



September 14, 2021

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and
Wildlife
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Cliff Bentz
Ranking Member
Subcommittee on Water, Oceans, and
Wildlife
Committee on Natural Resources
1329 Longworth House Office Building
Washington, DC 20515

Dear Chairman Huffman and Ranking Member Bentz:

We sincerely thank the Subcommittee on Water, Oceans, and Wildlife for hosting a legislative hearing on July 27th and including substantive discussion of H.R. 3075, the Illegal Fishing and Forced Labor Prevention Act.

We are writing in support of the position expressed by Janet Coit, the recently confirmed Assistant Administrator for NOAA Fisheries, on Section 501 of that legislation which would require that Automatic Identification Systems (AIS) be used to track fishing activity, and be extended to operations in the Exclusive Economic Zone (EEZ) of the United States and on the high seas, who stated in her written testimony that:

“[Section 501 of H.R. 3075] is duplicative of existing Vessel Monitoring System (VMS) requirements since it would require those vessels already equipped with VMS to carry AIS without significant benefits. AIS is primarily a collision avoidance system, but VMS are more effective for tracking fishing vessel movement and effort, are less susceptible to tampering, and have better tools for two-way communications with vessels.”

Conversely, we were concerned by the viewpoint expressed by Rep. Ed Case [D-HI], a cosponsor of the bill, that no one "fishing in [United States] waters has an inherent right to privacy" and that VMS data should not be considered proprietary. That viewpoint is contrary to twenty-seven years of agency policy set forth by NOAA Administrative Order 216-100, which created a strict regime of controls to protect the privacy of data collected by the agency for purposes including the regulation and conservation of our fisheries.

Consistent with Assistant Administrator Coit's testimony, and previous NOAA policy, we ask you and your colleagues on the Committee to consider the following points with regards to Section 501 of H.R. 3075:

- AIS is not superior to VMS for tracking fishing vessel activity.
- AIS uses VHF radio signals that can be intercepted and spoofed.
- VMS is based on secured end to end transmissions and used by federal govt (USCG, NOAA OLE) to track fishing vessels.
- AIS coverage should not be extended to EEZ and high seas. AIS is open source and can be seen by competitors.
- AIS' main function should remain for vessel safety and required to be on only when within 12 nm from shore.

We look forward to hearing from you as we work together to protect our oceans and prevent abhorrent labor practices and illegal fishing practices.

Sincerely,

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The Honorable Nanette Barragan
The Honorable Earl Blumenauer
The Honorable Ed Case
The Honorable Garret Graves
The Honorable Alan Lowenthal

The Honorable Barry Moore
The Honorable Eleanor Holmes Norton
The Honorable Steven Palazzo