

CONFERENCE REPORT ON H.R. 3539,
FEDERAL AVIATION AUTHORIZA-
TION ACT OF 1996

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Ms. BROWN of Florida. Mr. Speaker, I rise today to express my disappointment in the passage by the House of the conference report for H.R. 3539 which reauthorizes the Federal Aviation Administration.

As a member of the Aviation Subcommittee, I've worked in a bipartisan fashion with Chairman SHUSTER, Chairman DUNCAN, Congressman OBERSTAR, and Congressman LIPINSKI to develop this important legislation to authorize funding for our Nation's airports and to address serious aviation security issues in a noncontroversial bill that could be enacted by the end of the fiscal year in order to avoid disruption in AIP funding for the Nation's airports. The future ability of our Nation's airports to provide safe and convenient air transportation strongly depends on the AIP Program.

I was especially pleased with provisions in the bill regarding the Military Airport Program. Nationwide, there is \$30 billion of military airfield infrastructure that can be converted and used to meet the capacity needs of the national aviation system. In addition, the bill changes the criteria for the FAA's distribution of discretionary AIP funds to address issues raised by airports in Florida.

Unfortunately, I remain opposed to the conference report as long as it contains a provision added in conference for a particular company. This antiworker provision would make it very difficult for employees of this company to organize as a union. It is unconscionable that this provision was attached at the last minute, without the benefit of hearings, to a bill that has broad bipartisan support.

I hope that the Senate will do the right thing, and take this controversial provision out of the bill so that it can be signed into law by the October 1 deadline.

SUSTAINABLE FISHERIES ACT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 27, 1996

Mr. MILLER of California, Mr. Speaker, yesterday, the House passed S. 39, The Sustainable Fisheries Act, and sent that measure to the President. I regret that this important fishery management bill was significantly altered, and weakened, by the Senate during a year of consideration, and that the House was denied any opportunity to improve on that version of the legislation.

H.R. 39 as passed by the House last year was a much stronger bill for the fish and the fishermen. While I realize that S. 39 does include important conservation measures, these measures could have been stronger. They should have provided more protection for the fish stocks, the fishing communities, and for the taxpayers.

The inferior version finally passed by the Senate contained many provisions that are un-

acceptable to the west coast fishing industry, including commercial fishermen, and processors. And it contains several provisions were particularly unacceptable, such as authorizing the Secretary to buy back fishing permits—that were granted for free—in biologically depressed fisheries and allowing violators of International Whaling Commission restrictions to gain access to U.S. territorial waters.

The Senate also deleted provisions of the House bill to assure that smaller communities are fairly represented, and to prohibit the private profiting from the sale of fishing quotas, which could also allow the growing concentration of quotas in the hands of the large-scale industry at the expense of family fishermen.

I am inserting in the RECORD two letters from fisheries industry groups in California, expressing their opposition to the House acceptance of S. 39 and their desire to see amendments made to the bill before it became law.

Finally, I would just like to thank the fishing families of California for their support. During the past 2 years, they worked tirelessly with us to ensure that the best Magnuson bill possible was enacted in to law. I regret that in the final analysis, the House leadership decided simply to accept the Senate's version that was negotiated with no input from the House. I salute the efforts of those families. In addition, I pledge to work with them in the years ahead to continue to seek the protections that our small fishing families and the fishery resources deserve.

WEST COAST SEAFOOD
PROCESSORS ASSOCIATION,
Portland, OR, September 18, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
Rayburn Building, Washington, DC.

DEAR DON: As you know, over the past two years our Association has worked with you, other members of the House, and your counterparts in the Senate to develop a Magnuson Fishery Conservation and Management Act bill that will conserve and manage our fisheries and still provide an opportunity for our members to conduct their business and employ thousands of workers in Alaska, California, Oregon, and Washington. The House bill, while not perfect, did a good job of accomplishing these goals. The most current version of the Senate bill (which I realize is still being changed) improves the House bill in some areas, but is worse in many others. We had hoped that the Senate would act in time to allow a conference committee to develop a final product that we could all embrace. Unfortunately, time will not permit that to occur.

I have spoken to all of the members of my board of directors. Collectively, they represent the majority of shore based processors of Pacific groundfish, Dungeness crab, and shrimp—along with many other species in California, Oregon, and Washington. In addition, they represent shore based processors of salmon, king crab, tanner crab, pollock, cod, sole, sablefish, halibut, herring, and razor clams with plants on the Kenai Peninsula and in Bristol Bay, Kodiak, Cordova, and Petersburg. They unanimously agree that—absent a regular conference committee—the House should amend the Senate bill and return it to the Senate.

This decision was not made lightly. All of my members recognize the risks that this action would entail. However, they would rather make a fresh start in the next Congress than have a bill signed into law which has the potential to put them out of business.

To give you just a few examples, here are some of the Senate provisions which need to be addresses:

The Senate provisions on overfishing and bycatch do not take into account the realities of commercial fishing, leaving the industry, the Councils, and NMFS open to crippling lawsuits that could shut down fishing.

The Senate enforcement provisions could subject a fisherman or processing worker to criminal penalties if they get into an argument with a port sampler under contract to NMFS.

The Senate bill would allow the Secretary to impose a federal limited entry plan—not reviewable by the Council on fisheries such as Gulf of Alaska king crab, Pacific Dungeness crab, and Atlantic striped bass.

A fisherman writing a letter to a Council who does not provide complete documentation for his views could be subject to a \$100,000 fine.

The Senate bill could allow a State to allocate Dungeness crab through area closures and pot limits at the expense of traditional fishermen legally harvesting crab in federal waters.

Every groundfish fisherman in the Pacific Council area would be required to register their limited entry permit with a newly established lien identification system and pay a fee every time the permit was transferred a provision that was never discussed with affected fishermen in California, Oregon, and Washington.

This is not an all-inclusive list of troublesome provisions, but it demonstrates the additional work that is needed on the Senate bill before it becomes law. On behalf of our members and their employees in San Luis Obispo, the San Francisco area, Sacramento, Fort Bragg, Eureka, Crescent City, Brookings, Charleston, Newport, Astoria, Warrenton, Portland, Chinook, Westport, Seattle, Bellingham, Petersburg, Cordova, the Kenai Peninsula, Kodiak, and Bristol Bay, I urge you to improve S. 39 when it arrives in the House and return it to the Senate for final action.

Sincerely,

ROD MOORE,
Executive Director.

PACIFIC COAST FEDERATION
OF FISHERMEN'S ASSOCIATIONS,
Sausalito, CA, September 23, 1996.

Re Reauthorization of the Magnuson Act.

Hon. GEORGE MILLER,
Ranking Minority Member, House Committee on
Natural Resources, Longworth House Office
Building, Washington, DC.

DEAR GEORGE: The Pacific Coast Federation of Fishermen's Associations (PCFFA), representing working men and women in the west coast commercial fishing fleet, respectfully requests the House reject the effort to force House adoption of the Senate bill, S. 39, to reauthorize the Magnuson Act. While PCFFA had encouraged the Senate to take action on Magnuson, after nearly two years of delay, and worked for inclusion of language giving California, Oregon and Washington jurisdiction in federal waters over the Dungeness crab fishery, it was with the understanding that the two bills would be reconciled in conference. We understand now that this may not happen due to the Senate's delay.

PCFFA fully supports the House bill: Indeed, the only thing missing from it was the Dungeness crab language. The Senate version, on the other hand, we find seriously flawed and suggest that no bill this session would be better than adopting the measure passed last week by the Senate. There are a number of concerns we have with the Senate version, including:

S. 39 would require any limited access fishery (most of our west coast and Alaska fisheries are under limited entry, including

salmon, pink shrimp, herring, groundfish, halibut, blackcod, swordfish/shark, Dungeness crab, sea cucumber, sea urchin and abalone) to register their limited access permit in a line registry and pay a fee every time they transfer it. This provision, slipped in the Senate bill as an apparent favor to Seattle bankers, was not discussed with fishermen here on the west coast and, frankly, does not belong in a statute governing the conservation and management of fish stocks. Just who is the Senate concerned with here, the fish and the fishing fleet, or the bankers?

S. 39 allows the Secretary to impose limited access plans, including ITQs, on any fishery that is not under regional fishery management council jurisdiction. As mentioned, most of our fisheries here on the west coast are under limited access management, mostly under state-developed programs. Moreover, most of the state programs are working well and, in the case of California, most were industry-developed. As we read the Senate language, the Secretary could impose his/her own will over state fisheries under S. 39.

S. 39 perverts the fishing community language, which in the House bill gives consideration of local, community-based fleets, by including the home ports of the distant water, corporately-held, factory trawlers under the definition of "community-based fleets." About the only thing the Senate version did not do was define the corporate headquarters for these fleets as a "fishing community" and that's probably only because Arkansas is land-locked.

S. 39's language on bycatch is much weaker than your House version and actually makes reducing mortality of bycatch co-equal with avoiding or reducing bycatch. The Senate bill also exempts the East Coast large pelagic fishery from the bycatch provision of the bill. The shark bycatch in the East Coast fishery is giving the whole of the commercial fishing industry a black eye. We have dealt with shark and shark bycatch issues here on the west coast (through state regulation) in an effort to ensure the resource was protected and the fishery is sustainable; surely it's not too much to ask that bycatch requirements be put in place for the Atlantic.

S. 39, moreover, fails to address the issue of windfall profits from ITQs. The problem of profiteering on permits has to be addressed, first to dissuade non-fishing speculators from seeking or gaining quota shares; second to assure quota shares are affordable for fishermen/women seeking to enter a fishery (by preventing windfall profits and restricting quota sales to those directly engaged in the harvest of fish—not bankers or processors); and third to assure the public a fair return on this publicly-held resource.

The House is to be commended for its bipartisan effort in developing H.R. 39, which is a very good bill. The only reason we had for pressing a Senate bill was to get in the Dungeness crab language, offered by Senator Widen, and get the two bills into conference with the idea of getting a measure out this year. If the choice now, however, is between the Senate version and no bill at all, PCFFA recommends waiting until next year.

Thank you for all your efforts this year on Magnuson and please convey to your colleagues our dissatisfaction with S. 39.

Sincerely,

W.F. "ZEKE" GRADER, Jr.,

Executive Director.

A TRIBUTE TO HONOR REVEREND DR. WARREN W. OST

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. FORBES. Mr. Speaker, I rise today to honor and pay tribute to the Reverend Dr. Warren W. Ost. Reverend Ost is the founder and director of a Christian Ministry in the National Parks. For the past 45 years, Reverend Ost and his wife, Nancy Nesbitt Ost, have dedicated their lives to developing and maintaining this independent, interdenominational movement dedicated to serving the spiritual needs of visitors and staff in our Nation's treasurers, our national parks.

A Christian Ministry in the National Parks was born in Yellowstone National Park where Reverend Ost spent four summers working as a bellman and organizing programs for other seasonal employees. From these summer experiences and the faith and dedication of one man, a program was born that now spans the breadth of our country and touches the lives of millions of Americans each year. The program in Yellowstone National Park, with the cooperation of the National Council of Churches, spread and developed into a Christian Ministry in the National Parks. In 1971, through a reorganization of the National Council of Churches, a Christian Ministry in the National Parks became a separate movement.

A Christian Ministry in the National Parks is the oldest and largest ecumenical movement training church leaders in environmental education. The purpose of the program is to cultivate a Christian community of workers at work and worship, together with our park visitors, in our national parks. Each year a Christian ministry in the national parks places over 300 seminarian interns in our national parks. Following the model of the worker-priest, each participant involved with the program has a regular secular job with the service establishments in the park.

From its very beginnings, the program has been a model of church and State separation. Students ministering in the program hold private sector jobs, the program is underwritten solely with private donations, and participants receive only those privileges granted to bonafide religious groups sending representatives onto Federal lands. Yet, this dedicated staff holds open the door to staff and tourists alike for Sunday worship that would not otherwise be readily available.

Reverend Ost likes to talk in terms of living above the store. Literally and figuratively, Warren and Nancy live above the store. A Christian ministry in the national parks has been run since the beginning by a small, dedicated staff working from a small townhouse in New York City. Warren and Nancy live next door. For nearly half a century, Reverend Ost has led this dynamic program, not merely by overseeing its activities, but by actively participating in every facet of the movement. A Christian Ministry in the National Parks has been Warren and Nancy's life work and faith, and they live their faith each and every day. In quiet and often unnoticed ways, they have touched the lives of millions, crossing denominational lines and demonstrating God's love through their actions and relationships.

As Warren and Nancy retire, we offer them our heartfelt gratitude and respect. Their faith

and commitment have remained steadfast in the face of all obstacles. They have faced each day with optimism and belief of purpose. They have truly been good and faithful servants.

A Christian Ministry in the National Parks will continue to touch lives for generations to come and we know Warren and Nancy will remain active participants in this and other Christian ministries. We wish them all the best and again offer our heartfelt thanks for a job well done.

LT. COL. MIKE WAITE VALUABLE DEFENSE AIDE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. MONTGOMERY. Mr. Speaker, I rise today to pay tribute to a truly outstanding Army National Guard officer, Lt. Col. Mike Waite of Missouri.

Since March of this year, Colonel Waite has been detailed to my office to serve as my Defense legislative assistant. He has proved to be an invaluable asset to me and of tremendous help in my efforts to formulate my annual Guard/Reserve procurement package. Thanks to his vast knowledge of the Reserve components, Mike provided very sound advice on the needs of the National Guard and reserves to insure that these components received adequate funding in order to be full partners in the total force.

In addition to his work on the procurement package, Colonel Waite took a personal interest in several personnel issues which are very important to maintaining morale among the Reserve components and thus the all important readiness of these units.

Before coming to my staff, Mike was assigned to the National Guard Bureau in the Legislative Liaison Directorate. The expertise and knowledge he gained in this assignment was quite beneficial to me because of his complete understanding of the issues and his ability to put my goals into legislative language.

Mr. Speaker, I wish Lt. Col. Mike Waite the best in his future career with the National Guard and express my thanks to him for job well done during the second session of the 104th Congress.

TRIBUTE TO JOSEPHINE NIEVES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1996

Mr. TOWNS. Mr. Speaker, triumph over adversity and beating the odds are success stories that need to be heralded. I am pleased to highlight the achievements of Josephine Nieves, MSW, Ph.D., the first Latina to head the National Association of Social Workers [NASW]. As a trained social worker, I have a personal affinity for the very important work that social workers perform.

As the head of a 155,000 member association, Dr. Nieves brings more than 30 years experience to the job. Most recently, she was a