

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at a later time.

MORATORIUM ON LARGE FISHING  
VESSELS IN ATLANTIC

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1855) to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries, as amended.

The Clerk read as follows:

H.R. 1855

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

## SECTION 1. MORATORIUM.

(a) IN GENERAL.—Notwithstanding any provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), no large fishing vessel may engage in fishing for Atlantic herring or Atlantic mackerel within the United States exclusive economic zone until—

(1) the National Marine Fisheries Service has completed a new population survey into the abundance of the discrete spawning stocks of Atlantic herring and Atlantic mackerel; and

(2) the Secretary of Commerce has approved and implemented fishery management plans developed by the appropriate regional fishery management council for Atlantic herring and Atlantic mackerel, which specifically allow large fishing vessels to participate in those fisheries.

(b) LARGE FISHING VESSEL DEFINED.—In this section, the term “large fishing vessel” —

(1) except as provided in paragraph (2), means a fishing vessel (as that term is defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802)) of the United States that is equal to or greater than 165 feet in length overall and has an engine of more than 3,000 horsepower; and

(2) does not include such a vessel that engages only in processing fish harvested by fishing vessels of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

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

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. Let me just begin my very brief remarks by thanking the gentleman from Hawaii for his ardent and helpful effort with regard to moving this bill swiftly through the committee and bringing it here to the floor. The gentleman from Hawaii [Mr. ABERCROMBIE] and I have worked very closely together and I want to express my deep appreciation to him at this point.

Mr. Speaker, I rise in strong support, obviously, of H.R. 1855, a simple and straightforward measure that will place a moratorium on large fishing vessels in the Atlantic mackerel and herring fisheries.

Why is congressional intervention and management of these two species needed? Well, herring and mackerel are the two fisheries on the east coast that have not been fished to death yet. Mackerel, the mackerel world market and the prices have increased substantially because the eastern European countries can no longer depend on Government support and because the demand for mackerel and herring in those societies has grown to an unprecedented level.

This has created an economic reason to fish on these two species and it has created therefore new fishing pressure.

Herring has just recently recovered from being badly overfished. This recovery caused serious pain among the New England fishermen who had to find an alternative source of fish in order for them to survive. They increasingly turned to cod and haddock at Georges Bank, which has since been overfished and that fish stock has now crashed. Now herring is being targeted once again.

Now it looks as though the Atlantic herring and mackerel fisheries are faced with a new disastrous threat. Large fishing vessels are poised to enter these fisheries. High prices and the apparent abundance of these species has attracted the attention of fishermen and businessmen throughout the world who have responded by investing in large fishing vessels to harvest this American resource for sale overseas because there is no market here. The market is overseas.

The capacity of each of these vessels exceeds 50 metric tons per year. That is a large fishing vessel, to say the least. One such vessel plans to begin harvesting this fall. It is therefore imperative that we establish safeguards to prevent another fishing disaster like those suffered by redfish, shark, striped bass, as well as cod and haddock, which I mentioned before.

There are a number of things that we need to point out. Fact No. 1, we do not know with any certainty how many fish, that is, mackerel and herring, there are. The National Marine Fisheries Service, which we know as NMFS, has not done a stock assessment specifically on herring and mackerel stocks. The only information we have on these species is from a complex large pelagic survey that was done and incidentally, just incidentally, mentions herring and mackerel. Therefore, fact No. 1 is that we do not know how many fish there are.

Fact No. 2, the moratorium is temporary in nature but it is also an emergency measure. The moratorium on large fishing vessels will only last as long as it takes the National Marine Fisheries Service to do a separate stock assessment on herring and mack-

erel to find out how many fish there are, two tremendously important east coast fisheries. Imagine that, knowing how many fish there are before we begin to take them in large numbers.

□ 1415

So fact No. 2, we need to do stock assessments before additional fishing pressure is brought to bear on these species.

Fact No. 3, the councils that care for these fisheries or regulate these fisheries are moving quickly to preserve them as well, but they need more time. The mid-Atlantic and New England fisheries management councils have passed resolutions and motions to protect these fisheries from overharvest. The councils need the time to react to what could be a sudden unsustainable increase in the harvest. This bill gives them the time to develop fishery management plans which do not exist at this time.

Fact No. 4, the National Marine Fisheries Service has guessed that the mackerel fishery can sustain only about 150,000 metric tons of annual harvest. Three of these large vessels, which are poised to enter this fishery, could easily meet and possibly exceed this harvest within a single year. It is not clear that the resource can withstand this fishing effort and remain healthy and viable. Therefore, we need to take care of the management plan before this fishing pressure starts.

The National Marine Fisheries Service seems content to wait until the stocks crash before taking action to protect these fisheries. That is why we need this moratorium. As someone who has witnessed the pain and suffering experienced by fishermen from New England, I do not believe that we should fish now and pay later. We must end this cycle of destroying our resources without knowing how much fishing pressure they can endure. Help to conserve the Atlantic herring and mackerel stocks by voting “yes” on this bill, H.R. 1855.

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

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

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

Mr. ABERCROMBIE. Mr. Speaker, before I begin, I would like to thank the gentleman from New Jersey [Mr. SAXTON] for his kind remarks. I would like, in addition, to cite the work of the staff with regard to this and other bills, Mr. Speaker. It is outstanding work always.

Mr. Speaker, the remarks of the gentleman from New Jersey are such that I think they make a compelling case in and of themselves. I would like not to reiterate them but to amplify them somewhat.

The temporary moratorium on the entry of large fishing vessels into these two fisheries will provide the East

Coast councils the opportunity they need to develop management plans to protect the resources without the threat of overcapitalization. I think that the gentleman from New Jersey has made a clear and compelling case in that regard.

Too many fisheries in the United States are already overcapitalized, and seasons that used to last for months are now over in days. In New England, coastal communities have been devastated by the crash of cod and haddock stocks. Mackerel and herring will be the only healthy fisheries if they can survive the next several years, but not if those stocks are suddenly being harvested by an influx of large vessels. Four or five of these boats could eliminate the opportunities for fishermen that have little else to depend upon.

It is time that we learn from the mistakes of the past and encourage the proactive approach by the councils to the problems of overcapitalization. This bill does that by giving the councils the time to do their job. It will be good for the fishing industry and the fish, and I urge Members to support the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me this time, I thank the gentleman from New Jersey [Mr. SAXTON] for his leadership on this issue, and I thank both of them on behalf of fishermen all throughout the State of Maine.

Mr. Speaker, I rise today as an original cosponsor of H.R. 1855. This bill establishes a moratorium on the introduction of large fishing vessels into the Atlantic Coast herring and mackerel fisheries until comprehensive studies are conducted on the health of the spawning stocks.

Several initiatives financed by foreign countries have surfaced which focus on the use of very large offshore factory trawlers on the Atlantic Coast to catch and process large quantities of mackerel and herring. This is of great concern to local fishermen in Maine, Massachusetts, Rhode Island, and New Jersey who are working to develop these fisheries locally.

We are all aware of the devastating effect overfishing has had on our ecosystem. European stocks have been severely overfished, accounting for world interest in U.S. stocks. While our stocks are considered to be strong, stocks of mackerel and herring, many in the industry do not believe they are robust enough to withstand the take of large factory trawlers. There is no Federal fishery management plan for herring and the scientific information on the abundance of both species is questionable.

Mr. Speaker, we simply cannot repeat the mistakes of the past by overfishing and overcapitalizing our marine resources. This is responsible legislation and I urge its passage.

Mr. ABERCROMBIE. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I want to extend my gratitude to the chairman of the subcommittee, who has really provided some leadership in this matter that concerns us all here.

More than 20 years ago my predecessor, Gerry Studds, in this Chamber helped enact landmark legislation to ensure that foreign fleets would no longer be allowed to deplete fish stocks off our coasts. Well, here we go once more. Unless we vote today to approve H.R. 1855, factory trawlers will return and will bring with them an updated high-tech version of overfishing aimed at two of the few healthy stocks we still have left, Atlantic herring and mackerel.

As the House deliberates today, at least one displaced factory trawler is being retrofitted in Norway in preparation to set sail for the waters off the New England coast. This one vessel alone is capable of harvesting 50,000 metric tons of mackerel in 1 year, one-third of the maximum sustainable yield for the whole Atlantic coast, not to mention the likely impact of bycatch on haddock and scores of other marine species.

We just do not know enough about the population dynamics of herring and mackerel to risk placing such enormous new pressures on these species, species on which the industry, marine mammals, coastal communities and the entire coastal ecosystem depend. Without this bill, we stand to repeat the mistakes of the past.

In the late 1960's and 1970's, large Russian and Polish vessels plied our shores and threatened to decimate our fishing industry and our stocks. It took the passage of the Magnuson Act to push them from our waters, leaving what we thought was plenty of fish to go around.

Meanwhile, however, we allowed our own industry to expand. Soon it was vastly overcapitalized, putting renewed pressures on groundfish. We are all too aware of the consequences.

Yet less than a year after reauthorizing the Magnuson Act, we are watching factory trawler vessels again prepare to invade our fisheries. New England fishermen, stressed by declining stocks, higher prices and a shortened season, face bleak times as we await the slow process of rebuilding groundfish stocks.

Already, we have too many boats chasing too few fish and far too many vessels that will never again go to sea at all. Without this bill, local fleets trying to diversify their interests will be rewarded only by drastic levels of new competition that will remain with us forever.

For the sake of both fish and the fishermen, it is my own hope that the Fisheries Council will develop and implement management plans that make further congressional action unnecessary. I strongly support H.R. 1855 be-

cause it encourages the council to complete this important work and because it shows that we can learn from our mistakes.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I want to thank the ranking member for yielding me this time, and also the chairman, who was kind enough to carry through on his pledge made to me during the subcommittee hearings in addressing my concerns with the unintended loopholes that were originally in the legislation.

Mr. Speaker, before I comment on the present status of the issue, or even the future, I feel it is important to take a look back at the recent history of the fishing industry in the United States, specifically in the New England area.

It was barely 20 years ago that we faced the decimation of fishing stocks because of overfishing. We face the prospect of repeating that mistake. This time, however, the threat could be much larger.

While I respect my colleagues from the west coast who might oppose this legislation, it is, in fact, the very current condition of the North Pacific Pollock Fishery, located off the west coast, that leads me to be concerned about the havoc these trawlers could wreak on the herring and mackerel fisheries found in the Atlantic.

Mr. Speaker, we are trying to ensure the viability of our fishing industry in the Northeast by preventing the factory trawlers from overfishing the waters at the expense of fishermen whose very livelihoods depend on a well-plenished fishery. While the herring and mackerel stock are currently thriving, my concern is shared with the gentleman from Massachusetts [Mr. DELAHUNT] that by allowing these factory trawlers in the area, we will place the smaller fishing boats at risk once again. And these are, in fact, the same sized fishing boats that suffered the blunt of the depleted stocks that occurred in the 1970's.

Once these factory boats are in our waters, it would be extremely difficult to control the size and scope of their catch. Our fishing industry will never survive if we make that mistake.

Protecting the natural resource is intelligent public policy, whether we are talking about the industry's interest or the public interest or the interest of the conservation community. I support this moratorium to allow the National Marine Fisheries Service and the Department of Commerce time to complete the requirements as outlined in the bill.

Mr. Speaker, many of my constituents up in Gloucester, as well as other areas of my district, are extremely concerned about this issue. In fact, I know many of these people who have worked tirelessly on the issue and support this bill are now watching the debate at this very moment. I join them

in pressing for the necessary protection to continue the fishing tradition that has been passed down from family to family, from generation to generation. It is my hope that we will not inherit from a previous generation the problem of depleting these much-needed resources.

Again, I thank the ranking member and the chairman for providing me a chance to have input in this process.

Mr. ABERCROMBIE. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Hawaii [Mr. ABERCROMBIE] has 10 minutes remaining and the gentleman from New Jersey [Mr. SAXTON] has 14 minutes remaining.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. BALDACCI].

□ 1430

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE] for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 1855. As a cosponsor of this legislation, I know that it is going to establish a moratorium on entry of large fishing vessels in the Atlantic for herring and mackerel fisheries.

Herring have provided a living for Mainers for well over 100 years. From sardines and exports to lobster bait, the fishery continues to play a prominent role in the economies of coastal communities. Estimates and anecdotes suggest that a large herring fishery exists, but the resource is poorly understood.

The National Marine Fisheries Service has not yet done a stock assessment. While the resource appears to have potential, it is of grave concern to most of the maritime community that there is no fishery management plans in place and that there is no way to ensure that the harvest is conducted at a sustainable rate.

The absence of sound science clearly impacts the ability of the councils to develop or amend the appropriate fishery management plans. It is clear that the councils are moving in that direction. I believe that it is essential to develop the research that will serve as the foundations for sound plans. This bill does just that. It calls for the science to be conducted. It gives the councils the breathing room necessary to develop solid plans.

What makes congressional action necessary is the prospect that fishing efforts for the two species may rapidly overdevelop and include very large freezer trawlers. This troubling scenario is compounded by the very real possibility that this could all occur before comprehensive plans are in place.

I would add that the moratorium would be temporary. It would remain in place until the completion of population survey and the approval of management plans. I urge my colleagues to support H.R. 1855.

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

Mr. SAXTON. Mr. Speaker, yielding myself such time as I may consume, as has been stated here with regard to the species in question, there is a significant population of herring and mackerel, and we believe that it is important that we maintain a balance within the ocean ecosystem and that this species should be protected from overharvesting.

We do not want, in other words, history to repeat itself, as it did with the shark population, when the National Marine Fishery Service, in the 1980's, declared it an underutilized species. The species was fished on with very, very heavy fishing pressure. And by 1993, the National Marine Fisheries Service had to declare the shark fishery an endangered fishery.

As with regard to other historical precedents, red fish in the Gulf of Mexico, in 1980 it was declared an underutilized species, and by 1986, with the taking of more than 10 million tons a year, the species became overutilized, overfished, and endangered.

Another example is with regard to an international problem with regard to the Atlantic blue fin tuna. During the 1970's, blue fin were abundant all over the north Atlantic and the south Atlantic, as well. Today, the blue fin population, because of overfishing, is just 13 percent of what it was back in those years.

So, in order to avoid this occurrence with regard to herring and mackerel, I urge passage of this bill.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is will the House suspend the rules and pass the bill, H.R. 1855, 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.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 123. Concurrent resolution providing for the use of the catafalque situated in the crypt beneath the rotunda of the Capitol in connection with memorial services to be conducted in the Supreme Court Building for the late honorable William J. Brennan, former Associate Justice of the Supreme Court of the United States.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 33. Concurrent resolution authorizing the use of the Capitol Grounds for the National SAFE KIDS Campaign SAFE KIDS Buckle Up Car Seat Check Up.

#### NEW MEXICO STATEHOOD AND ENABLING ACT AMENDMENTS OF 1997

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 430) to amend the act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.

The Clerk read as follows:

S. 430

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

#### SECTION 1. PERMANENT TRUST FUNDS OF THE STATE OF NEW MEXICO.

(a) SHORT TITLE.—This Act may be cited as the "New Mexico Statehood and Enabling Act Amendments of 1997".

(b) INVESTMENT OF AND DISTRIBUTIONS FROM PERMANENT TRUST FUNDS.—The Act of June 20, 1910 (36 Stat. 557, chapter 310), is amended—

(1) in the proviso in the second paragraph of section 7, by striking "the income therefrom only to be used" and inserting "distributions from which shall be made in accordance with the first paragraph of section 10 and shall be used";

(2) in section 9, by striking "the interest of which only shall be expended" and inserting "distributions from which shall be made in accordance with the first paragraph of section 10 and shall be expended"; and

(3) in the first paragraph of section 10, by adding at the end the following: "The trust funds, including all interest, dividends, other income, and appreciation in the market value of assets of the funds shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico."

(c) CONSENT OF CONGRESS.—Congress consents to the amendments to the Constitution of the State of New Mexico proposed by Senate Joint Resolution 2 of the 42nd Legislature of the State of New Mexico, Second Session, 1996, entitled "A Joint Resolution proposing amendments to Article 8, Section 10 and Article 12, Sections 2, 4 and 7 of the Constitution of New Mexico to protect the State's permanent funds against inflation by limiting distributions to a percentage of each fund's market value and by modifying certain investment restrictions to allow optimal diversification of investments", approved by the voters of the State of New Mexico on November 5, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

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

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

Mr. Speaker, S. 430 is identical to H.R. 1051, a bill introduced by my colleague, the gentleman from New Mexico [Mr. SKEEN]. S. 430 is a result of very hard work by the gentleman from New Mexico [Mr. SKEEN] and the entire New Mexico delegation and has no opposition from the Administration. Furthermore, this bill is very beneficial to citizens of New Mexico.