

Testimony of William Gibbons-Fly
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Legislative Hearing before the House Committee on Natural Resources Committee,
Subcommittee on Water, Wildlife, and Fisheries

July 27, 2023

Chairman Bentz, Ranking Member Huffman, distinguished members of the Committee,

I am William Gibbons-Fly, Executive Director of the American Tunaboat Association (ATA). ATA represents the owners and operators of the U.S. flag tuna purse seine vessels operating in the Pacific Ocean under the South Pacific Tuna Treaty, the last true “distant water fishing fleet” operating under U.S. flag. ATA members are multi-generational, family-owned businesses with a long and storied history as an important part of the U.S. fishing industry.

I am here today to express our strong support for passage of H.R. 1792, to amend the South Pacific Tuna Treaty Act of 1988 to reflect amendments to the Treaty adopted in 2016 and to which the Senate provided overwhelming bipartisan support for advice and consent to ratification in 2022. Passage of the amendments in H.R. 1792 is vitally important for the U.S. fleet. The 2016 amendments to the Treaty represent years of hard-fought negotiations to improve the operational conditions and flexibility for the fleet, some of which can only be realized after the necessary amendments to the implementing legislation are in place.

The governments that are party to the Treaty, including the United States, have been applying many of the Treaty amendments provisionally under a Memorandum of Understanding adopted concurrently with the amendments themselves. However, in the absence of U.S. amendments to the implementing legislation, key provisions of the domestic regulatory regime continue to reflect aspects of the Treaty prior to the 2016 amendments being adopted. As a result, since 2017 the fleet has been operating in a kind of “limbo,” with conflicts between certain operational conditions in the amended Treaty, and those reflected under the domestic regulatory regime.

As just one example, Mr. Chairman, the Treaty previously defined a “Treaty Area” and a “Licensing Area,” both of which included large areas of high seas throughout the Western and Central Pacific Ocean. The 2016 Treaty amendments removed the definition of “Treaty Area” and modified the definition of “Licensing Area” to include only the waters under the jurisdiction of the Pacific Island Parties to the Treaty. And yet, U.S. law and regulations still include the high seas in the Treaty and Licensing Areas. As a result, our vessels still cannot fish in these high seas areas without a Treaty License, even though the high seas have not been covered under the Treaty since the end of 2016. With no alternative to fish without a Treaty License, our position

during negotiations with the Pacific Island States is significantly weakened and we have been compelled to accept terms to which we would otherwise not have agreed.

H.R. 1792 resolves this and other conflicts, and its passage will provide the fleet with greater operational flexibility, clarity and security.

This is important, Mr. Chairman, because our industry is struggling to survive. In the past three years, the U.S. tuna purse seine fleet has been reduced from 34 vessels to just 13 vessels operating today. The remaining vessels supply the vast majority of the tuna being processed in American Samoa and otherwise support the local economy there by utilizing a range of goods and services provided by local businesses. The economy of American Samoa is overwhelmingly dependent on the tuna industry and the related service industries that support both the StarKist facility and the vessels based there. The future of the U.S. purse seine fleet and the future of American Samoa are inextricably and undeniably linked. I have attached to this testimony a recently prepared document that makes the highly interdependent nature of this relationship abundantly clear.

And yet, the American Samoa-based fleet faces a number of challenges that risk further reductions in the number of vessels operating in the region. These include a combination of domestic regulatory requirements, increasingly onerous terms and conditions for access to fishing in the waters of the Pacific Island States, and increased foreign competition. In particular, Mr. Chairman, the fleet operates on an increasingly uneven playing field with respect to its international competitors, in particular China. On one hand, China and other flag states are able to exempt their vessels from a range of international regulatory requirements by reflagging or entering into charter arrangements with Pacific Island States who themselves are exempt from these requirements. And yet, although the underlying Convention requires that “Participating Territories” such as American Samoa be afforded the same treatment as the Pacific Island States, the American Samoa-based fleet is not treated in the same way, creating a vastly disproportionate burden on the tuna dependent economy of American Samoa and people who depend on the industry for their livelihood.

On the other hand, Chinese flag tuna vessels figure prominently in many global reports on Illegal, Unreported and Unregulated (IUU) fishing as well as the use of forced labor, large government subsidies to the fisheries sector, and other factors. Although these practices directly undermine the conservation objectives of the United States and various international fisheries management regimes, they also provide Chinese fisheries products, tuna and otherwise, with an inherent competitive advantage in the marketplace with which is increasingly difficult for our industry to compete.

Moreover, Mr. Chairman, maintaining an active and viable U.S. tuna purse seine fleet operating under the Treaty in the strategically important central Pacific Ocean is a critical counterbalance to China’s growing influence across the region. China has focused strategically on developing direct commercial ties with several Pacific Island States through investments in the fisheries sector, both through the activities of its vessels as well as shoreside investments. China understands that building commercial and industry ties is the single most important vector for political and economic engagement with the Pacific Island States.

The Treaty not only provides access for U.S. vessels to fish throughout the region but is an increasingly important point of engagement between the United States government and the Pacific Island States on a wide range of economic and maritime security issues. As a result, the purse seine fleet operating under the Treaty contributes not only to the United States economy and, especially the American Samoan economy, but to regional food security, national security, and other vital national interests. The fleet also operates as several additional sets of “eyes and ears” across vast reaches of the Western and Central Pacific Ocean. The full implementation of the Treaty Amendments through the enactment of this legislation will not address all of the challenges facing the industry, but it will be an important step in the right direction as we work to ensure these continuing contributions to fundamental U.S. interests in the region.

Finally, Mr. Chairman, the Treaty has always received broad bipartisan support and we would not expect passage of the legislation to be controversial. As noted at the outset, this bipartisan support was clearly reflected in the April 2022 hearing in the Senate Foreign Relations Committee to consider the 2016 amendments. Likewise, the vote of the full Senate for advice and consent to ratification was without objection. H.R. 1792 itself represents a bipartisan effort by Committee Members Rep. Amata Radewagen of American Samoa and Rep. Ed Case of Hawaii and we very much appreciate their efforts to move this forward.

We urge this Committee and the full House to pass this legislation in the most expeditious manner possible.

Thank you for your consideration. I am happy to answer any questions you may have.