

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 16, 2017

RADM Paul F. Thomas
Assistant Commandant for Prevention Policy
United States Coast Guard
2703 Martin Luther King, Jr. Ave, SE
Washington, DC 205993

Samuel D. Rauch, III
Acting Assistant Administrator for Fisheries
National Oceanographic and Atmospheric Administration
1315 East-West Highway
Silver Spring, MD 20910

Dear Admiral Thomas and Mr. Rauch,

I appreciate your response to my letter regarding alleged labor and human rights abuses and illegal, unreported and unregulated fishing aboard U.S. flagged fishing vessels homeported in Hawaii. Unfortunately, the response raises more questions than it answers. In particular, the rationalization for allowing these vessels to claim an exemption to the manning requirement in 46 U.S.C. 8103 is inadequate and legally dubious, and the procedures for ensuring safe and sanitary working conditions for crew members and observers are unclear. I respectfully ask that you provide the information requested below by no later than March 31, 2017.

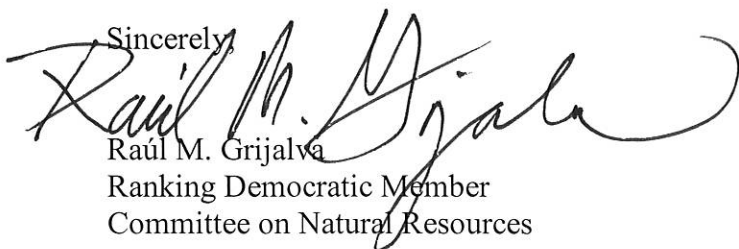
- Please provide a copy of the written regulation, policy or guidance in which NMFS and the Coast Guard have formalized their interpretation of what it means to be fishing exclusively for highly migratory species (HMS), an interpretation which directly contradicts the statutory definition of “fishing” in the Magnuson-Stevens Act. Please also provide a copy of the statute that gives NMFS and the Coast Guard the authority to interpret the terms “incidental catch” and “intended target species” in a way that contradicts the clear definition of “fishing” in the Magnuson-Stevens Act?
- The use of the word “exclusively” in 46 U.S.C. 8103 and in the summary of this amendment in the Congressional Record (December 1987, 36057) makes it clear that Congress intended the manning exemption to apply narrowly to a small number of vessels in highly selective tuna fisheries that have unique challenges finding enough American crew. Please provide documentation to support your claim that Congress intended this exemption to apply more broadly to vessels in fisheries like the Hawaii

longline fishery that have easy access to a pool of American workers and that are not fishing exclusively for HMS.

- Please provide a copy of the written regulation, policy, or guidance NMFS has formalized requiring a declaration of target species to be filed before each trip by a vessel in the Hawaii longline fishery. Please also provide copies of these declarations for fishing years 2015 and 2016.
- Please provide documentation of all 46 U.S.C. 8103 manning requirement exemptions issued to vessels in all fisheries for fishing years 2015 and 2016.
- Please provide documentation of NOAA protocols for a “thorough” inspection conducted prior to placement of fisheries observers, as well as documentation of the consequences of failing a pre-observer placement inspection, including penalties or requirements that are imposed before the vessel can carry an observer and resume fishing. Please also provide all pre-observer placement inspection reports for vessels in the Hawaii longline fleet for fishing years 2011-2016.
- Please provide a copy of the written regulation, policy or guidance the Coast Guard uses to determine whether living and working conditions are substandard or unsafe, and to refer reports of substandard or unsafe living or working conditions to specific agencies within the State of Hawaii and the U.S. government.
- Please provide documentation of all Coast Guard vessel examination and boarding reports for vessels in the Hawaii longline fleet between the years 2000 and 2016. Please also provide documentation of all referrals of substandard or unsafe working or living conditions to the State of Hawaii and federal agencies with oversight authority, such as the Department of Labor and the Department of Justice, between the years 2000 and 2016.

I appreciate your continued attention to this important matter. If you have any questions, please have your staff contact Mr. Matt Strickler on the Natural Resources Committee Democratic Staff at (202) 225-6065. I look forward to further discussion.

Sincerely,



Raúl M. Grijalva
Ranking Democratic Member
Committee on Natural Resources