

**Statement of Congressman Walter B. Jones on IG Report on NOAA Enforcement
House Subcommittee on Insular Affairs, Oceans and Wildlife
1324 Longworth House Office Building – March 3, 2010 – 2:00pm**

Madame Chairwoman, thank you for holding this hearing on NOAA Fisheries Law Enforcement Programs and Operations. This is an urgent issue, and I am very pleased the Subcommittee is examining it today.

In January the Inspector General of the U.S. Department of Commerce released the findings of its 7-month investigation into NOAA Law Enforcement – the federal agency responsible for enforcing U.S. fisheries laws. That IG report came in response to requests made last year by the Massachusetts and North Carolina congressional delegations for an investigation into allegations of overzealous commercial fisheries enforcement by the agency; allegations frankly that I have heard for 15 years and had tried to get the Inspector General’s office to look into before.

Among other things, the Inspector General report found:

- “. . . systemic nationwide issues adversely affecting NOAA’s ability to effectively carry out its mission of regulating the fishing industry. These issues have contributed significantly to a highly-charged regulatory climate and dysfunctional relationship between NOAA and the fishing industry”;
- NOAA’s “civil penalty assessment process is arbitrary and unfair”;
- NOAA’s workforce composition is dramatically misaligned to its mission – “only about 2 percent of its caseload has been criminal-investigative, yet over 90 percent of its enforcement personnel are criminal investigators – a clear imbalance”; and,
- NOAA’s Asset Forfeiture Fund – which contains proceeds from the civil penalties it collects – has a balance of \$8.4 million as of December 31, 2009, but Department officials “are not aware of the fund’s having ever been audited”, and “the account under which they are maintained has weak internal controls” leading the IG to launch a pending “forensic review of the fund”.

Madame Chairwoman, the IG report confirmed what fishermen in North Carolina and across this nation have long known to be true: federal fisheries law enforcement is out of control, terribly mismanaged and needs a major overhaul. That is one of the reasons that last week an estimated 5,000 fishermen from around this country came to Capitol Hill to rally for relief from an agency that in their minds is working against them, not with them.

I would like to make one more point that was not in the IG Report, but which needs to be stated. According to NOAA budget documents, since 1997 the number of fisheries enforcement personnel at the agency has grown by over 40%. But according to NOAA’s latest statistics on

the state of the commercial fishing industry, from 1997 to 2006 landings of fish in this country have dropped by 5%, and in my home state of North Carolina, landings have fallen over 66%. In short, we have more law enforcement officers policing a shrinking industry. Furthermore, when these statistics are viewed in light of this report, it seems clear that NOAA's out of control law enforcement tactics have been at least partly responsible for chasing honest fishermen out of business. In these economic times, when unemployment is 10% and when over 80% of seafood consumed here is imported, America cannot afford to put more of its own citizens out of work, and cede more of our market to foreign producers like China.

I hope the agency understands how serious this report is. Given the major problems the IG has identified, including serious discrepancies in enforcement, fines, and penalties, in the interest of fairness and transparency it seems appropriate to put a hold on active prosecutions of fishermen until the problems with NOAA's Office for Law Enforcement and Office of General Counsel for Enforcement and Litigation are resolved. The North Carolina delegation has joined Chairman Frank and the Massachusetts delegation in asking NOAA to do this. And I hope the Chairwoman, and the Ranking Member, will join us in making sure the agency honors that request.

In the meantime, I look forward to working with the Subcommittee and the agency to quickly reform the policies, procedures and personnel responsible for these problems.