

MAGNUSON ACT REAUTHORIZATION AND IMPLEMENTING LEGISLATION FOR WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION:

As may be recalled, WFOA sent a letter to Senators Stevens and Inouye expressing deep concern that their bill S.2012 appears to unfairly guarantee that one of the four U.S. Commissioners will be the Chairperson of the WPFMC, while not also holding a place for a Commissioner from the PFMC. The Legislative Committee of the PFMC reviewed this aspect of S. 2012 at its April meeting and is expected to suggest the deletion of this provision to the Senate. The PFMC recognizes that domestically our fishermen fall primarily under the jurisdiction of the Pacific Fisheries Management Council (since most of our fleet is home ported on the west coast), and that most of the buyers/processors for this fish reside, or are headquartered, on the West Coast.

While there has been no further action on S. 2012 in the Senate, there have been two competing bills introduced in the House. Representative Pombo's HR 5018 and Representative Gilchrest's HR 5051 take different approaches to trying to improve the Magnuson Stevens Act's application. Generally the Pombo bill seeks to give greater flexibility to the Councils in managing fisheries under their jurisdiction based on good science. The Gilchrest bill seems to be more intent on putting hard caps on the amount of time within which a fishery must be rebuilt and in other ways take discretion away from the Councils and the Secretary of Commerce. That bill espouses a generally less flexible and pragmatic approach to fisheries management. It is also about 140 pages to the Pombo bill which is only 70 pages. WFOA/AFRF is supporting the Pombo HR 5051 at this time.

Neither bill contains provisions on the "international aspects" of fisheries. Neither House bill nor the Senate bill clearly emphasize that while U.S. fishermen can, and do lead the way in the adoption of internationally accepted conservation and management measures, they should not be penalized by being held out as examples before the rest of the foreign fleet adopts the same measures. This is particularly true where the fishery is subject to management and conservation measures adopted by a Regional Fisheries Organization (RFO), as in our situation with both the IATTC and the WCPFC. WFOA and AFRF will continue to work with the Administration, the Councils, and the House and Senate to fix the application of the M-S Act to HMS which are being managed internationally by an RFO of which the U.S. is a member.

While there is talk of trying to pass these bills out of both chambers of Congress and going to conference on them so that they can be reconciled before the end of the legislative year, it is not clear if this can actually be accomplished.