

Congress of the United States
Washington, DC 20510

June 19, 2017

The Honorable Wilbur L. Ross, Jr.
United States Secretary of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Ross:

We write to express our interest in the treatment of fishing privileges associated with the groundfish permits currently held by Mr. Carlos Rafael following the conclusion of the case, *United States v. Carlos Rafael*. Mr. Rafael has plead guilty in federal proceedings to 28 criminal counts of conspiracy, false labeling and fish identification, falsifying federal records, tax evasion, and bulk cash smuggling. As part of his plea, Mr. Rafael will forfeit 13 fishing vessels and the associated groundfish permits. Under the Magnuson-Stevens Act, it is our understanding that Mr. Rafael's actions would justify permanent revocation and redistribution of any permits remanded back to the National Marine Fisheries Service (NMFS) as part of the Department of Justice's criminal case.

Mr. Rafael's grave and extensive disregard for both the law and sustainable fishing practices is a setback to the recovery of the beleaguered Northeast multispecies (groundfish) fishery, and has done, and will continue to do, financial harm to fishermen from Maine to New York. These fishermen, who have complied with federal quotas and regulations, were forced to compete with this illegal activity and now must endure its repercussions on future stock assessments. For these reasons, we believe the National Marine Fisheries Service (NMFS) should cancel each of the groundfish permits that Mr. Rafael currently holds and reallocate the fishing privileges associated with such permits to all eligible permit holders in the fleet. While this is an unprecedented situation, existing regulations (50 CFR 648.87) clearly establish this treatment of canceled permits.

We are specifically troubled that the City of New Bedford (where Mr. Rafael's enterprise is based) is seeking to acquire control of his permits. We believe, instead, that all members of the fleet, including those in New Bedford, who have been disadvantaged by Mr. Rafael's illegal activity, deserve a share of the rights to access these permits once remanded back to NMFS.

Unlike other assets that are seized and liquidated in criminal proceedings and are distinct in their economic utility, these groundfish permits embody a shared resource and, as such, should be returned to groundfish fishermen in a fair and uniform manner.

We thank you for your attention to NMFS's specific role in this very complex case and request your response on NMFS's intentions with respect to the future of permits currently held by Mr. Carlos Rafael.

Sincerely,



ANGUS S. KING, JR.
United States Senator



CHELLIE PINGREE
Member of Congress



SUSAN M. COLLINS
United States Senator



BRUCE POLIQUIN
Member of Congress

cc: Mr. Samuel D. Rauch, III, NOAA Fisheries
Mr. John Bullard, NOAA Fisheries