

**CFK NOAA Enforcement Summit Remarks**  
**August 3, 2010**  
**Hamilton Crowne Plaza**

I am Cam Kerry, the General Counsel of the Department of Commerce.

I'm here today because today's summit is important to the Department of Commerce and Secretary Gary Locke, and important to my office.

Sometimes it comes as a surprise to people that NOAA is part of this Department. But NOAA's science — like the work of the National Institute of Science & Technology, the Patent Office, the Census — goes hand-in-hand with economic well-being. Good ecosystems and sustainable fisheries go with vibrant coastal communities. Secretary Locke has made environmental stewardship and a healthy ocean economy one of the key missions of the Department of Commerce.

Anyone who questioned the connection between these was answered by the Gulf of Mexico oil spill, where the way of life of many people in fishing and tourism has been seriously threatened by an assault to the environment.

NOAA's work to protect our nation's marine and coastal resources is near and dear to me as a long-time resident of Massachusetts, a state with some of our nation's greatest and most historic coastal communities. And the work of fair and effective law enforcement is important to me as the Department's chief legal officer; we are a nation of laws, and I have made promoting the rule of law and transparency overarching goals of our Office of General Counsel. These goals are shared by Secretary Locke, who served early in his career as criminal prosecutor in King County, Washington.

Our office deals with a huge range of laws — the census and patent system both rooted in the U.S. Constitution; import and export laws and treaties; rules of the road for Internet commerce. The laws that NOAA carries out — most notably for today's conference the Magnuson-Stevens fishing Act; a number of laws implementing international agreements on fishing; the Endangered Species Act, the National Marine Sanctuaries Act, and the Marine Mammal Protection Act — are important parts of this list.

To be sure we meet the important purposes and principles of these laws, we must pursue fair and effective enforcement.

Under Secretary Lubchenco and I have appointed Lois Schiffer as General Counsel of NOAA because, as a former U.S. Assistant Attorney General, she brings a wealth of experience and judgment in environmental law and law enforcement. Together with Eric Schwaab, the Assistant Administrator for Fisheries, she has been put in charge of increasing the transparency and effectiveness of NOAA's law enforcement offices. All of us have given careful attention to the Inspector General's reports on NOAA's enforcement program, and incorporated these findings as a basis for change. This summit conference is one step in a series of actions to improve NOAA enforcement, assure it meets our goal of fairness and effectiveness, and move it forward.

As we prepare to hear from Lois and Eric about NOAA's work on enforcement programs, let me say that I am working closely with this new leadership and with Undersecretary Lubchenco and her team to assure that these programs achieve our goals of fairness and effectiveness. In doing so, I am mindful of what Teddy Roosevelt said: "No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it"

In enforcing the law, we cannot ask permission. While no one likes to be the object of enforcement and we cannot make everyone happy, a law without enforcement is just an aspiration.

And, because no one is above the law or below it, we have to assure that everyone plays by the same rules established to protect and rebuild fish stocks. Fishermen who operate within catch limits this year so that there will be more fish to catch next year and the next are justifiably angry at those who fish in closed areas or take catches over the limit. Fishermen who help protect threatened and endangered turtles by using Turtle Excluders on nets don't have a level playing field against those who operate without the devices. Law-abiding fishermen and consumers are both betrayed by those who pass off Vietnamese paca fish as grouper or cod, driving down the price for fish caught in the U.S. and endangering public health.

As we carry out this work, our goal has to be to assure that those who enforce our fisheries laws are fair and even-handed and respected. As a lawyer in private practice, I have represented private individuals and companies in environmental cases. I understand the frustration they sometimes feel in dealing with regulation and the government and the need both government regulators to understand the situations of those they regulate and for private parties to understand the need for regulation. Ultimately, our goal has to be to assure that our enforcers' work is recognized as important not simply for the laws they enforce, but for fishermen, for consumers, for members of the public who care about our

resources, so that people making their living and their lives from the ocean's resources can do so today and next year and for years to come, and our children and grandchildren can enjoy these resources too.

We're committed to sustainable fisheries for ourselves and our future, and fair and effective enforcement program is an important tool to get there. A beginning I am looking forward to hearing your ideas today and in the future about how we achieve these goals.

Thank you.