

this reason the gentleman from Ohio [Mr. HALL] introduced legislation to preclude any conflicts or concerns about the appointments to the commission.

I am pleased to see the House move on this bill. The provisions of H.R. 606 were passed by the House last Congress as part of another measure which, unfortunately, was not enacted into law.

Mr. Speaker, I support H.R. 606, I urge its adoption by the House, and I thank the Chair for helping us get this legislation moved, and I think great credit should go to the gentleman from Ohio [Mr. HALL] for pursuing this issue.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HALL]. Let me mention that the gentleman from Ohio received incorrect information on the timing of this bill that we just passed on Dayton. I am going to yield to him so he can take due credit for the excellent legislation the gentleman just sponsored.

Mr. HALL of Ohio. Mr. Speaker, I rise to support H.R. 606, a bill I have introduced along with my Ohio colleagues, Representatives HOBSON and REGULA. The bill is identical to H.R. 3559, which passed the House last year, but was not considered in the Senate.

H.R. 606 would amend Public Law 102-419, the Dayton Aviation Heritage Preservation Act of 1992, which established the Dayton Aviation Heritage National Historical Park and the Dayton Aviation Heritage Commission. The purpose of the commission was to advise the National Park Service on the management of the park and assist the preservation of other significant sites throughout the Miami Valley related to the Wright brothers and aviation history.

The administration expressed a concern over the process for appointing members of the commission. This bill addresses that concern by giving the Secretary of the Interior greater discretion in appointing the members.

My community of Dayton, OH, is very proud of its role in the history of aviation. It was here the Wright brothers grew up and built the first airplane. It was also in the Dayton area that engineers at McCook Field, Wright Field, and Wright-Patterson Air Force Base made numerous contributions of national significance to aviation technology. Throughout the Miami Valley, aviation pioneers advanced the cause of flight and gave birth to the modern aerospace industry. This bill will ensure the proper functioning of the commission to help tell these stories to the Nation and to the world.

H.R. 606 has bipartisan support. It will result in no cost to the Federal Government or the State or local governments. I urge the passage of the bill.

Mr. HOBSON. Mr. Speaker, I rise today in strong support of H.R. 606, the Dayton Aviation Preservation Heritage Act Amendments, which was introduced by my colleague Congressman HALL, and of which I am a cosponsor. The legislation would make technical cor-

rections to the Dayton Aviation Heritage Preservation Act, which became law in the 102d Congress, and is identical to legislation approved by the House in the last Congress (H.R. 3559).

The Dayton Aviation Heritage Commission is a Federal entity responsible for coordinating efforts at the Federal, State, and local levels to preserve and manage the historic resources of Miami Valley, OH, which is known for its aviation history.

Public Law 102-419 established the Dayton Aviation Heritage National Historical Park and the Dayton Aviation Heritage Commission, and contained a mechanism whereby the Secretary of Interior could appoint members to the Commission. Although the appointment language in the law was identical to language used in the past to create similar such commissions, the administration found the language to be unconstitutional.

H.R. 606 amends the Dayton Aviation Heritage Preservation Act to clarify that the Secretary of Interior need only consider the recommendations of others in making appointments to the advisory commission established by that law. This legislation is clearly technical in nature and would give the Secretary of Interior greater discretion in appointing members to the Commission. Again, this legislation is identical to that which was approved by the House, but did not receive Senate consideration.

H.R. 606 is extremely important in allowing the Commission to carry out their mission—which is to work with the National Park Service in the preservation of aviation history—a significant aspect of Dayton's heritage which is associated with the Wright Brothers and the early development of aviation. I would also like to point out that there is no cost involved with this bill.

Mr. HALL and I, along with the Miami Valley community have worked together to create the Dayton Aviation Heritage Park, a park that will bring to life the story of the Wright Brothers and the place where they grew up, invented the plane, and learned to fly. This legislation is necessary to ensure the preservation of Dayton's aviation history.

Mr. Speaker, I urge support of this legislation.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 606.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

#### NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 622) to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, as amended.

The Clerk read as follows:

H.R. 622

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Northwest Atlantic Fisheries Convention Act of 1995".

#### SEC. 2. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners—

(i) at least 1 is appointed from among representatives of the commercial fishing industry;

(ii) 1 (but no more than 1) is an official of the Government; and

(iii) 1, other than the individual appointed under clause (ii), is a voting member of the New England Fishery Management Council.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual appointed as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed 4 years.

(B) An individual who is not a Government official may not serve more than 2 consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than 3 individuals to serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least 1 individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed 4 years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Representative is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 8 of this Act.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

### SEC. 3. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b) (1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

### SEC. 4. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection to an amendment to the Convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

### SEC. 5. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this [title] Act, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England and the Mid-Atlantic Fishery Management Councils, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

### SEC. 6. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this [title] Act. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

### SEC. 7. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this [title] Act or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this [title] Act, any regulation issued under this [title] Act, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this [title] Act may be disposed of pursuant to the order of a court of com-

petent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this [title] Act and shall have the authority specified in sections 311 (a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861 (a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

### SEC. 8. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention.

(b) MEMBERSHIP.—(1) The membership of the Committee shall include representatives from the New England and Mid-Atlantic Fishery Management Councils, the States represented on those Councils, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—Members of the consultative committee may attend—

(1) all public meetings of the General Council or the Fisheries Commission;

(2) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(3) all nonexecutive meetings of the United States Commissioners.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

### SEC. 9. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 8.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 2(e) with respect to their actual performance of their official duties pursuant to this [title] Act, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

**SEC. 10. DEFINITIONS.**

In this [title] Act the following definitions apply:

(1) **AUTHORIZED ENFORCEMENT OFFICER.**—The term “authorized enforcement officer” means a person authorized to enforce this [title] Act, any regulation issued under this [title] Act, or any measure that is legally binding on the United States under the Convention.

(2) **COMMISSIONER.**—The term “Commissioner” means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 2(a).

(3) **CONVENTION.**—The term “Convention” means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) **FISHERIES COMMISSION.**—The term “Fisheries Commission” means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) **GENERAL COUNCIL.**—The term “General Council” means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) **MAGNUSON ACT.**—The term “Magnuson Act” means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) **ORGANIZATION.**—The term “Organization” means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) **PERSON.**—The term “person” means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) **REPRESENTATIVE.**—The term “Representative” means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 2(c).

(10) **SCIENTIFIC COUNCIL.**—The term “Scientific Council” means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this [title] Act, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, \$500,000 for each of the fiscal years 1995, 1996, 1997, and 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 622, noncontroversial legislation pending before us today.

H.R. 622 is the implementation of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. This bill was introduced by the ranking minority member of the Fisheries, Wildlife and Oceans Subcommittee, Mr. STUDDS.

H.R. 622 would authorize U.S. participation in the North Atlantic Fisheries Organization—also known as NAFO.

The NAFO is an international body established by convention in 1978 to oversee certain fisheries existing beyond the 200-mile territorial seas of the United States, Canada, and Greenland in the northwest Atlantic. The United States participated in the negotiations and signed the original convention. While the other body consented to membership to NAFO in 1983, Congress never enacted implementing legislation to allow full participation in the organization. And while U.S. fishermen must abide by the NAFO treaty, these same fishermen are unable to formally participate in the process that results in the treaty. This legislation would allow just that.

Once again, this is a noncontroversial bill and I ask for your support.

Mr. Speaker, I reserve the balance of my time.

□ 1500

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 622, legislation to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

Two weeks ago, I stood in this spot describing for Members the drastic decline of commercial fisheries worldwide, and the need for all coastal nations to participate in international agreements and organizations that provide for the responsible conversation and management of high seas resources. Demonstrating the U.S. commitment to such an effort, the legislation we passed that day encouraged the development of a multilateral management agreement for pollock stocks in the north Pacific.

Similarly, the bill we are considering today, H.R. 622, would authorize U.S. participation in NAFO, an international body established by convention in 1978 to manage certain valuable high seas fisheries in the northwest Atlantic. Seventeen nations are party to this convention. While the U.S. participated in the negotiation for NAFO, signed the original convention, and the Senate consented to membership in 1983, Congress has never enacted implementing legislation to allow full participation in the organization.

In the past, U.S. fishermen have had little interest in fishing in the NAFO regulatory area, so membership was not crucial. Recently, however, U.S. fishing vessels have begun harvesting fish in the NAFO area. Complicating this situation, is the fact that the United States is about to implement a high seas fisheries treaty adopted at the United Nations in November 1993. That treaty would prohibit our vessels from fishing in the NAFO area unless we are party to the NAFO convention. As a result, joining NAFO is not only the responsible thing to do, it is essen-

tial if our fishermen are to have any hope of access to the area in the future.

By requiring the United States to work cooperatively in an area of the ocean where fisheries important to our own fishermen exist, H.R. 622 is the second bill we will pass in 2 weeks that signals U.S. dedication to multilateral management of high seas resources, it is good for the fish and the fishermen, and I urge Members to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, my colleague from Massachusetts, Mr. STUDDS, has introduced H.R. 622, a bill to implement the Convention on Future Multilateral Cooperation in Northwest Atlantic Fisheries. This legislation will allow the United States to become a member of the Northwest Atlantic Fisheries Organization [NAFO].

Currently, the United States is not an active member in NAFO, even though we were involved in the negotiations which created this organization in 1978. Since this organization is active in recommending how resources that are harvested by U.S. fishermen are being managed and conserved, I support H.R. 622. This legislation will give the administration a more active role in NAFO's management and conservation recommendations, while giving U.S. fishermen greater access to the organization's research.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 622, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 622, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

**FORT CARSON-PINON CANYON MILITARY LANDS WITHDRAWAL ACT**

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 256) to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes.

The Clerk read as follows: