific recommended harvest in the Mediterranean. There are single farming operations that hold more bluefin tuna in their pens than are caught in the entire western Atlantic. In fact, two years ago the U.S. delegation to ICCAT saw a pen operation that contained more tonnage than the entire western bluefin quota. At least eight countries are engaged in tuna farming—Spain, Malta, Italy, Tunisia, Libya, Cyprus, Turkey and Croatia. Three of the countries—Tunisia, Libya and Cyprus—began the activity in 2003.

Recognizing this explosion in bluefin pen rearing, last year's ICCAT meeting approved a requirement for countries to report on the practice. These fish are caught by purse seiners from a variety of nations. The European Union (EU) recently asserted that all transfers from its member vessels were viewed and recorded by observers. Presumably, those harvests were counted against existing ICCAT quotas.

The farms present enormous opportunity for illegal activity. Disregarding fishing quotas, overfishing, laundering and black marketing are words that many are using to describe the possibilities here. Tuna farming[1] in and of itself is not the problem. This may be a legitimate way to maximize the value of the fishery; however, because of its size and the potential for abuse this activity must be highly transparent. What goes in the pens as well as what comes out must be recorded and member nations must comply with the existing quota regime.

The New Fishing Nations

In the early days of the Magnuson-Stevens Act, this nation undertook a fishery development program designed to maximize its resources out to 200 miles. At the time the United States could have been considered a lesser-developed fishing nation. Today, the zeal for development of a domestic fishery has been transferred to any number of Atlantic coastal nations. As ICCAT compliance quotas have come on line, nations previously fishing outside the convention have decided to join. Countries joining ICCAT are asking for quotas. Last year, Mexico joined and got a quota for both bluefin and swordfish. Iceland joined and asked for a bluefin quota. Malta and Cyprus, joining this year, will clearly ask for quotas.

These demands, coupled with the demand of existing members for increased quotas, stress the system. ICCAT cannot sustain comprehensive quota and allocation regimes that simply add up the demands of fishing nations and establish that total as the quota, regardless of the science. Last year's eastern bluefin regime was very close to this. The United States argued that the quota should be considerably lower. The EU argued that the quota had to cover all nations fishing for eastern bluefin and that over time it would equalize because of a reduction in small fish catch. Were there a reduction in small fish catch over the next five years, it would be possible to sustain the present level of harvest. U.S. constituencies, through the use of the Pelly Amendment and Section 301 of the Trade Act of 1974, as amended, are ready to apply more pressure if progress is not made.

Illegal, Unreported and Unregulated Vessels

Last year I appeared before this Committee to discuss the ICCAT challenges in 2002. Then, I told the Committee the single most important thing that could be accomplished at ICCAT was a recommendation providing member countries with the authority to prevent the imports from illegal, unreported and unregulated (IUU) vessels. Two measures were adopted, the so-called "positive list" and "negative list." The National Marine Fisheries Service (NMFS), along with ICCAT and other member nations, is in the process of developing these measures. The measures require that imported product (swordfish and bluefin tuna) be registered with the ICCAT secretariat (positive list) or, conversely, identified on a list as an IUU vessel (negative list).

[1] There may be significant environmental problems with tuna farming which ICCAT does not have the authority to address.

Although these measures are new they will control a significant amount of the illegal trade coming from these vessels. The United States needs to ensure it implements these measures so as to not disadvantage U.S. commercial fishermen. As markets close to IUU product it will flow some place else with significant market disruption. The United States needs to prepare to guard against these imports by establishing protocols with the Customs Service before major foreign markets are closed.

Report cite to a new IUU fleet—some 100 longline vessels targeting sharks in the Caribbean. These are new vessels, all built small enough to avoid the Food and Agriculture Organization (FAO) guidance on IUU vessels, which only applies to vessels over 24 meters. The new fleet can be described as IUUU, with the last U for undersized. One can only imagine the impact on white marlin from 100 vessels purse seining for sharks. Only the comprehensive approach described above will get at this problem.

Solutions

White marlin presents the biggest highly migratory species (HMS) conservation problem in the United States. What can we do? I have, at various times, described for this Committee approaches which could lead to the recovery of this stock. First and foremost, this is an ICCAT problem. It can only be solved internationally. In 1988, NMFS made marlin a game fish. It prohibited its sale and import, and landings by recreational fishermen were drastically reduced. Still, the stock declined to the point it was considered listable under the Endangered Species Act. ICCAT stepped in and made marlin a live release fishery until 2005, when the stock will be reevaluated. No one thinks these measures are adequate to recover the stock. So how do we recover the stock?

First, do not list them under the ESA. NMFS was right when it concluded that listing was not the right way to achieve recovery. The proper venue is ICCAT, which is best persuaded by good science. Senator Kay Bailey Hutchison has requested $2.5 million in Fiscal Year 2004 funds to do research, but more is needed. The United States should embark on three tracks immediately. First, gather the basic scientific data so that we can agree on the status of the stock. Second, initiate gear research similar to that done for the bycatch of turtles. Third, determine if there are any time and area closures where bycatch of white marlin can be reduced. Once we have the science we can establish measures to rebuild the stock, but without the science improvement will take an act of God.

Thank you for allowing me to testify here today. I look forward to your questions and comments.

Mr. GILCHREST. I guess this question might be answered by all three. Each of you made some comments about the scientific, fundamental scientific conservation mission of ICCAT, and, Bill, you were a little bit pessimistic about ICCAT's future because of its lack of scientific data that it is collecting, and you also talked about comprehensive, fundamental comprehensive mechanisms to keep undersized fish from flooding U.S. markets and the members of ICCAT were not in a position to make these geopolitical maneuvers or have the influence or make those kinds of decisions.

So I guess what—and we are going to—I was not sure if I could make ICCAT based on our Congressional schedule, my district schedule, but I think after what we are hearing today, Mr. Pallone and myself and maybe some of the other Members will do everything we can to go at the appropriate time and use our position as Members of Congress to help buttress your position with the other members.

When we do that, though, can you be somewhat specific about the mechanisms upon which we should push after we get there to the other members, our counterparts, other parliaments, members of ICCAT. As far as Mr. Delaney, you were referring to this comprehensive mission that could catch some of the problems of the other countries in their commercial activities, whether they be

unfair trade practices, stopping undersized fish from coming into the U.S., those kinds of things.

But when we go over there, I think it would be very useful for us to have some very specific recommendations that we could make to our counterparts, and I guess you could do that in somewhat general terms now and in more specific terms in the next week or so.

Mr. DELANEY. Well, the U.S. Commissioners will be sitting down with Admiral Lautenbacher and a number of other important people in the Department of Commerce and the Department of State very soon to resolve what are the list of specific ICCAT priorities for the United States. So that will essentially become our adopted U.S. position. And certainly I think in probably all three of our testimonies, we have outlined some very specific issues that are likely to be on that list of priorities adopted in that soon to happen meeting. And so that can provide the basis for us to work with you to identify, OK, these are our specific trade agenda items that we want to pursue, these are our specific white marlin, blue marlin, on down the list. And, you know, perhaps there should be an opportunity for us to discuss those prior to leaving or when we are over there just prior to entering into the meeting.

But as I said in my testimony, I think there is perhaps an opportunity—the EC does comprise the largest share of harvest in virtually all of the major species at ICCAT. They have distant water fleets, coastal fleets, everything imaginable in between, and the Mediterranean situation in particular where we have a lot of the problems. And we will be in the EC, and it would seem that our U.S. mission in Brussels ought to be able to secure some tension of your counterparts in the EC parliament or in their commission itself who are responsible for higher-level fisheries policy than just their ICCAT Commissioner—

Mr. GILCHREST. This would be in Dublin or Brussels?

Mr. DELANEY. I don't see why not.

Mr. GILCHREST. So it would be important for us to make those contacts now prior to heading over?

Mr. DELANEY. Absolutely. And I think it would certainly create a backdrop that would really strengthen our ability to negotiate at the Commissioner level if our EC Commissioner, who is in many ways our—I don't know the right word to use—nemesis, foe, opponent in a lot of these conservation and compliance issues.

Mr. GILCHREST. Is a lot of the problems we are facing now with ICCAT the fact that we don't have enough data at this point? Is it that the data is there but the negotiations don't go well, compliance is ignored?

Mr. DELANEY. We have—the very first requirement adopted by ICCAT in 1969 was for each nation to submit basic catch effort, that type of data to ICCAT. It is a scientific organization designed to find out how many fish are you catching, put that into a scientific model and determine the status of stocks based on the fishing mortality rates. Very fundamental stuff.

Today we are experiencing horrible problems with countries not reporting, perhaps deliberately, and as a result, stock assessments on, for example, eastern bluefin tuna, which has such a great

impact on the western bluefin tuna, and I would love for somebody to ask me why we can't do a—

Mr. GILCHREST. Mr. Pallone will ask you why. I am out of time.

Mr. DELANEY. We can't do a stock assessment for the fact that nations fail to report their data. So it is a very serious issue. I am sorry to take so much time.

Mr. GILCHREST. Thank you very much.

I am going to yield—we may have a second round, but I will yield to the gentleman from New Jersey, Mr. Pallone.

Mr. PALLONE. Well, if Mr. Delaney would just elaborate a little on the last thing you said. You were talking about the stock assessment, and did you finish what you said?

Mr. DELANEY. Because of the lack of data and the failure of nations to submit data.

Mr. PALLONE. So this is the same issue that you raised, Mr. Hayes?

Mr. DELANEY. It is particularly acute for the eastern Atlantic bluefin stock, which really affects the western Atlantic stock as well.

Mr. PALLONE. I was going to ask Dr. Hogarth on the compliance issue, in your written testimony you say at one point that there are proposals for establishing a vessel monitoring system program and spelling out flag state duties pending before the Commission this year. Did you want to tell us a little bit about those? I think you mentioned it previously.

Dr. HOGARTH. Just a way of keeping up with some of these vessels, we have developed now a positive list so that you have to be on this list to sell fish, to be able to buy.

Part of this continuing compliance is to have vessel monitoring systems so that we can know what flag you are flying and to keep up with the vessels. It is part of the compliance, and it has been fought quite a bit, the vessel monitoring. A lot of the countries do not want these type of systems that can track you while you are fishing, the way you are fishing.

Mr. PALLONE. But is the Commission going to adopt this?

Dr. HOGARTH. We hope so.

Mr. PALLONE. That would happen at this meeting?

Dr. HOGARTH. This meeting.

Mr. PALLONE. So it is one of the things we could advocate when we are there, I guess.

Dr. HOGARTH. Yeah, you could. And let me tell you one story from what Glenn said about data. The U.S. sponsored—we put additional money this year into ICCAT to have a data workshop to look at the data. Of 37 nations, 7 showed up, and, you know, it is just—it is not being taken serious, and when you are doing—if you are exceeding your quotas and taking undersized fish, the stock assessment people go there and they cannot do the assessment. I was talking the other day to the stock assessment people, I said, well, what about bluefin tuna? At this rate that they are taking eastern bluefin tuna, aren't we in danger of losing the stock? They said, well, the data is so poor, we don't know; it could happen next year or the year after next. We just don't know.

Mr. PALLONE. Is the fact that the countries aren't conducting these stock assessments purposeful? In that they are trying to

avoid it, or they just don't have the resources that they have been allocating or what is the problem?

Dr. HOGARTH. Well, I think you are dealing with some developing countries, but one of the biggest reasons for not reporting is the European Union, they have—as I say, they have plenty of money. They contribute the most. They have the most countries. I think it is a matter of I think if you report it, then you have got to be accountable for it, and then you can do the stock assessments and really document what is happening. So if you don't report it, it doesn't give you—it doesn't make it easier for us to do the work that we have to do. So I think some of it is on purpose, to be honest with you.

Mr. PALLONE. Just not to be bothered and not to—

Dr. HOGARTH. Not to be bothered and not to present the data that you can make factual decisions based on it.

Mr. PALLONE. Mr. Hayes, when you were talking about compliance, you said that we needed measures that allow the states to prohibit directed ICCAT species if there is a violation of some other conservation measure. Give me some examples of that.

Mr. HAYES. Marlin I think is a good example, but let me—there is today a provision in the ICCAT conservation recommendations that essentially requires you to discard all white marlin basically. So let's assume that we have a country that its landings go right off the chart and we identify those landings. The measure today would be pretty much nonexistent. I mean, it would almost be a—we would have to go, we would have to identify the country, we would have to go through a reasonably long process to identify them and say you did wrong.

The question then is what measure could you take against them? Well, the measure is not going to be prevent the import of marlin, because there is no export of marlin. So let's assume that country A also has a very large catch of bigeye tuna that they export, let's say, to the United States. The United States could take actions to prevent, under what I would like to see, could take actions to prevent the import of bigeye tuna based on the violation that occurred to marlin. So what you would do is you are tying them together.

Now, I am not talking about extending it beyond measures which would apply to convention species, but I am talking about tying together all of the convention species.

Mr. PALLONE. And you would have a hard time getting support for that, I guess, huh? The Commission would have to adopt a rule?

Mr. HAYES. The Commission would clearly have to adopt a rule. They clearly would have to identify the violations. Those things would all have to occur, but it is, I think, one step beyond where we are today. There is no question that if you violate a bluefin tuna regulation internationally that individual states have unilateral authority to prevent the import of that bluefin tuna. Those rules are basically in place. The idea here is to go one step beyond that and deal with the conservation of other species for which there is no direct import.

Mr. PALLONE. Thank you.

Mr. GILCHREST. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, and I thank the members of the panel for their testimony. I wanted to ask Dr.

Hogarth, you mentioned that—what is the annual operating budget of ICCAT? I am pleading ignorance here. I don't know what the—

Dr. HOGARTH. I am going to have to plead ignorance also, but I will find that number and get it back to you.

Mr. FALEOMAVAEGA. You mentioned that the majority of the funding comes from the European Commission, and I gather that the application of the golden rule, he who has the gold makes the rule, so does this give reason why the EC seems to dominate the operations of ICCAT?

Dr. HOGARTH. I think that is the opinion, and when you have got that many countries that you can sort of control, I think it is easier to control the process. I mean, we met with him. The first thing he told us, he said, I contribute the most money, I catch the most fish, we expect to have the Executive Secretary, we expect to keep the bluefin tuna panel, and so we started from there.

Mr. FALEOMAVAEGA. So some 37 member countries contract with ICCAT. We are at a complete disadvantage in that regard because of the sheer numbers. One vote against 36, which predominantly, I presume they are all European, doesn't give us much leverage in terms of our concerns when we meet in these meetings. Am I wrong on this assessment?

Dr. HOGARTH. But the EC only gets one vote. Each country gets one vote basically, and we try to do things by consensus, but you are dealing with, you know, developing countries. I think we have a chance. We work well with Canada, Japan and others. So, you know, we have the opportunity, but it is a matter of making deals, as you all are well aware, and they can maybe do that easier. We caused some last year to have to pay for countries to stay because they were concerned of how the things were going to turn out. So we can have an influence.

Mr. FALEOMAVAEGA. Mr. Delaney, you had mentioned that it is only within the last 10 years that we have finally gotten more substance done by way of proposals within ICCAT meetings, that the Administration at that time really pushed hard to make some of these changes.

Does this seem to be the same trend of the current Administration's efforts to push just as hard as the predecessors?

Mr. DELANEY. Absolutely. In fact, I wish I had brought it with me, but there is sort of a graph showing the annual adoption—the number of measures that are adopted at ICCAT in each year, and it just continues to rise substantially, and I think this Administration—I don't know that it was necessarily a political thing, but I think that the Commissioners in particular who are leading the ICCAT delegation, changed dramatically in the early 1990s and came with a fresh and different perspective on what needed to be done. And I think that we were listening very closely to the affected constituents, to Members of Congress and sort of rolled up our sleeves and said we need to reform this dinosaur called ICCAT and try to make it work, because there is no alternative.

While Dr. Hogarth fears what might happen with regard to ICCAT and our future participation, he knows, as we all do, there really is no alternative. These are highly migratory species that have to be managed through international cooperation. There is no other way. So we have to make it work.

Mr. FALEOMAVAEGA. We have the Inter-American Tuna Commission out in La Jolla that manages somewhat the Latin American tuna fishing situation, and just last year or this year we have also signed off to a tuna convention that is composed of many of the Asian and Pacific Island countries. It all comes down to one theme, though, Mr. Delaney, is that a lot of rhetoric, but when it comes to enforcement, countries like Japan, very, very big fishing, industrial country, very reluctant to come forward. The question of observers on these vessels to make sure that there is compliance, I don't know if ICCAT does the same thing, but we are having problems with that, too.

So I happen to have the largest tuna canning facility in the world, and my humble prediction right now is that we are going to be iced out in another 10 years the same way that our textile industry is also going to be taken out by other countries, simply because we just don't have the proper measures to compete with lower labor costs from Third World countries. And they are demanding now that they export their tuna duty free to the United States, and so we are up against a real difficult situation. I suspect we have 110 swordfish fishing vessels from New England that are now based out of Hawaii simply because swordfish is out—is overfished in New England area. So we really have some very serious problems.

I would humbly suggest to Mr. Chairman that after the meeting of our members of the ICCAT, if they would come back, and we ought to have a follow-up hearing and tell us what you encounter, and maybe we can prepare the proper legislation to address those things that our friends there in Europe are not willing to deal with, and I certainly would support it.

Mr. GILCHREST. We will do that, Mr. Faleomavaega. We do have a vote on. Then I will yield at this point to the gentlelady from Guam.

Ms. BORDALLO. Thank you very much, Mr. Chairman. Thank you, gentlemen, for your testimonies.

Mr. Delaney, you mentioned in your written testimony that Taiwan's fishing practices leave a lot to be desired. Correct me if I am wrong, but Taiwan is not a member of ICCAT?

Mr. DELANEY. Actually, because of Taiwan's unusual political status as compared to other nations, they are not considered to be a contracting party to ICCAT. Nevertheless, they do have a special status conferred upon them that is somewhere between a nonmember and a contracting party, which does give them an opportunity to participate in ICCAT fisheries and be part of the management and conservation program.

Ms. BORDALLO. Well, who keeps an eye over them? It says Japan has pressured them to comply with ICCAT.

Mr. DELANEY. Right.

Ms. BORDALLO. Is that working?

Mr. DELANEY. Subject to ICCAT rules and regulations. I think because of the relationship between the Japanese fishing industry and the Taiwanese fishing industry historically, the Japanese government has had the capability to have more influence over the Taiwanese fishing industry than other nations have been able to.

However, my personal view is that the United States is in a position to exert very strong leverage on Taiwan and their practices, both inside and outside of ICCAT, and that this is a nation that has caused a great deal of problems for us at ICCAT and that while what I am saying may not be politically correct in all circles, if we are going to make ICCAT work, Taiwan needs to play by the rules and be treated with severity when they go off the—

Ms. BORDALLO. So will this be the discussion then at your next gathering?

Mr. DELANEY. I would hope so, and that is an area where I think we could use political support, to have you, the U.S. Government, feel that it has the wherewithal, the intestinal fortitude, if you will, to take on the Taiwanese issue.

Dr. HOGARTH. On that point real quick, the State Department just signed a sort of a memorandum of agreement to work with Taiwan—I don't know exactly what it is called—on some issues, and part of that is that they would be in compliance with their fishing regulations. So we will use this avenue because Taiwan is now fishing in Hawaii. They are everywhere, and they are expanding their fleets, and really we do have to help bring them in. So there is an avenue we have through the State Department.

Ms. BORDALLO. Thank you.

And my next question is for you, Dr. Hogarth. NOAA Fisheries more or less manages and regulates Pacific fishing for the Federal Government. Would that be a correct statement?

Dr. HOGARTH. Yes, ma'am.

Ms. BORDALLO. And the ICCAT mission is primarily for the Atlantic.

Dr. Hogarth, what is the level of international cooperation—

Mr. GILCHREST. Could I ask the gentlelady to yield, from Guam, just for 1 second?

Ms. BORDALLO. Yes.

Mr. GILCHREST. We have unfortunately four votes instead of one. That is going to be a considerable amount of time, and I know there are some members on the second panel that don't have that much time because we will be gone about 40 minutes. We will return, but I am going to ask Mr. Faleomavaega to chair the hearing until we come back so we don't have any disruption.

Mr. FALEOMAVAEGA. See, I have already voted, Mr. Chairman.

Ms. BORDALLO. I have, too. We are delegates. We don't vote.

Mr. FALEOMAVAEGA. That is what democracy is all about, Mr. Chairman.

Ms. BORDALLO. Let me repeat that question then.

Regarding the NOAA, they regulate Pacific fishing for the Federal Government, and ICCAT's mission is primarily for the Atlantic. What is the lever of international cooperation received by the United States in conserving the species of concern in the Pacific?

Dr. HOGARTH. Right now we are developing a new mechanism for the central Pacific in the multilateral conference and we were concerned that Japan was not a member of that, but they have recently agreed to become a part. So that is going to be, I think, a great avenue for the Pacific. And then we also have for the eastern tropical Pacific the international—the IATTC, and they have done pretty good work. In fact, they have a capacity control in there

now, which is one of the few organizations that get capacity in place.

So I think we have two mechanisms, and we have some individual scientific groups in the Pacific. So I think the concern there is how are we going to bring this together in the umbrella. We have got several small groups doing it, like the eastern tropical, western, central Pacific, but these fish don't recognize these lines; so we are going to have to develop an umbrella, so to speak, to get the various groups together. But I think we have a good mechanism in the Pacific, I really do.

Ms. BORDALLO. I was just thinking, inasmuch as you are the international group and most of the countries that belong to your commission, the Pacific, they are fishing in both the Atlantic and the Pacific, and I am wondering if maybe you should enhance the scope of your work and include the Pacific. I don't know whether that would be stepping on the toes of the NOAA fisheries, but it seems to me you are the international group, you have countries from all over the world now as part of your membership, and we are coming together.

As my colleague said, Mr. Faleomavaega, the next problem will be the Pacific Ocean where we will be discussing and addressing problems of overfishing. So I think that maybe you ought to include the Pacific and henceforth be known as "ICCAPT," if you might bring that up.

Dr. HOGARTH. Well, we did discuss recently, too, about how to get IATTC and ICCAT together on maybe some issues, but as we see these boats move so much—obviously they are moving, we have got them everywhere as we regulate fisheries, and I think FAO does some of this but I think we do have to look on a broad spectrum. NOAA Fisheries works with all of them. I am in NOAA Fisheries and ICCAT Commissioner, but we do work with all of them. So we have sort of a central theme within government, NOAA Fisheries, and we do that.

Ms. BORDALLO. It seems to me that ICCAT could enhance their mission and include the Pacific area, because as my colleague said, these vessels—they go from one ocean to another, and this is—it is going to happen very soon.

Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. [Presiding.] I want to thank Dr. Hogarth and Mr. Delaney and Mr. Hayes for your participation and statements this afternoon, and I really appreciate your coming to testify this afternoon.

For the next panel, we have Mr. Michael Genovese, commercial fisherman, and member of the U.S. ICCAT Advisory Committee; also Vice President of White Dove, Incorporated. Also Dr. John Graves, Chairman of the U.S. ICCAT Advisory Committee; Mr. Herb Moore, Jr., Director of Government Affairs at Recreational Fishing Alliance; and Mr. David Wilmot, Jr., member of the U.S. ICCAT Advisory Committee, Rising Tide Consulting.

I would like to ask Mr. Genovese to testify first. He has a very important engagement with his daughter's graduation, for which I would be more than happy to accommodate him for doing so, that he may testify first and that he will leave following his testimony. I understand that Mr. Moore is not here. He is probably stuck in

the security that we are having at the Cannon Building. But as the Chairman said earlier, gentlemen, it is not for lack of interest but because of the way the system is set up here in the Congress, these votes have to be taken. But I am sure that the Chairman and Mr. Pallone will be back as soon as possible.

MR. FALEOMAVAEGA. Mr. Genovese.

STATEMENT OF MICHAEL P. GENOVESE, SR., COMMERCIAL FISHERMAN AND MEMBER OF THE U.S. ICCAT ADVISORY COMMITTEE, VICE PRESIDENT OF WHITE DOVE, INC.

Mr. GENOVESE. Thank you, Mr. Chairman. Mr. Chairman, it is indeed a great privilege to provide this Committee with testimony on the upcoming critical meeting of the International Commission for the Conservation of Atlantic Tunas in Dublin, Ireland. I have been a commercial fisherman for 26 years. My fishing vessel, White Dove Too, is one of the five licensed U.S. purse seine vessels authorized to fish for giant Atlantic bluefin tuna.

I have been a member of the Advisory Committee to the U.S. section of ICCAT since around 1985, and at my own expense I have attended numerous international meetings of the Commission. Mr. Chairman, for at least the last decade the United States has been fortunate to have dedicated and talented U.S. Commissioners leading the U.S. delegation at ICCAT and pioneering highly complex multilateral compliance schemes and processes utilizing trade sanctions when justified.

Despite the tireless effort and remarkable development of important and basic fishery management instruments produced by these Commissioners, particularly the current Commissioners, Dr. Bill Hogarth, Mr. Glenn Delaney, and Mr. Robert Hayes, I am deeply troubled and concerned about the future of ICCAT and its ability to meet its conservation objectives, particularly with regards to eastern Atlantic bluefin tuna. Many eastern Atlantic countries must share responsibility for the current deplorable state of affairs, particularly with respect to the current management policies and compliance levels for eastern Atlantic bluefin tuna, but none bears a greater responsibility than the European Union.

The EU has almost single-handedly crafted and pushed through the most dangerous and outrageous 4-year plan for eastern bluefin that ignores scientific advice and also endangers the 1998 rebuilding plan for western Atlantic bluefin tuna.

Since 1996 ICCAT's Standing Committee on Research and Statistics, the SCRS, the scientific arm of ICCAT, has recommended that the catch of eastern Atlantic bluefin tuna be no more than 25 or 26,000 metric tons simply to stop the decline in the resource. Despite this very clear warning of resource peril, total combined catches of 90,374 metric tons were recorded for the years 1996 through 2000.

To provide some perspective, catches on our side of the Atlantic have been held by regulation mostly below 3,000 metric tons per year since 1981. This 90,000 metric ton overcatch in the East must be considered the minimum, given that the scientists repeatedly point out considerable underreporting, misreporting, and nonreporting by both member and nonmember countries fishing on eastern bluefin tuna. A most fundamental obligation of any fishing

nation is to provide accurate, detailed, and timely information on catches to allow scientists to conduct stock assessments.

With this backdrop, one can imagine the outrage of the U.S. Delegation at the 2001 ICCAT meeting when the EC unveiled its 4-year plan for quote "economic stability," unquote, with a starting and ending quota level of 32,600 metric tons. That is some 6,000 metric tons above the dire scientific advice.

With assistance of Canada, the U.S. rightly blocked the EC proposal by denying consensus in 2001. This outrageous eastern Atlantic bluefin tuna situation is jeopardizing the entire Atlantic and the resource in the western Atlantic recovery plan. The combination of fish migrations, unequal conservation standards in the East and the West, result in much of the western conservation sacrifices being squandered and, to say the least, U.S. fishermen are fed up with the 28-year-old situation. Gross levels of overfishing and noncompliance in the East must end.

Mr. Chairman, I believe this Committee can assist the U.S. delegation and improve the ICCAT process and achievement of the ICCAT mandate by moving on many of the recommendations suggested in the testimony of U.S. Commercial Commissioner Mr. Glenn Delaney at this hearing. U.S. Commissioners need support from the highest levels of the Administration and Congress to secure the necessary political leverage to change the political disposition among ICCAT players refusing to adopt minimal conservation standards and ethics. To do their job, the Commissioners require domestic and international recognition that international fishery conservation is a matter important enough to the U.S. Government that failure of nations to cooperate will affect their overall relations with the United States.

There can be no doubt that within the international fora for fisheries conservation, the U.S. is the leading voice for tough conservation standards and measures. We often lead by example, subjecting our fishermen to even greater fishing restrictions than our foreign counterparts. This is clearly the case in commercial and recreational fisheries for Atlantic swordfish and Atlantic bluefin tuna, but it is also an established biological reality that we are responsible for a very small portion of the mortality on these stocks.

We cannot successfully conserve these stocks unilaterally without cooperation of all of the major fishing nations. Those U.S. fishermen sacrificing under the burden of ICCAT restrictions have a right to expect that the U.S. Government will at least ensure that the fish caught in violation of ICCAT programs by contracting parties or by pirate IUU fishing vessels not be allowed to fairly compete with legitimate U.S.-caught fish in the United States markets.

Thank you very much for this opportunity to share my views on the necessary changes to achieve an effective and efficient and fair international conservation program at ICCAT.

[The prepared statement of Mr. Genovese follows:]

Statement of Michael P. Genovese, Commercial Fisherman, Member of the U.S. ICCAT Advisory Committee, and Vice President, White Dove, Inc.

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purse seine vessels authorized to fish for giant Atlantic bluefin tuna. I have been a member of the Advisory Committee to the U.S. Section to ICCAT since around 1985 and, at my own expense, I have attended numerous international meetings of the Commission.

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Many eastern Atlantic countries must share responsibility for the current deplorable state of affairs, particularly with respect to current management policies and compliance levels for eastern Atlantic bluefin tuna, but none bears a greater responsibility then the European Union. The European Union has almost singlehandedly crafted and pushed through a most dangerous and outrageous four-year plan for eastern bluefin that ignores scientific advice and also endangers the 1998-rebuilding plan for western Atlantic bluefin tuna. I want to review specifically the eastern bluefin tuna situation to illustrate for this Committee the potential and real magnitude of damage resulting from the EU's extremely poor leadership, lack of conservation ethic at ICCAT, and blatant refusal to heed clear and repeated scientific advice.

Since 1996 ICCAT's Standing Committee on Research and Statistics (SCRS—the scientific arm of ICCAT) has recommended that the catch of eastern Atlantic bluefin tuna be no more than 25 or 26,000 metric tons (MT) simply to stop the decline of the resource. Despite this very clear warning of resource peril, catches of 53,163, 48,988, 41,688, 35,116 and 36,419 MT were recorded for the years 1996 through 2000. In just this five-year period Mr. Chairman, catches in the eastern Atlantic (led by the E.U.) have exceeded the scientific advice by a stunning 90,374 MT. To provide some perspective, catches off our side of the Atlantic have been held by regulation mostly below 3,000 MT since 1981. This 90,000 MT of overcatch must be considered the minimum given that the scientists repeatedly point out considerable under-reporting, misreporting and non-reporting by both member and non-member countries fishing on eastern bluefin tuna.

Since 1975 ICCAT has had in place various minimum size measures in an attempt to protect juvenile fish and these have been openly and fragrantly ignored by longstanding directed fisheries in the Mediterranean Sea and Bay of Biscay. In 1998, ICCAT implemented a 3.2 kg (about a 7 lb. fish!) minimum size with no tolerance. The latest stock assessment by SCRS notes that 36% of the number of fish caught in the Mediterranean were less then 3.2 kg while 40% of the Mediterranean catch was under the historical 6.4 kg minimum size. ICCAT scientists continue to deplore the fact that catches of age 0 bluefin continue to flourish and be under-reported. To place this in perspective, off our shores it is illegal to sell any bluefin tuna less than 6'1" or about 200 lbs.! This is another example of the U.S. having a more restrictive conservation measure than any other country in the world.

In 2002 the E.U. committed to a major effort to bring under compliance the multitude of fisheries throughout the Mediterranean Sea and Bay of Biscay that target small undersize recognizing the great biological risk attendant a four-year quota plan greatly in excess of scientific advice. The EU needs to be pressured to provide the resources required to define and develop emergency restrictions ending massive noncompliance with longstanding ICCAT minimum size agreements.

A most fundamental obligation of any fishing nation is to provide accurate, detailed and timely information on catches to allow scientists to conduct stock assessments. Attached to my testimony are two pages from the 2002 latest stock assessment for eastern bluefin tuna which provides evidence of irresponsible behavior on the part of many eastern countries in not providing basic catch information. On the data issue the scientists have now issued this dire warning and I quote:

> "The Committee continues to be strongly concerned about the quality of the catch, effort and catch at size data available to conduct quantitative assessments for East Atlantic (and Mediterranean) bluefin tuna now and in the future. Unless this situation improves, the quality of the advice that the Committee can provide will continue to deteriorate."

In 2002 we learned that eastern fishing nations withheld at least 8,898 MT of catch from ICCAT preventing a better stock assessment. EC-Greece and EC-Italy

were among the offending non-reporting countries along with Morocco, Tunisia, Turkey and others.

And finally Mr. Chairman, on the grave status of the eastern bluefin resource the scientist offered this perspective:

> "The Committee is concerned about the status of East Atlantic (including Mediterranean) bluefin tuna resources in the light of assessment results; the historically high reported catches made in 1994-1997 (in excess of 46,000 MT 1994-97; and in excess of 50,000 MT in 1996), and possible underreporting since 1998. Analyses suggest that at current levels of recruitment and the present level of large and small-fish fisheries, catch levels of 26,000 MT or more are not sustainable over the long term."

With this backdrop, one can imagine the outrage of the U.S. delegation at the 2001 ICCAT meeting when the EC unveiled its four year plan for "economic stability" with a starting and ending quota level of 32,600 MT, some 6,000 MT above the most dire scientific advice. With the assistance of Canada, the U.S. rightly blocked the EC proposal by denying consensus in 2001. Not to be denied in their quest, the EC returned in 2002 with the same outrageous plan but also with a Machiavellian two-pronged strategy to overcome the expected U.S. resistance. They were prepared to pay supporting delegations costs to stay to the very end of the meeting and force a vote if necessary. Their backup strategy was to also force linkage of their controversial plan to other conservation agreements desired by the U.S. agreements. Not a single individual on the U.S. delegation wanted to see adoption of the 2002 EC four year biologically irresponsible plan and this opposition was made clear both in private and plenary meetings. But in the end the U.S. would have been powerless to prevent its effective implementation by an overwhelming vote.

Attached to my testimony is data from a Japanese bluefin purchasing company (with contractual obligations to purchase fish from the tuna farms) summarizing expected production from the Mediterranean tuna farms this year. In 2002 approximately 14,650 MT of bluefin tuna were exported from farms in the Mediterranean Sea. According to the attached estimate, the EC's four year "economic stability" plan has given rise to an increase of almost 7,000 MT of farm production to 21,600 in 2003, the first year of the plan. You will note the increased farm production includes Turkey, Malta and Cyprus (totaling 7,250 MT) and these are countries without any specific eastern quota, rather they share in a quota category labeled "Others" limited to a total catch of only 1,146. This allows an estimate of a total catch of 38,604 for 2003 or about 12,000 MT above the scientific advice.

Mr. Chairman, the rapid development of fish farms for bluefin tuna in the Mediterranean presents a further great threat to the collection of catch data and compliance with country quotas. The farms offer an exceptionally convenient cover or "black hole" to hide excessive catches by claiming fish growth in the pens and diverting excess production to domestic markets not well-known or restricted. At a minimum ICCAT needs to add fish farms to the registry of positive vessels allowed to trade in ICCAT species. This should only be done after such fish farms have provided clear evidence of implementation of an ICCAT developed transparent, verifiable accounting and tracking system for the weight, date, responsible fishing vessel and other pertinent data regarding fish introduced and removed to and from the pens.

Other estimates of the total Mediterranean 2003 catch suggests 50,000 MT may be exceeded again. U.S. dealers of bluefin tuna have reported unprecedented levels of Mediterranean production flooding the international marketplace including a dramatic rise in exports to the U.S. sashimi markets crushing growing U.S. dealer participation this year. Prices to U.S. fishermen have dropped precipitously from an average of above $10.00 lb. in the late 1990's to $2.00 or $3.00 lb this year. Many of the fish shipped to Japan this year by U.S. dealers have been sold for less then the costs of shipping. The oversupply caused by runaway fishing in the Mediterranean is obviously causing severe financial injury to U.S. fishermen and fish dealers and other supportive industries along the eastern seaboard.

This outrageous eastern Atlantic bluefin tuna situation is jeopardizing the entire Atlantic bluefin resource and the western Atlantic recovery plan. Earlier this week, the U.S. ICCAT Advisory Committee met and reviewed the latest high-tech electronic tagging data and the evidence is now exceptionally strong that mixing of fish between eastern and western fishing grounds is very extensive. The latest data demonstrates that 30% of the fish tagged off North Carolina travel to the Mediterranean Sea where they are subjected to this continuing slaughter. Western fish annually migrate to the central Atlantic again where they are subject to excessive eastern Atlantic catch levels. The combination of fish migrations and unequal conservation standards in the east and west results in much of the western conserva-

tion sacrifices being squandered and, to say the least, U.S. fishermen are fed-up with this 28 year old situation. Gross levels of overfishing and non-compliance in the east must end.

Mr. Chairman, I believe this Committee can assist the U.S. Delegation improve the ICCAT process and achievement of the ICCAT mandate by moving on many of the recommendations suggested earlier today in the testimony of the U.S. Commercial Commissioner Mr. Glenn Delaney at this Hearing. The fundamental problems are very clear and include: 1. the lack of political will among certain Nations to support generally accepted conservation standards and the consequent failure to agree on policies to achieve conservation objectives; 2. poor compliance records with established conservation agreements by some contracting parties; and, 3. a continuing problem with illegal, unregulated and unreported fishing (IUU and often referred to as "pirate fishing"). In the ICCAT context, the European Community, North African countries bounding the southern coast of the Mediterranean Sea (in particular Morocco) and Taiwan standout as countries lacking the political will to embrace the responsibilities of conserving our shared highly migratory resources.

The U.S. Commissioners need support from the highest levels of the Administration and Congress to secure the necessary political leverage required to change the political disposition among ICCAT players refusing to adopt minimal conservation standards and ethics. The threat and implementation of unilateral trade sanctions on fish and other products, foreign aid and linkage of cooperation on fishery matters to U.S. positions and actions on other issues of importance to the EC and other nations should all be on the table. To do their job, the Commissioners require domestic and international recognition that international fishery conservation is a matter important enough to the U.S. Government that failure to cooperate will affect your overall relations with the U.S. Countries need to know and experience that, if they undermine the effectiveness of an international conservation agreement, it will cost them in all their dealings and relationships with the U.S.

I urge this Committee to look carefully at Commissioner Delaney's recommendation to create a new U.S. Office of Fishery Trade Monitoring and Enforcement to allow development and implementation of comprehensive regime of trade measures including unilateral measures (as necessary and permitted under Pelly Act, Section 301 of the Trade Act of 1974 and ATCA) and market controls to effectively enforce ICCAT conservation programs. There are no international fish police to enforce ICCAT measures on the high seas. Instead, the marketplace for these species is the arena for effective ICCAT enforcement.

I would like to call the Committee's attention to an April 25, 2003, letter (attached) to the Honorable Pascal Lamy, European Community Commissioner for Trade from Secretary of Commerce Donald Evans protesting the EU's lack of political will to follow ICCAT scientific advice on the establishment of sustainable quotas for eastern Atlantic bluefin tuna. This letter represents a breakthrough for the U.S. Commissioners at ICCAT who have long sought support and action by the Administration to pressure the EU for more conservation leadership within ICCAT. The Commissioners' focus on the EU recognizes that the EU is the most significant harvester in nearly all of the species under ICCAT purview and because of the influence they maintain with North African countries. In this respect, the EU can either chose to set a powerful international example of resource stewardship or provide a terrible example and excuse for other countries not to comply.

The letter is a major step forward because it elevates ICCAT into the arena of serious bilateral trade relations and policy rather then just another fish or environmental issue. It remains to be seen whether this threat alone will influence a change in EU policies or whether further direct interventions by high-ranking officials within the Commerce and State Departments and implementation of trade sanctions will be required. We would hope this Committee could find additional avenues to influence further support within the Administration and elsewhere to pressure ICCAT parties for compliance.

Mr. Chairman, there can be no doubt that within international fora for fisheries conservation, the U.S. is the leading voice for tough conservation standards and measures. We often lead by example, subjecting our fishermen to even greater fishing restrictions than our foreign counterparts. This is clearly the case in our commercial and recreational fisheries for Atlantic swordfish and Atlantic bluefin tuna. But it is also established biological reality that we are responsible for a very small portion of mortality on these stocks and we cannot successfully conserve these stocks unilaterally without cooperation from all of the major fishing nations.

In the interest of having conservation programs be efficient and equitable it is clear to many in the fishing industry and many in government that the fastest and most effective way to improve the international conservation picture is for the U.S. to employ such legitimate trade sanctions against countries undermining the

effectiveness of international programs. Those U.S. fishermen sacrificing under the burden of ICCAT restrictions have a right to expect that the U.S. Government will, at least, insure that fish caught in violation of ICCAT programs by contracting parties or "pirate" IUU fishing vessels not be allowed to unfairly compete with legitimate U.S.-caught fish in U.S. markets.

Thank you, Mr. Chairman, for this opportunity to share my views on necessary changes to achieve an effective, efficient and fair international conservation program at ICCAT for our shared highly migratory resources.

[NOTE: The April 25, 2003, letter follows. Other attachments to Mr. Genovese's statement have been retained in the Committee's official files.]

THE SECRETARY OF COMMERCE
Washington, D.C. 20230

APR 25 2003

The Honorable Pascal Lamy
Commissioner for Trade
European Commission
Rue De La Loi 200
B-1049 Brussels, Belgium

Dear Commissioner Lamy:

I believe that the conservation of marine fisheries is of the utmost importance, for both commercial and environmental reasons. Although I am sure that the Commission generally shares this view, I am writing to express my serious concerns with the actions taken and positions adopted by the EU and EU member states with respect to the conservation of the migratory species covered by the International Convention for the Conservation of Atlantic Tunas (ICCAT). I also want to emphasize that the repercussions reach beyond concerns solely with the environment, as is often the case with fishing issues, because they have a direct effect on trade as well.

In particular, I am concerned that overfishing by EU member states is reducing stocks of ICCAT species below sustainable levels. Specifically, I was extremely disappointed that ICCAT agreed to an EU delegation proposal to set the Total Allowable Catch for Eastern Atlantic bluefin at 32,000 metric tons, which is 6,000 metric tons above the cap recommended by ICCAT's scientific advisory body. Support for such proposals undermines ICCAT's ability to effectively manage Atlantic stocks and threatens the viability of U.S. recreational and commercial fishing industries.

Positions such as these not only threaten the long-term future of our shared marine resources, but, as I noted, they also have the potential to lead to serious friction in U.S.-EU trade relations. In September 2002, the Recreational Fishing Alliance, an organization representing the U.S. sport fishing industry, filed a petition under Section 301 of the Trade Act of 1974 to address allegedly unjustifiable acts, policies and practices of the EU related to ICCAT. The 301 petition also alleged that EU subsidies to its fishing industry through the Common Fisheries Policy and its funding mechanism, the Financial Instrument for Fisheries Guidance (FIFG), are actionable under the WTO Agreement on Subsidies and Countervailing Measures. Although the Recreational Fishing Alliance withdrew its 301 petition prior to the October 2002 ICCAT meeting, it has expressed its intent to re-file the petition if its concerns are not addressed.

The EU is a world leader in supporting protection of the global environment and the sustainable use of natural resources. In the case of Atlantic fishing stocks, however, it appears that the actions and positions of the EU and its member states are at variance with these goals. I would like to work together with you so as to make ICCAT an effective steward of our shared Atlantic fisheries, and to prevent this issue from becoming another bilateral trade irritant. To that end, I

The Honorable Pascal Lamy
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urge you to take prompt action to improve EU compliance with existing ICCAT obligations and to re-consider accepting science-based conservation measures to guarantee a sustainable future for species like the Atlantic bluefin tuna and white marlin.

I have asked Grant Aldonas, Under Secretary for International Trade, to serve as a point of contact for this important issue, and would ask that you similarly designate an appropriate point of contact for the Commission.

As you know, the Administration is also interested in discussing opportunities for improving disciplines on worldwide fishing subsidies pursuant to the Doha Development Agenda, an objective, I trust, we both share. I look forward to cooperating with you to improve the U.S.-EU relationship on these matters.

Sincerely,

Donald L. Evans

cc: Ambassador Robert B. Zoellick
United States Trade Representative

cc: The Honorable Franz Fischler
Commissioner for Agriculture, Rural Development and Fisheries
European Commission

Mr. FALEOMAVAEGA. If Dr. Graves and Dr. Wilmot will wait for just a couple of minutes, we would like to ask Mr. Genovese a couple of questions before he leaves. Mr. Genovese, I just have a couple of questions and I am sure the gentlewoman from Guam has likewise.

You mentioned specifically the European Union as the culprit not only for noncompliance, but certainly it does not seem to give much credence to some of the standards that ICCAT has set up, and you suggested that maybe we need to do something about it. As you know, we passed this resolution yesterday—Mr. Saxton had introduced it—and in a very strongly worded provision suggested that maybe we ought to look at sanctions as a very serious option if these countries do not comply with some of the ICCAT standards.

What is your thinking along this line, Mr. Genovese?

Mr. GENOVESE. I think we need to hit them where it hurts, in their pocketbook. If the sanctions are able to go through, then it would maybe make them wake up and smell the coffee, because there is just too much going on over there that they don't want to be responsible for.

Mr. FALEOMAVAEGA. As a commercial fisherman yourself, what is your estimated value of the dollar of losses of our economic situation because of our compliance and yet at a disadvantage where these European Union countries are taking advantage of the situation, so to speak?

Mr. GENOVESE. It would be hard for me to say right off the cuff what it is overall, but just this year, for example, with ongoing fish

farming in the Mediterranean Sea and overproduction that we have numbers on right now—it is in my submitted document—our price of fish per pound has gone down 60 percent just this year.

Mr. FALEOMAVAEGA. Thank you. Ms. Bordallo?

Ms. BORDALLO. No questions.

Mr. FALEOMAVAEGA. Thank you, Mr. Genovese. Have a good trip and all the best at your daughter's graduation.

Mr. FALEOMAVAEGA.

STATEMENT OF JOHN E. GRAVES, CHAIRMAN, U.S. ICCAT ADVISORY COMMITTEE

Dr. GRAVES. Mr. Chairman and members of the Subcommittee, thank you for providing me the opportunity today to present testimony regarding the upcoming ICCAT meeting. I am John Graves, Chairman of the Department of Fishery Science at the Virginia Institute of Marine Science, College of William and Mary. I am also the Chair of the U.S. ICCAT Advisory Committee and have served in that capacity for the past 8 years.

The U.S. ICCAT Advisory Committee met from Sunday through Tuesday of this week to consider the assessments and recommendations of ICCAT's scientific body and to discuss a variety of issues and options that the United States could propose at this year's Commission meeting. The ICCAT Advisory Committee's informed deliberations historically provide a starting point for the development of U.S. positions at ICCAT. This year the Committee noted many items of high priority for the United States to pursue in Dublin and it also discussed many of the challenges that we will likely face in achieving our objectives.

For the past several years, we have been vocal advocates at ICCAT for conservation and sound fisheries management, but we have faced serious opposition from other members of the Commission. Late on the last day of the 2001 meeting in Murcia, Spain, the United States refused to support a punitive conservation recommendation for eastern Atlantic and Mediterranean bluefin tuna proposed by the European Community, a measure that would have allowed serious overfishing to continue for several years. In previous years the United States had agreed to such measures, in essence believing that a bad management measure was better than no measure at all, but this changed in 2001 when the United States delegation was unanimous in not supporting the proposed measure. The lack of consensus and plenary precipitated a vote from the floor, but without a quorum, the meeting ended in a meltdown and many of the pending conservation measures had to be adopted by a mail vote.

Last year promised to be an extremely busy year for ICCAT with assessments of western and eastern bluefin tuna, North Atlantic and South Atlantic swordfish, bigeye tuna, and white marlin. The United States came to the Commission meeting last year in Bilbao, Spain, ready to propose conservation measures for each of these stocks.

However, fallout from the previous year's meeting prevented us from attaining several of our objectives. The conduct of the ICCAT meeting changed. Upon our arrival, the U.S. Commissioners were informed that there would be limited discussion of country

positions in plenary session and that all measures would be linked together in a single package to be voted up or down. If necessary, there would be votes, but it was made quite clear that the votes would not favor the U.S. positions. In order to ensure that conservation measures continued on white marlin, a species that was petitioned to be listed under the Endangered Species Act, the United States had to agree to catch limits on the other stocks that were far from our conservation targets.

I must note here that it was only through the tenacity of our Commissioners that the catch limits were not higher. They did a commendable job under very difficult circumstances, but clearly the change in meeting conduct limited our ability to influence conservation measures for several stocks.

The U.S. ICCAT Advisory Committee is also concerned about the general lack of compliance by several parties to binding ICCAT conservation measures. For the past 6 years, a major focus of the U.S. delegations to ICCAT has been to develop, implement, and fine-tune a transparent process that ensures compliance with Commission catch limits, size limits, and other conservation measures. Each year parties are to submit their compliance tables prior to the start of the Commission meeting.

Compliance with this requirement has been abysmal. Only a few tables are available at the start of the meeting, and many that are submitted late do not contain the information necessary to evaluate compliance. This is especially true for determining compliance with minimum size limitations. It would appear that a member can simply avoid compliance by not submitting the required data.

The effects of the failure to submit data in a timely manner, if at all, is not limited to the compliance committee. It is a problem that is undermining the very foundation of ICCAT. Over the past few years, the lack of data has compromised several stock assessments by ICCAT's Standing Committee for Research and Statistics. Without such data, scientists are forced to make estimates about the total landings and size composition for nonreporting countries. This adds considerable uncertainty to stock assessment and the resulting scientific advice that is critical for fisheries management.

Of even greater concern is the realization that some countries may be submitting data of dubious quality. The Commission must ensure compliance with the timely submission of accurate data, the most fundamental responsibility for any nation that is a member of ICCAT.

Despite these many challenges ICCAT faces, it has made considerable progress over the past several years and the United States has played a major role in these advances. These include the rebuilding of North Atlantic swordfish, the implementation of a compliance regime, and the development of positive and negative fishing vessel lists that will hopefully close foreign markets to those who engage in illegal fishing practices. To be sure, progress is frustratingly slow at ICCAT, but it is the only game in town and we must make it work.

This year we will be taking a well-honed team to Dublin. The three U.S. Commissioners have proven to be determined and tireless negotiators for the U.S. positions. They will be supported by competent and dedicated staff comprised of individuals from

NMFS, NOAA, the Department of State, and the U.S. ICCAT Advisory Committee. We will undoubtedly encounter stiff opposition in the pursuit of our objectives. But when the dust is finally settled, I fully expect that we will once again have made progress toward the conservation and sound management of these pelagic resources.

Thank you, Mr. Chairman and members of the Subcommittee.

Mr. FALEOMAVAEGA. Thank you, Dr. Graves.

[The prepared statement of Dr. Graves follows:]

Statement of John E. Graves, Ph.D., Chair, Department of Fisheries Science, Virginia Institute of Marine Science, College of William and Mary, Chair, U.S. ICCAT Advisory Committee

Mr. Chairman and Members of the Subcommittee, thank you for providing me the opportunity today to present testimony regarding the upcoming 18th Regular Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) in Dublin, Ireland. I am Dr. John E. Graves, Chair of the Department of Fisheries Science at the Virginia Institute of Marine Science, College of William and Mary. I am also Chair of the U.S. ICCAT Advisory Committee and have served in that capacity for the past eight years.

The U.S. ICCAT Advisory Committee met from Sunday through Tuesday of this week to consider the assessments and recommendations of ICCAT's scientific body, the Standing Committee for Research and Statistics (SCRS), and to discuss a variety of issues and options that the United States could propose at this year's Commission meeting. The ICCAT Advisory Committee's informed deliberations historically provide a starting point for the development of U.S. positions at ICCAT. This year the Committee noted many items of high priority for the United States to pursue in Dublin, and it also discussed many of the challenges that we will likely face in achieving our objectives.

For the past several years we have been vocal advocates at ICCAT for conservation and sound fisheries management, but we have faced serious opposition from other members of the Commission. Late on the last day of the 2001 Commission meeting in Murcia, Spain, the United States refused to support a putative conservation recommendation for eastern Atlantic and Mediterranean bluefin tuna proposed by the European Community, a measure that would have allowed serious overfishing to continue for several years. In previous years the United States had agreed to such measures, in essence believing that a bad management measure was better than no measure at all. But this changed in 2001 when the U.S. delegation was unanimous in not supporting the proposed measure. The lack of consensus precipitated a vote from the floor, but without a quorum, the meeting ended in a meltdown, and many of the pending conservation measures had to be adopted by a mail vote.

Last year promised to be an extremely busy year for ICCAT, with assessments of western and eastern Atlantic bluefin tuna, North Atlantic and South Atlantic swordfish, bigeye tuna, and white marlin. The United States came to the Commission meeting in Bilbao, Spain, ready to propose conservation measures for each of these stocks; however, fallout from the previous year's meeting prevented us from attaining several of our objectives. Upon our arrival the U.S. Commissioners were informed that there would be limited discussion of country positions in plenary, and that all measures would be linked in a package. If necessary, there would be votes, but it was made quite clear that the votes would not favor the U.S. positions. In order to ensure that conservation measures continued on white marlin, a species that was petitioned to be listed under the Endangered Species Act, the United States had to agree to catch limits on the other stocks that were far from our conservative targets. I must note here that it was only through the tenacity of our Commissioners that the catch limits were not higher. They did a commendable job under very difficult circumstances. Clearly, the change in meeting conduct limited our ability to influence conservation measures for several stocks.

The U.S. ICCAT Advisory Committee is concerned about the general lack of compliance by several parties to binding ICCAT conservation measures. For the past six years a major focus of the U.S. delegations to ICCAT has been to develop, implement, and fine-tune a transparent process that ensures compliance with Commission catch limits, size limits, and other conservation measures. Each year parties are to submit their compliance tables prior to the start of the Commission meeting. Compliance with this requirement has been abysmal. Only a few tables are available at the start of the meeting, and many that are submitted late do not contain

the information necessary to evaluate compliance. This is especially true for determining compliance with minimum size limitations. It would appear that a member can simply avoid compliance by not submitting the required data.

The effects of the failure to submit data in a timely manner, if at all, is not limited to the Compliance Committee. It is a problem that is undermining the very foundation of ICCAT. Over the past few years the lack of data has compromised several stock assessments by ICCAT's Standing Committee for Research and Statistics. Without such data, scientists are forced to make estimates about the total landings and size composition for non-reporting countries. This adds considerable uncertainty to the stock assessment and the resulting scientific advice that is critical for effective fisheries management. Of even greater concern is the realization that some countries may be submitting data of dubious quality. The Commission must ensure compliance with the timely submission of accurate data—the most fundamental responsibility for any nation that is a member of ICCAT.

Despite the many challenges ICCAT faces, it has made considerable progress over the past several years and the United States has played a major role in these advances. These include the rebuilding of the North Atlantic swordfish stock, the implementation of a compliance regime, and the development of positive and negative fishing vessel lists that will close foreign markets to those who engage in illegal fishing practices. To be sure, progress is frustratingly slow at ICCAT, but it is the only game in town and we have to make it work.

This year we will be taking a well-honed team to Dublin. The three U.S. Commissioners have proven to be determined and tireless negotiators for the U.S. positions. They will be supported by a competent and dedicated staff comprising individuals from NMFS, NOAA, the Department of State, and the U.S. ICCAT Advisory Committee. We will undoubtedly encounter stiff opposition in the pursuit of our objectives, but when the dust has finally settled I fully expect that we will once again have made progress towards the conservation and sound management of these pelagic resources.

Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. I would like to hear from Dr. Wilmot now. And welcome Mr. Moore, who has just made it.

STATEMENT OF DAVID B. WILMOT, JR., MEMBER OF THE U.S. ICCAT ADVISORY COMMITTEE, RISING TIDE CONSULTING

Dr. WILMOT. Mr. Chairman and members of the Subcommittee, my name is David Wilmot, and I appreciate this opportunity to testify today. For the past decade, I have worked to improve the conservation and management of Atlantic and Pacific migratory fish. I serve as a member of the U.S. ICCAT Advisory Committee and have served on the U.S. delegation to ICCAT numerous times.

Looking to the upcoming ICCAT meeting and beyond, there are several issues that will require the United States' attention. In my written testimony I described the conservation community's priorities in detail, but today I would like to focus only on our top priority, the conservation of white and blue marlin.

At the risk of repeating some of the important points already made, however, I would like to share a few observations. During my years of involvement, I have seen many changes at ICCAT. While progress has been made, the Commission continues to struggle to control overfishing and protect the fish and fisheries under its purview.

ICCAT's list of managed species is a who's who of overexploited fish. With the exception of North Atlantic swordfish, which are under an effective rebuilding plan and making rapid recovery, many species, including marlin and bluefin tuna, stand at or near historic low population levels.

To its credit, the United States has been the leading voice for conservation and sustainable fisheries at ICCAT. The United

States has consistently gone to ICCAT and demonstrated its commitment to conservation. While we have not agreed on every position taken by the U.S., the environmental community has agreed with most, and we recognize that current ICCAT conservation measures would not exist without the strong and determined leadership of the United States. Yet in too many instances, ICCAT's conservation and management measures have fallen short of what was needed because we were thwarted by other ICCAT members.

You have heard speaker after speaker today describe the problem of noncompliance and heard a rising tide of frustration. We share the frustration, and we agree that it is time to act. I will simply—rather than go into the details that have already been well articulated, Mr. Delaney I think really hit it on the head: that until there are painful consequences, these countries will not change how they do business. There is no reason for them to change how they do business, and many good ideas were articulated here today that we endorse.

We believe that the top priority of the United States at ICCAT over the next few years is the conservation of Atlantic billfish. Because of the dire condition of these fish and the difficult challenge of managing a bycatch species, halting overfishing and rebuilding marlin populations will require continued aggressive leadership by the United States. Populations of blue and white marlin in the Atlantic are at historic lows. White marlin has the inauspicious distinction of being the most overfished and depleted ICCAT species. Although recently denied for listing as a threatened or endangered species, the white marlin remains a candidate for listing under the Endangered Species Act.

Improving the conservation of marlin has been a slow and difficult process. Yet the United States, with strong support from the environmental, recreational and commercial sectors, has won some hard-fought advances. It remains unclear if the measures are enough to halt overfishing. Moreover, as with every ICCAT measure, compliance is a problem. Nevertheless, even prohibiting all landings for marlin and achieving perfect compliance would not necessarily recover these species, as they will continue to be caught and killed when commercial longliners and purse seiners are fishing for swordfish and tuna.

The conservation community believes that the only viable method of recovering marlin stocks in the Atlantic is a combination of strict landing limits and international time-area closures where marlin congregate to feed and spawn. The United States is already successfully using this approach domestically. I will also add that we do not have any illusions as to the difficulty of this within ICCAT and would add that gear modifications are also going to be an important part of moving this forward.

But the bottom line is that U.S. fishermen, recreational and commercial, have led by example in billfish conservation. It is now time to demand more from other nations fishing in the Atlantic who are responsible for over 95 percent of the marlin mortality.

The next ICCAT stock assessment for marlin is not until 2005. Considering the slow pace of progress at ICCAT, 2005 is just a moment away; therefore the next three meetings beginning this year will be critical to the future of marlin. Advancing international

longline closures at ICCAT will take dedicated and prolonged leadership from the U.S. because most other countries are opposed to placing restrictions on their longline fleets in order to conserve ICCAT species. In fact, there will be continued resistance of all marlin conservation measures by several key ICCAT members. Protecting current conservation measures and achieving additional ones including time-area closures will be difficult but necessary to protect marlin. We ask Congress and the Administration to make marlin conservation a top priority between now and 2005. Our united mission must be to get the strongest possible conservation of blue and white marlin, including a long-term rebuilding plan.

The United States must continue to help fishery officials from other countries understand how important billfish are to U.S. citizens and to the U.S. economy and give marlin the same level of attention and determination that has been enjoyed by bluefin tuna and swordfish in past meetings.

Thank you for this opportunity to testify and for considering my views.

Mr. FALEOMAVAEGA. Thank you, Dr. Wilmot.

[The prepared statement of Dr. Wilmot follows:]

Statement of David Wilmot, Ph.D., Member, U.S. ICCAT Advisory Committee, Co-Founder/Principal, Rising Tide Consulting

Mr. Chairman, my name is David Wilmot and I appreciate this opportunity to testify regarding the United States participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT). I will focus my testimony on issues of importance to the conservation community and our suggested priorities for the United States at this year's ICCAT meeting in Dublin, Ireland.

I am the co-founder and principal of Rising Tide Consulting. For the past decade I have been actively working to improve the conservation and management of Atlantic highly migratory fishes, in particular Atlantic highly migratory species (HMS). I served as Director of the Ocean Wildlife Campaign, a coalition of environmental organizations and leading voice for conserving big fish, from 1995 through 2002. I currently serve as a member of the ICCAT Advisory Committee, as well as NMFS' HMS Advisory Panel, and have served on the U.S. Delegation to ICCAT numerous times.

During my years of involvement, I have seen many changes at ICCAT. While progress has been made on specific fronts, the Commission continues to struggle to control overfishing and protect the fish and fisheries under its purview. ICCAT's list of managed species is a Who's Who of overexploited fish. With the exception of North Atlantic swordfish, which are under an effective rebuilding plan and making a rapid recovery, many species, including marlin and bluefin tuna, stand at or near historic low population levels. In addition, compliance with fundamental Commission obligations including data collection and reporting, as well as critical conservation measures such a quota limits, remains poor, and, in some cases, is actually getting worse.

While ICCAT's poor track record has brought its very credibility into question, to its credit, the United States has worked to strengthen the Commission and has been the leading voice for conservation and sustainable fisheries (Canada also deserves mention for a strong conservation record). The United States has consistently gone to ICCAT and demonstrated that its commitment to domestic conservation goals also applies internationally. While the environmental community has not agreed with every position taken by the United States, we have agreed with the majority of positions and recognize that current ICCAT conservation measures would NOT exist, without the strong and determined leadership of the United States. Yet, in too many instances ICCAT's conservation and management measures have fallen short of what was needed because we were thwarted by other ICCAT members. In many cases, key fishing parties such as the European Community and Japan block our efforts, or worse, they agree on paper but do not follow through in practice. The result is a rising tide of frustration among all sectors in the United States and ever increasing threats to the fish. The conservation community shares the frustration and wonders if ICCAT members will ever find the political will to do what is nec-

essary. Yet, like the other sectors, my community remains committed to working to achieve management and conservation measures that will ensure sustainable Atlantic HMS fisheries.

Looking to the upcoming meeting and beyond, there are several issues that will require the United States' attention. These include: (1) conservation of white and blue marlin; (2) continuing rebuilding of North Atlantic swordfish; (3) halting overfishing of bluefin tuna and rebuilding both eastern and western populations; (4) improving information on bycatch species including sharks; and last, but not least, (5) improving compliance with existing and future conservation and management measures.

Marlin Conservation

We believe the top priority of the United States at ICCAT over the next few years is the conservation of Atlantic billfish, specifically blue and white marlin. Because of the dire condition of these fish, and the difficult challenge of managing a bycatch species, halting overfishing and rebuilding marlin populations will require continued aggressive leadership by the United States.

Populations of blue and white marlin in the Atlantic are at historic lows. White marlin has the inauspicious distinction of being the most overfished and depleted ICCAT species. The white marlin population currently stands at only about 14% of the level needed to produce MSY and is being fished at a rate more than 8 times a sustainable level. Although recently denied for listing as a threatened or endangered species, the white marlin remains a Candidate Species for listing under the U.S. Endangered Species Act (ESA). In fact, another ESA review is scheduled for 2007. Blue marlin populations have also been reduced dramatically and continue to be subjected to overfishing.

Improving the conservation of marlin has been a slow and difficult process, yet the United States, with strong support from the environmental, recreational, and commercial sectors, has won some hard-fought advances. Current ICCAT regulations strictly limit landings and promote the voluntary release of marlin. These conservation measures have not been in place long enough for the SCRS to evaluate their effectiveness. Moreover, as with virtually every ICCAT measure, compliance is a problem. Nevertheless, even prohibiting all landings for marlin and achieving perfect compliance would not necessarily recover these species, as they will continue to be caught and killed when commercial long-liners and purse seiners are fishing for swordfish and tuna.

The conservation community believes the only viable method of recovering marlin stocks in the Atlantic is a combination of strict landings limits and international time-area closures to longline and other indiscriminate fishing methods where marlin congregate to feed and spawn. The United States is already using this approach domestically to reduce marlin bycatch by closing known "hot spots" off the southeastern United States, and in the Gulf of Mexico. While designed primarily to reduce underage swordfish discards, preliminary results are encouraging for marlin—indicating the closures are effective in reducing bycatch mortality of blue and white marlin.

The U.S. should continue to monitor the effectiveness of domestic time-area closures and make sure they remain in place (and are adjusted as necessary). We should also continue to investigate potential gear modifications that will minimize interactions with billfish and enhance the survival of released billfish. U.S. fishermen—recreational and commercial—have led by example in billfish conservation. It is now time to demand more from other nations fishing in the Atlantic Ocean because they are responsible for over 95% of the mortality of billfish mortality.

The next ICCAT marlin stock assessment is not until 2005. At that time, Phase II of the so-called marlin rebuilding plan, which requires development of specific timetables to rebuild both white and blue marlin to levels that will support MSY, is scheduled to begin. Considering the slow pace of progress at ICCAT, 2005 is just a moment away. Therefore, the next three ICCAT meetings (beginning this year) will be critical to the future of white and blue marlin. Advancing international longline closures at ICCAT will take dedicated and prolonged leadership from the United States because most other countries are opposed to placing restrictions on their longline fleets in order to conserve bycatch species. In fact, there will be continued resistance to all marlin conservation measures by several key ICCAT members. Protecting current conservation measures and achieving additional ones including time-area closures will be difficult, but necessary to protect marlin.

We ask Congress to insist that the U.S. delegation to ICCAT, at each meeting between now and 2005, including the upcoming ICCAT meeting, be united in its mission—to get the strongest possible conservation of blue and white marlin as part of a long-range billfish rebuilding program when the commission reviews the next

scheduled assessment following the 2005 assessment and develops a long-range billfish rebuilding program.

Continue Rebuilding Swordfish

All indications are that North Atlantic swordfish is on its way to recovery. In fact, the population may already have rebuilt to a level that can support MSY. While too early to declare complete victory, swordfish recovery is a true success story and one for which the United States—including conservationists and fishermen—deserve credit.

While there is no new assessment this year and no action is needed on the rebuilding plan, a couple of issues deserve brief mention. First, as a result of the implementation of critical domestic measures to rebuild swordfish and minimize bycatch of undersized swordfish, bluefin tuna, sea turtles, and other species, the commercial (and recreational to a lesser extent) fleet has been undergoing a major transition. One result of this transition has been the inability of the United States fleets to catch the ICCAT-designated swordfish quota.

We feel strongly that the United States should not be "punished" for taking necessary and effective measures to conserve swordfish and reduce bycatch. The United States should defend and protect the U.S. North Atlantic swordfish quota, (including all underages).

In addition, if the United States pursues a change from the current ICCAT minimum size regulation, it should use the opportunity to highlight to other ICCAT members the potential benefits of time and area closures. We also suggest the United States make clear to other countries that all live, undersized fish will be released, the U.S. long-liners and only dead fish landed.

Improving Conservation of Bluefin Tuna

The conservation community has not been happy with the risk-prone management that the United States has successfully advanced at ICCAT for Western bluefin tuna. As there is not a new assessment for Western bluefin tuna, and the quota is not open to discussion this year, this debate should wait for another day. There is, however, an important one-day meeting just prior to the Commission meeting in Dublin, Ireland, that is critically important for the future of bluefin tuna. Results presented to the ICCAT Advisory Committee by Stanford Professor Dr. Barbara Block on her excellent multi-year Tag-A-Giant Program provide important and compelling evidence that there are indeed two separate stocks of Atlantic bluefin tuna, and that more needs to be done to protect western bluefin, in particular on the feeding grounds in the central Atlantic. Without debating mixing models and spawning sites, let me simply say that the United States should begin what will be a long and difficult process of achieving a more ecologically realistic management strategy for bluefin tuna.

We encourage the United States to continue the process of moving to more ecologically realistic management including support for moving the line to the east (to 30 degrees for example). However, we strongly urge more attention be paid to ensuring all actions are risk averse for the severely depleted and small western population (as compared to the depleted, but extremely large, population in east). The goal of management changes must be to improve the status of the western population and to speed potential recovery (as opposed to getting a quota increase in the west).

Compliance

Continued lack of real progress on this issue has the potential to destroy ICCAT. I am certain that others will provide detailed testimony on ICCAT's many shortcomings in this area and present ideas for improvement. We have supported and will continue to support U.S. leadership as it works to bring member nations in line with fulfilling their obligations regarding data collection and reports, as well as adhering to quotas, landing limits, minimum sizes and all of other conservation measures. I will add that, until there is a legitimate consequence to bad behavior, ICCAT members (and more join every year because being a member has its benefits—fish without consequences) will continue to flaunt the rules. And considering some of the worst offenders hold leadership positions in the Commission, this is a difficult issue.

Sharks and Sea Turtles

In recent years, we have urged the United States to introduce various resolutions designed to remind ICCAT members of their obligations (in most cases, FAO agreements) regarding species killed as bycatch in ICCAT fisheries, including seabirds, sharks, and sea turtles. The United States has shown leadership on this issue and has had some success. One such resolution on sea turtles will be up for adoption this year. We strongly encourage the U.S. Delegation to support the sea turtle

resolution. All sea turtle species are listed as either threatened or endangered under the Endangered Species Act, and reducing bycatch in HMS fisheries should be treated with urgency to avoid the devastating leatherback declines we've seen in the Pacific. The United States has taken dramatic domestic measures to reduce turtle catch, but sea turtles cannot be saved without multilateral action. The United States has championed this issue, and we look forward to adopting the resolution this year.

ICCAT is scheduled to perform its first-ever shark assessment in the spring of 2004. They plan to evaluate the population status of blue and mako sharks. Considering blue sharks are the most common bycatch species on pelagic longlines targeting tunas and swordfish, and the fact that shark species have proven to be particularly vulnerable to overfishing because of their life history characteristics, this assessment, while proactive, is long overdue. We encourage the U.S. Delegation to remind parties at this year's ICCAT meeting that they have a responsibility to provide catch data essential to complete the assessment. The assessment was originally scheduled for 2002 so the United States should also make sure that no additional delays occur.

Conclusion

The conservation community urges Congress (and the Administration) to make marlin conservation the top priority at ICCAT through the 2005 meeting. The United States must continue to help fishery officials from other countries understand how important billfish are to U.S. citizens and the U.S. economy, and give marlin the same level of attention and determination that is enjoyed by bluefin tuna and swordfish in the past.

In addition to knowing what we want to accomplish, given the political milieu within ICCAT, we must have a coordinated strategy for achieving it. U.S. interests and Atlantic HMS needs an effective ICCAT. To repeat the current trends are simply not sustainable. An effective ICCAT will come about only if the United States and like-minded members, such as Canada, are even more successful in advancing their conservation agendas.

I believe there are lessons to be learned from the European Community. Taking a page out of the EU's playbook, by developing a more aggressive, comprehensive, and long-term strategy to reshape HMS fisheries conservation and management at ICCAT and around the world may get us closer to an effective ICCAT. The EU is particularly effective at blunting our conservation efforts within ICCAT (how else could the fiasco that is eastern bluefin tuna management be described?), as well as other international fisheries management bodies. I believe that involvement of the U.S. Congress can help set and advance such a strategy. The conservation community looks forward to doing our part and helping the United States achieve real and lasting conservation for HMS at this meeting and in the future.

Thank you for holding this hearing, for your interest in improving conservation through ICCAT, and for considering my comments.

Mr. FALEOMAVAEGA. Mr. Moore.

STATEMENT OF HERB MOORE, JR., DIRECTOR OF GOVERNMENT AFFAIRS, RECREATIONAL FISHING ALLIANCE

Mr. MOORE. Thank you, Mr. Chairman and members of this Committee. My name is Herb Moore. I am Counsel and Director of Government Affairs at the Recreational Fishing Alliance. I want to thank you for the opportunity to testify here this afternoon. It is truly an honor and a privilege to be here before you, and I want to apologize for arriving late. I ran into some difficulties this afternoon with buildings being on lockdown.

The Recreational Fishing Alliance is a national grassroots, political action organization representing individual recreational fishermen and the recreational fishing industry. Our mission is to safeguard the rights of individual saltwater anglers, to protect jobs in the marine, boat and tackle industry, and to ensure the long-term sustainability of our Nation's saltwater fisheries.

Atlantic HMS, as has been touched on a little earlier, have tremendous social and economic value to our Nation. Tens of

thousands of individuals pursue HMS to enhance their quality of life, and a multi-billion-dollar industry depends on the health of these stocks. Commercial overfishing species such as blue and white marlin and bluefin tuna threatens to completely undermine this sector. Actions must be taken through ICCAT to prevent this from happening.

The U.S. recreational fishing sector has a right to expect foreign governments to live up to their treaty obligations. Currently a number of contracting nations in ICCAT simply aren't living up to their obligations. The U.S. must take stronger steps to assert the interests of the recreational fishing industry at ICCAT.

Most contracting nations at ICCAT have large commercial fisheries with small recreational components which largely aren't involved in the process. The U.S. has the opposite. We have a large recreational fishery with a smaller commercial fishery. This point must be recognized by the entire U.S. delegation, and it must be driven home to all ICCAT delegations. There is a major cultural and economic difference between the U.S. and other contracting nations.

Recreational fishing is more than strictly fishing for sport or pleasure, and we would like to see that point driven home at ICCAT. To illustrate, according to the National Marine Fishery Service's HMS data base, there are currently 18,453 HMS angling permit holders and 4,078 HMS Charter/Headboat permit holders which carry recreational anglers, versus 298 swordfish-directed or incidental longline permit holders here in the U.S.

Now, by no means are we attempting to devalue the U.S. commercial fishery. We have a very strong relationship with East Coast Tuna, who was represented on this panel earlier, and a number of other commercial fishing organizations. In fact, we feel that working together is really how we are going to get our goals accomplished.

However, we feel like they are actually a step ahead of us in the game in that they are recognized as an industry, they are recognized for their economic contribution to this Nation, and they are recognized for the jobs that are at stake, and the recreational fishing sector needs to be at that level. This recognition needs to be more than lip service. It needs to be reflected in policy, particularly policy at ICCAT.

Our Nation has got a vast sector of boat builders that manufacture fishing vessels specifically geared toward targeting HMS. We have fishing tackle manufacturers that make a variety of goods that are specifically geared toward targeting HMS, all under the purview of ICCAT. Party and charter boat business regularly take clients out into U.S. waters to fish for HMS, generating millions of dollars in tourism for our coastal communities. Bait and tackle retailers sell goods, offer services to these anglers, generating a tremendous amount of money in this country. Marinas offer dockage, fuel, services to recreational fishing vessels targeting HMS.

A variety of other businesses in coastal communities are also heavily dependent upon recreational fishing. For example, the Viking Yacht Company in New Gretna, New Jersey, in Mr. Saxton's district, employs over 1,200 people who build a hundred yachts a year specifically geared toward targeting HMS. There are also a

number of annual HMS tournaments such as the Ocean City White Marlin open in Mr. Gilchrest's district, where over 400 recreational vessels fish each year targeting HMS, contributing over $20 million to Ocean City, Maryland in 1 week. These fishermen have a strong voluntary conservation ethic and employ gear, rod-and-reel fishing gear, which traditionally hasn't led to overfishing. For example, recreational fishermen who target marlin release over 98 percent of the fish they encounter.

Last year the RFA filed a petition under Section 301 of the Trade Act of 1974, asserting that other nations' noncompliance with ICCAT is harming U.S. commerce and that these nations need to be pushed to comply with ICCAT under the threat of sanctions. We don't want to see sanctions on our friends, particularly in light of what else is going on in the world; however, we do want them to take ICCAT seriously. We want them to understand what conservation means to the recreational and the fishing industries in this country.

The ICCAT convention is a trade agreement. It sets quotas and conservation measures which limit the harvest of HMS, limits and has an effect on the play of competitive market forces. Therefore, it is a trade agreement.

Foreign noncompliance with ICCAT is a major burden on U.S. commerce, and this point cannot be overlooked. By severely reducing fishing opportunities for the recreational fishing industry, such as highly migratory species as white marlin and bluefin tuna become harder and harder to catch, the failure of foreign ICCAT signatories to comply with catch limits and quotas has resulted in increasing restrictions on U.S. Fishermen; for example, current regulations on our recreational fishermen to retain only one bluefin tuna per person per trip during a short season; one swordfish per person per trip, with a maximum of three per vessel; three yellowfin tuna per person per trip.

Depleted stocks of HMS, because of foreign overfishing combined with these restrictions, have resulted in significant harm to the recreational fishing industry. Less fish plus more regulation equals significantly less participation. Less participation equals significantly less commerce for our Nation.

Major U.S. commerce depends on the conservation of HMS. However, the U.S. has traditionally undervalued the U.S. recreational fishing sector. The U.S. must begin viewing ICCAT as a trade agreement as well as a conservation agreement, considering the impact that ICCAT has on U.S. Commerce. With this in mind, the U.S. must work to ensure that other nations are complying with ICCAT. There is a multi-billion-dollar recreational fishing industry at stake.

We agree with some suggestions that were made earlier that a high-level trade office must be engaged in ICCAT to work with Dr. Hogarth and his team to achieve our goals. Grant Aldonis, Under Secretary of Commerce for International Trade, is engaged in the issue, and we feel like this is a level that it needs to be at, an international trade expert advocating for U.S. business, recreational and commercial.

Finally, I would like to commend this Committee for passing H.Con.Res. 268. I feel like it is a fantastic step in the right

direction and hopefully it can be a springboard to achieving our goals at ICCAT.

Thank you again, and I would be happy to answer any questions that you may have.

Mr. FALEOMAVAEGA. Thank you Mr. Moore.

[The prepared statement of Mr. Moore follows:]

Statement of Herb Moore, Jr., Counsel and Director of Government Affairs, Recreational Fishing Alliance

I. INTRODUCTION

The Recreational Fishing Alliance (RFA) is a national, grassroots political action organization representing individual recreational fishermen and the recreational fishing industry. The RFA Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs, and ensure the long-term sustainability of our Nation's saltwater fisheries. RFA members include individual anglers, boat builders, fishing tackle manufacturers, party and charter boat businesses, bait and tackle retailers, marinas, and many other businesses in fishing communities.

The Atlantic recreational highly migratory species (HMS) fisheries have tremendous social and economic value to the U.S. Tens of thousands of individuals enhance their quality of life by fishing for HMS and a multi-billion-dollar industry depends on the health of HMS stocks. Commercial overfishing of species such as blue and white marlin and bluefin tuna threatens to completely undermine this sector. Actions must be taken through ICCAT to ensure that this does not happen.

The U.S. recreational fishing sector has a right to expect foreign governments to live up to their treaty obligations. A number of contracting nations have not lived up to their obligations under the International Convention for the Conservation of Atlantic Tunas ("ICCAT"). The U.S. must take stronger steps to assert the interests of the recreational fishing industry through ICCAT.

II. ECONOMICS OF RECREATIONAL HMS FISHERIES

While recreational fishing for highly migratory species such as marlin, sailfish, swordfish and tuna is a specialized segment of the recreational fishing sector, it has a major impact on our Nation's economy and quality of life. Most contracting nations to ICCAT have large commercial fisheries with small recreational components. The U.S. is the opposite; we have large recreational fisheries with smaller commercial fisheries. This point must be recognized and driven home to all ICCAT delegations.

To illustrate, according to the NMFS HMS database, there are currently 18,453 HMS Angling Permit holders and 4,078 HMS Charter/Headboat Permit holders (which carry recreational anglers) vs. 298 Swordfish Directed or Incidental Longline Permit holders.

There is a vast segment of boat builders, fishing tackle manufacturers, party and charter boat businesses, bait and tackle retailers, marinas, and many other businesses in fishing communities which cater specifically to recreational fishermen who fish for Atlantic HMS. Individual anglers fish recreationally for marlin, sailfish, swordfish and tuna in U.S. waters to enhance their quality of life. Boat builders manufacture recreational fishing vessels that are specifically designed and primarily used to fish for the species under the purview of ICCAT. Fishing tackle manufacturers make a variety of goods that are used by recreational fishermen to fish for the species under the purview of ICCAT. Party and charter boat businesses regularly take clients out in U.S. waters to fish for the species under the purview of ICCAT. Bait and tackle retailers sell goods and offer services to recreational fishermen to fish for the species under the purview of ICCAT. Marinas offer dockage, fuel, and services to recreational fishing vessels that target the species under the purview of ICCAT. A variety of other businesses in coastal communities are heavily dependent on recreational fishing for the species under the purview of ICCAT.

For example, the Viking Yacht Company in New Gretna, N.J., in Mr. Saxton's District employs over 1,200 people who build 100 yachts a year that are specifically designed and primarily used to target highly migratory species. There are also a number of annual Atlantic HMS tournaments such as the Ocean City White Marlin Open in Mr. Gilchrest's District that 400 recreational vessels fish each year generating over $20 million in one week for Ocean City, Md. Thus, a large segment of the recreational fishing industry is dependent on healthy stocks of highly migratory species.

These fishermen have a strong, voluntary conservation ethic and employ sustainable, inefficient fishing gear that traditionally has not resulted in overfishing. In

fact, recreational fishermen who fish for marlin release over 98% of the fish they catch believing that fishing for, hooking, fighting and releasing them to swim another day is a more valuable experience than killing the fish for consumption.

III. OVERFISHING BY THE EUROPEAN UNION

The Recreational Fishing Alliance asserts that fishing pressure by the highly subsidized commercial longline vessels of the EU has placed certain highly migratory species of the Atlantic Ocean and adjacent seas at risk and resulted in violations of the International Convention for the Conservation of Atlantic Tunas ("ICCAT"), a trade treaty that permits the use of trade-related sanctions, and the WTO Agreement on Subsidies and Countervailing Measures ("Subsidies Agreement"). The actions of the EU have turned the International Convention for the Conservation of Atlantic Tunas into the International Convention for the Destruction of Atlantic Tunas. Less fish plus more regulation of U.S. fishermen equals significantly less participation in recreational fishing. Less participation equals significantly less commerce for the recreational fishing industry.

IV. WHY ICCAT IS A TRADE AGREEMENT

The ICCAT Convention is a "trade agreement" within the meaning of Section 301 of the Trade Act of 1974. The domestic implementing legislation for the ICCAT Convention is the Atlantic Tunas Convention Act of 1975 (ATCA). This statute is listed in the "Overview and Compilation of U.S. *Trade Statutes*" published by the Committee on Ways and Means of the House of Representatives (emphasis added), underlining the fact that the ICCAT Convention is a type of trade agreement and the ATCA is the U.S. trade statute implementing the ICCAT Convention domestically.

The ICCAT Convention is an international commodity agreement designed to conserve natural resources by limiting harvesting of fish through a total allowable catch (TAC) and individual participating country quotas. As such, the ICCAT Convention is an international commodity agreement that restricts the play of competitive market forces because of its form. The ICCAT Convention is a "trade agreement" because it restricts trade in the fish species that it covers. By limiting the volume of fish that may be landed from national vessels, the ICCAT Convention is restricting international trade in the covered species.

V. THE EUROPEAN UNION'S UNFAIR TRADE PRACTICES

The RFA alleges that the EU has committed three unfair trade practices under Section 301 of the Trade Act of 1974, as amended:

a) it has acted unjustifiably by violating and acting inconsistently with the ICCAT Convention by noncompliance with the catch limits, quotas, and landing limits for certain species of HMS and rules for the protection of juvenile fish;
b) it has acted unreasonably by refusing to accept the determination of the scientific advisory body of ICCAT, the Standing Committee on Research and Statistics (SCRS), that the stock for East Atlantic bluefin tuna is over-exploited and that the total allowable catch (TAC) for East Atlantic bluefin tuna should be limited to 25,000 metric tons, resulting in overfishing of East and West Atlantic bluefin tuna; and
c) it has provided subsidies to its fishing industry through its Common Fisheries Policy (CFP) and its funding mechanism, the Financial Instrument for Fisheries Guidance (FIFG), that violate and are inconsistent with the WTO Subsidies Agreement adopted by the EU and the United States in the Uruguay Round of Multilateral Trade Negotiations.

These unfair trade practices are related because they are all part of a common scheme by the European Union. The subsidies granted by the European Union to its fishing sector have contributed to increasingly large fleets that participate in unsustainable and illegal fishing in the Atlantic Ocean and adjacent seas. The injection of 1.1 billion Euros of public money into the fisheries sector each year in the EU represents a significant proportion of the value of the total Community production (7 billion Euros for fish landings). About $440 million a year has been contributed by the EU and national governments to the fisheries sector in subsidies that contribute to reducing the costs of the investment of the fisheries sector and thus contributes to overfishing.

Twenty-four percent of the structural aid provided by the EU to its fisheries sector, or about 160 million Euros a year, has been used to promote investment in the modernization or renewal of fishing vessels, while 280 million Euros per year are paid for the right of about 850 EU vessels to fish outside EU waters under fisheries agreements with non-European third countries. The overcapacity in EU fleets has, in turn, resulted in overexploitation by the EU of HMS. The trade-distorting EU fishing subsidies have had adverse effects on the U.S. commercial and recreational

fishing industries, resulting in serious prejudice to the interests of the United States.

That EU subsidies for its fishing sector have led to overfishing has been recognized by the EU Commission, which has stated bluntly that, "if current trends continue, many stocks will collapse. At the same time, the available fishing capacity of the Community fleets far exceeds that required to harvest fish in a sustainable manner." (See ICCAT, 1999 Detailed Report—Swordfish, available at http://www.iccat.es/, under "Assessment and Biology," Species Groups, at Table 29.) Fueled by its subsidized overcapacity, the EU has violated and acted inconsistently with the ICCAT Convention by failing to ensure that vessels registered under its laws fish in a manner that is consistent with ICCAT conservation and management measures relating to East Atlantic bluefin tuna, North Atlantic swordfish, Atlantic white marlin, and Atlantic blue marlin, all of which are highly migratory species.

The EU has violated the ICCAT Convention by failing to enforce binding ICCAT recommendations related to the catch of juvenile swordfish and bluefin tuna. For example, despite a tolerance level set at 15% of total landings for undersize fish, in 1998 Spain had a landing percentage of juvenile North Atlantic swordfish of 37% and Portugal had a landing percentage of 39.5%. Thus, Spain and Portugal caught more than twice as many juvenile swordfish as permitted under ICCAT rules.

The EU has acted inconsistently with the ICCAT Convention by overfishing East Atlantic bluefin tuna in contravention of the recommendations of ICCAT's Standing Committee on Research and Statistics (SCRS). Such overfishing not only affects East Atlantic bluefin tuna stocks but also West Atlantic bluefin tuna stocks because there is significant mixing between the "two stocks." The unwillingness of the EU to accept the scientific advice of the SCRS of ICCAT is part of the pattern of systematic fixing of Total Allowable Catch for fish by the EU members at levels higher than indicated in the scientific advice provided to the EU from experts within the EU.

The EU's actions have placed excessive pressure on several HMS, including the Atlantic white marlin, which is at approximately 15% of the maximum sustainable yield (MSY) level. Drastic remedial action at the international level forced by the United States is required because the level of catch of white marlin by the U.S. domestic vessels operating under the catch-and-release policy is only 5% of the total mortality for Atlantic white marlin.

VI. BURDEN ON U.S. COMMERCE

The unjustifiable and unreasonable practices of the EU have burdened U.S. commerce by severely reducing fishing opportunities for the recreational fishing industry as highly migratory species such as the white marlin and bluefin tuna become harder and harder to catch. Moreover, the failure of foreign ICCAT signatories to comply with catch limits and quotas has resulted in increasing restrictions on U.S recreational fishermen related to volume of fish they are allowed to land in the United States.

For example, current regulations allow recreational fishermen to retain only one bluefin tuna per person per trip during a short season; current regulations allow recreational fishermen to retain only three yellowfin tuna per person per trip; current regulations allow recreational fishermen to retain only one swordfish per person per trip and a maximum of only three per vessel.

Depleted stocks of HMS combined with these restrictions have resulted in significant harm to the recreational fishing industry; Less fish plus more regulation equals significantly less participation and less participation equals significantly less commerce.

VII. CONCLUSION

Major U.S. commerce depends on the conservation of HMS. However, the U.S. has traditionally undervalued the U.S. recreational fishery. The U.S. must begin viewing ICCAT as a trade agreement as well as a conservation agreement considering the impact that ICCAT has on U.S. commerce. With this in mind, the U.S. must work to ensure that other nations are complying with ICCAT quotas and conservation measures. There's a multi-billion-dollar recreational fishing industry at stake.

Mr. FALEOMAVAEGA. I thank the members of the panel for their testimonies. I do have a couple of questions.

And Dr. Graves, I suppose in listening to the testimony, it makes me want to go back to square one, the fact that we started this whole adventure 30 years ago with some reasoning behind it. And

I am being somewhat simplistic in my observations of the fact that the Atlantic Ocean is a huge ocean, and—I am curious—do we have any recreational fishing people from Europe come and fish in our waters for reasons why we have some sense of freedom in doing this activity? I am curious.

When Mr. Moore says—and I know this—that the recreational fishing industry is a multi-billion-dollar industry, I don't know if it is the same standing with our commercial fishing industry, but it is in the billions of dollars, the services, the people that make the fishing rods, the boat builders and all of this.

I was wondering, as Chairman of the ICCAT Advisory Committee, Dr. Graves, I want to go back to square one. Why are we with ICCAT in the first place if they are giving us a hard time?

Dr. GRAVES. The alternative isn't workable. ICCAT is the only forum we have for doing this. These are highly migratory species. We can't just pull out and expect that these fish are going to be managed. Our impact on these resources is generally less than 5 percent of the landings per species. So if we want to continue to have access to these resources, we have to work with the other countries. We have to convince them that conservation is in their best efforts. So I don't think pulling out of ICCAT is an option.

The frustrations that we have had dealing with it in the trenches—and like Mr. Delaney, this will be my ninth meeting, ICCAT meeting—and, you know, as a professor I am donating my time to do this and I am losing hair on the top of my head from slamming into the brick wall, I can assure you. But we are making some progress, and over this time I think we have done things that are the first time ever accomplished in international fora with our compliance, now getting a positive list. We are making headway, but it takes a lot of energy to do it.

We are hoping that through Congress and through our current Administration, that at a higher level some of the intransigent nations can be softened up a bit before we go over there, and that is where you can help.

Mr. FALEOMAVAEGA. When you mention higher levels, do you mean to the highest levels of the Administration?

Dr. GRAVES. I do indeed.

Mr. FALEOMAVAEGA. And the Cabinet level, perhaps the Secretary of Commerce and the Secretary of the Interior, along with the President, to really make this point hit home.

Dr. GRAVES. Yes. The Atlantic Tunas Convention Act is centered between the Departments of Commerce and State and I think that we should get all the help we can if we are going to—I mean, the United States is clearly doing more than its share and I think, as Mr. Delaney and Mr. Genovese pointed out, we oftentimes make—domestically we enact reductions for our fishermen and then we go on over to ICCAT, and in that forum to negotiate for other countries to take reductions, we have to take them again. So in effect our fishermen have taken two cuts and they have done that to preserve the resource.

But we are getting to a point now with some of our stocks that we are fishing on that our take is minimal. For instance, with the blue and white marlin, you know, between commercial and recreational landings, where there are no commercials, our

recreational landings are limited to 250 fish, blue marlin and white marlin combined, in the United States for the year.

I don't know how Dr. Hogarth counts those, but consider the range over which those fish can be caught. That is a really difficult task, but you compare that with thousands and thousands of fish which are landed by other nations.

Mr. FALEOMAVAEGA. This is what makes it somewhat contradictory. Here we say we count for 250 marlins, but when we ask other countries to come up with the same count, they simply say we don't have a count; and in the meantime they might be taking thousands of marlins, which makes the ICCAT standards process very unfair, unfair not only to our own industry but unfair to us as a country. I am troubled by it because there seems to be a double standard.

I know the same problem that we have with our purse seiners in the Pacific when we ask them to put observers, we ask them that their purse seining process limit the catch of dolphins. Tell that to the other countries of the world and it is almost like kissing the wind. They just seem very indifferent. They don't even seem to show any care at all about conservation.

So I am troubled by it. We are putting a high standard among our commercial fishing industry. Recreational fishing people limit the amount of catch. We go to the table and our friends from Europe can completely just simply say we won't have any of it.

Now, if you were in my shoes or the members of this Committee, what would you recommend? I am for sanctions just as recommended by Congressman Saxton in his resolution, and I don't know if this is somewhat of a fear tactic. To me it is not a fear tactic. It is just simply trying to be fair, on a level playing field, and I just feel that we have been shortchanged all these years, and I think we have had enough of it.

I mean, I commend you and the members of the Commission to go there and bargain and negotiate, but it seems that more and more we are not getting our fair share of the action. And I feel very strongly that if we don't do it now, it is going to continue to affect negatively not only our recreational fishing industry but other parts of our economy that are going to be directly affected negatively.

So your suggestion that we don't participate in ICCAT, I am curious, the Atlantic seaboard, how many square miles are we talking about? Somebody mentioned 20 million square miles that ICCAT is responsible for. I kind of like to count all the way from Maine down to Florida. How many square miles of coastal line that is part of our zone that we can control, and I assume that beyond that, it is under international waters and anybody is fair catch.

Dr. GRAVES. That is true. And I still think that within ICCAT the way to go, as Mr. Delaney and Mr. Hayes said before, is with market controls. If we can shut down the markets for the countries that are not fishing in order with ICCAT conservation measures, if they don't have a market for their product they are not going to continue to fish for it.

Most—you know, in some instances with the EC, there is a large domestic consumption, but a large amount of the product that is caught is export. And so if we can shut it down, then they don't have a reason to fish for it.

Mr. FALEOMAVAEGA. Do you strongly recommend that?

Dr. GRAVES. I would indeed.

Mr. FALEOMAVAEGA. Shut down any imports that come from the ICCAT member countries to this country to show that we are serious about them complying with ICCAT standards. All right.

Mr. Moore, as the great disciple of the recreational fishing industry, when you say multi-billion-dollars, how many billion of dollars are you really talking about?

Mr. MOORE. We are talking about approximately $60 billion just for the saltwater sector. Fresh and saltwater recreational fishing is estimated to contribute $112 billion to our Nation's economy.

Mr. FALEOMAVAEGA. This is not just the Atlantic but also the Pacific and the Gulf States, so this is nationwide?

Mr. MOORE. Nationwide.

Mr. FALEOMAVAEGA. I see. And how much do you think because of ICCAT's lack of cooperativeness and being helpful to our recreational fishing industry—how much are we losing on account of ICCAT's inability to cooperate or to measure up to the standards that we expect them to do?

Mr. MOORE. I think it is a tremendous amount. You know, we have given a lot of thought at the Recreational Fishing Alliance. It is difficult to come up with an exact number but it is certainly in the billions. I tried to touch on it a little bit in my testimony that the noncompliance from our partners is leading to less fish in the ocean. Recreational fishing as far as it goes is—it is an opportunity sport. It is an opportunity business. If the opportunity is there, it is going to flourish. If the opportunity isn't there, it is going to diminish. People are going to do something else. Businesses are going to close. So what we have got is with less fish, less opportunities, more regulations, it is an industry that is being stifled.

So I would really be guessing if I came up with a particular number. I don't want to do that in your Committee, but I would venture to say it is upwards in the billions.

Mr. FALEOMAVAEGA. Can you do us a favor by going through your statistical people? Because it really is important for our Committee to know. I don't want to hazard a guess, no more than if I am confronted from my other members who say, how much are we really talking about? I think specific numbers would really be helpful to the Committee.

Mr. MOORE. Absolutely.

Mr. FALEOMAVAEGA. Dr. Wilmot, you mentioned something about putting restrictions in landing and another suggestion by Dr. Graves. I really, sincerely hope that on your return from your meeting in Dublin, and as we have gotten the promise of our Chairman that we will hold a follow-up hearing on this, please do come up with these recommendations. I think it would be really helpful to us. I thought maybe the Chairman was here but he hasn't come in.

But, Dr. Wilmot, you did mention something about strict landing measures, so how do you suggest that we go about doing this?

Dr. WILMOT. I was referencing white and blue marlin, and the Commission has already adopted strict landing requirements. Large reductions are called for for both white marlin and blue

marlin. As Dr. Graves mentioned, the United States is limited to 250 fish. Other nations simply have to do percentage reductions.

The key there is going to be compliance: Are we going to have the data that are necessary to know what is truly being landed and therefore know whether or not reductions are being made? And then will we have the data to do an appropriate assessment to know what the impacts of the reductions are?

However, the point I was trying to make is that even if all landings are prohibited for marlin, you cannot rebuild the populations. It just doesn't work. It is a bycatch species, the gears interacting with them, and the mortality that is high enough that the fish are going to die on the hooks or the purse seine nets. Therefore, additional measures are going to be needed.

Today both gear modifications have been talked about as well as the potential of time-area closures. I think that both will be needed. The point is both will be resisted, as well as landings. Marlin is not a priority for these other countries. They really don't care. If they didn't interact with marlin, it would be no loss for them. But they are interacting and they are killing a lot of marlin. They may not care, but U.S. recreational fishermen care very much. So additional measures are going to need to be taken.

The United States has had a very difficult time elevating the status of marlin, if you will, to the level of a tuna or a swordfish. The U.S. has worked extremely hard. Commercial and recreational sectors have worked together to help do this. This has to be continued. We know it is a difficult task, and that is why we recommend it is a multi-year process that just continues.

Even though 2005 is the number down the road for when action will happen and changes can occur, we can't wait until the last year. Every opportunity, we have to try to advance this. The U.S. has been the champion on marlin. We are just asking the U.S. to have a coordinated strategic plan for remaining the champion to take us even farther. I am very proud of what we have been able to accomplish on marlin, but it is not going to be enough. We have to do more.

Mr. FALEOMAVAEGA. Years ago my father-in-law participated in an international billfish tournament in Kerns, Australia, and he is a member of the 1,000 pound—he caught a black marlin over a thousand pounds, and the fish was a monster. I couldn't believe how big.

I am going to let my good friend, the gentlewoman from Guam, to ask some questions and I will hold for now.

Ms. BORDALLO. Thank you very much, Mr. Chairman. I certainly enjoy having this public hearing all to ourselves. After hearing all of the witnesses today, we do have a problem, and someone had said—I think they asked the question do you think the U.S. should step away from this organization or its leadership role that we are taking? And I think someone answered that and said no, it wouldn't be the way to go.

I personally have led international organizations in my lifetime, and I realize it takes, number one, patience; and you must proceed with caution because you are dealing with all these international countries, and we have problems everywhere today so you have to

be very careful. And I do admire the U.S.'s participation and the leadership.

Dr. Graves, I want to compliment you on your testimony. You highlighted the problems with respect to the effectiveness of compliance and because of the failure of ICCAT members to report data in a timely manner and an accurate manner. So the questions we have to deal with are how best to attack the problems of noncompliance and nonreporting? I am curious to learn what penalties or consequences are presently out there for ICCAT to utilize in confronting a member's lack of cooperation.

Can you enlighten us about what ICCAT does collectively, if anything, in penalizing nonreporting members? Do these members lose any voice in the decisionmaking process? Is their voting authority diluted or compromised by their failure to report? And also part of this question is what specific recommendation or advice do you have for tackling the reporting and the data issues?

Dr. GRAVES. That is a very perceptive question. First of all, there aren't any penalties associated, really, with nonreporting and that is the problem. I mean, you think if you join this organization, you are beholden to that. That is a basic responsibility is to report your catch, your effort, the size and distribution of your catch, so we can go ahead and the scientists can perform the stock assessment.

But what the United States would like to do, and certainly a push and discussion at the Advisory Committee meeting this week, was to try and tie in a lot of these things that we take for granted that if they are not doing it that that would threaten the country's ability to have their vessels on the positive list; so, in other words, their vessels could not unload or export their product.

So rather than just having it simply for a fishing violation, a country would also—its vessels would be at risk if the country wasn't meeting its obligations in terms of reporting data in a timely and accurate fashion. So I think, as was mentioned in the first panel here, that will be a big next step for ICCAT. But considering what is happening now, if this organization is going to function efficiently, that is where we are going to have to go. It was sort of a gentleman's agreement that people would be providing their data and it would be accurate, but now that they are not, we have to go and rethink that, and I think that there has to be a penalty associated with that and, as was said before, you hit them in their pocket.

Ms. BORDALLO. In the beginning when ICCAT was first organized, was there better cooperation?

Dr. GRAVES. There was better cooperation in terms of providing data, yes. But now when one of the things that has happened is that—and there weren't really any questions about the validity of the data, how accurate it was, but as now we have tied compliance to data so that countries are essentially reporting that they are out of compliance and will take a penalty, then you run into this problem. And so they are sort of self-reporting their infractions, and we do that really well in the United States, but I am not very sure that a lot of other parties do that.

So I think before we had compliance associated with the reporting, you had very accurate numbers. I mean back when the EC was separate nations, France gladly reported that they had caught

twice as many of bluefin tuna as they were supposed to. So what? At least fora science knew what the fishing mortality was for that year.

Ms. BORDALLO. Yes, thank you.

Mr. Moore, on the issue of subsidies, if the United States were to promote subsidy reductions worldwide, are you concerned that the U.S. could potentially come under attack for subsidies the U.S. Government gives to fishermen, and what is the current status of international discussion on subsidy reduction?

Mr. MOORE. In filing our petition under Section 301 of the Trade Act last year, we did raise that issue. We outlined how the European Union, we believe, is violating a number of trade agreements by oversubsidizing their commercial fishing fleet. We feel that by oversubsidizing their fleet, they have created an overcapitalized fleet that needs to fish, and the result has been overfishing.

We worked with the Secretary of Commerce, and he expressed a lot of our concerns about subsidies, about the European Union's overfishing, about their noncompliance. He expressed those concerns to Franz Fischler from the European Union. His response pointed out that U.S. commercial—some U.S. commercial fisheries are also subsidized. So that is an issue. As strictly a recreational fishing organization, it is not a concern of ours. Our members aren't subsidized by the government. However, it is an issue that some of our partners here in the U.S., you know, we would need to look at with them.

Ms. BORDALLO. So you feel then in your own opinion that we would come under attack of some kind, disagreement, whatever?

Mr. MOORE. I think it is an issue and I think it already has been raised, considering Mr. Fischler's response to Secretary Evans. So it is an issue that we would need to look at.

Ms. BORDALLO. Well, it is going to be a delicate situation all the way around. I can see that. But I do want to thank you gentlemen for your testimony today. Thank you, Mr. Chairman.

Mr. FALEOMAVAEGA. Gentleman, the Chairman has just called. He is still tied up with votes and also additional business on the Floor, but he does send his apologies for not being here but would like very much that they will be submitting additional questions for the record and also for you to follow up with some questions.

I am sure I share the Chairman's sentiments and wish you all the best on your trip to Dublin. Bring us a four leaf clover. I understand the Irish are not doing too well in the Rugby World Cup match tournament that is going on in Australia right now because I am vying for the Samoa as well as the All Blacks from New Zealand and the Wallabies from Australia and not the Springboks from South Africa.

With that, Mr. Chairman, I also want unanimous consent that the statement by Mr. Saxton be made part of the record, and wish you all the best and come back and join us in the next hearing. The hearing is adjourned.

[Whereupon, at 4:05 p.m., the Subcommittee was adjourned.]

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