

Congress of the United States
Washington, DC 20515

October 26, 2017

The Honorable Wilbur Ross
Secretary
Department of Commerce
1401 Constitution Avenue
Washington, DC 20230

The Honorable Jeff Sessions
Attorney General
Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

Dear Secretary Ross and Attorney General Sessions:

We are writing today to follow up on a letter sent September 21, 2017 regarding Carlos Rafael, the leader of a massive illegal fishing operation in New England. While Rafael pled guilty to violations of the Lacey Act and was recently sentenced to 46 months in prison, the judge bizarrely rejected the government's recommendation that Rafael forfeit all thirteen vessels involved in the crimes, instead requiring the forfeiture of only four vessels and 34 permits and levying a much lower fine than the government had recommended. We want to thank the Justice Department for its recent motion asking the court to reconsider this ruling, including the level of the fines.

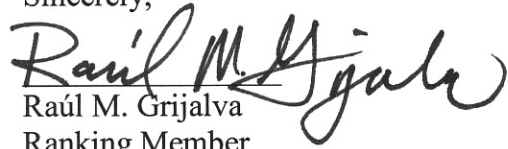
Based on data provided by the National Marine Fisheries Service (NMFS), Rafael will retain at least 27 fishing vessels and many dozens of associated permits in groundfish, scallops, and other fisheries. While the judge did indicate that Rafael could no longer participate in the fishery, he did not specify whether he meant the groundfish fishery alone, or all fisheries. Allowing Rafael to maintain the ability to transfer or sell millions of dollars worth of assets is unacceptable on its face.

While the Lacey Act case is coming to an end, your departments have clear authority under the Magnuson-Stevens Act (MSA) to levy civil penalties, sanction permits, seize vessels, and pursue prosecution of Rafael's crimes and other violations. To date, however, there has still been no indication that the Administration will exercise this authority. A failure to do so would be a slap in the face to honest, hardworking fishermen across the country, and a clear signal to criminals that violating our country's flagship fisheries law has no consequences.

Forfeiture and repurposing of Rafael's assets represents the last, best hope to chart a new course for the beleaguered New England groundfish fleet. The Administration must take this opportunity to repair the broken structure that allowed Rafael to run his criminal operation undetected for so long, and provide a future for people who want to fish responsibly. Specifically, NMFS must focus on using these assets in ways that are outlined in the MSA but also to consider additional options to improve accountability and compliance. Further, NMFS should take immediate action to enforce the Northeast Fisheries Sector IX operations plan, which may include dissolving the sector.

Finally, any sale of Rafael's assets as has been reported in the media should be closely scrutinized by the Justice Department's Antitrust Division before it is allowed to move forward. Thank you for your attention to this matter. We look forward to hearing from you.

Sincerely,



Raúl M. Grijalva
Ranking Member
Committee on Natural Resources



Chellie Pingree
Member of Congress