

there regarding the scale and nature of the federal shark fishery in California, we agree with your conclusion that California's Shark Fin Prohibition law will have minimal impact on federally licensed and permitted shark harvesters in California, and does not unlawfully burden their ability to achieve the benefits from federal fisheries provided under the Magnuson-Stevens Fishery Conservation and Management Act, as amended. Accordingly, it is our position, based on the information that you have provided, that California's Shark Fin Prohibition law is not preempted by the Magnuson-Stevens Act, as amended.

We agree that this has been a very productive process. Our consultations have addressed fully our initial concern, as expressed in the amicus brief of the United States *Chinatown Neighborhood Association et al.*, v. *Brown*, et al., Ninth Circuit Case No. 13-15188, that California's Shark Fin Prohibition might conflict with or obstruct the Magnuson-Stevens Act, as amended. In light of our present conclusion that California law does not conflict with or obstruct the purposes, goals, or methods of the Magnuson-Stevens Act, we do not intend to seek authorization from the Department of Justice to further participate in the case of *Chinatown Neighborhood Association, et al. v. Brown, et al.*, No. CV 12 3759 WHO (N.D. Cal.). We request that you contact us if there are significant changes to the facts described in your letter as this could necessitate further consultation.

We appreciate your willingness to work with us on this important matter and we hope this letter addresses your concerns.

Sincerely,

EILEEN SOBECK,  
Assistant Administrator for Fisheries.

STATE OF CALIFORNIA—NATURAL  
RESOURCES AGENCY, DEPARTMENT  
OF FISH AND WILDLIFE,

Sacramento, CA, February 3, 2014.

EILEEN SOBECK,  
Assistant Administrator for Fisheries, National  
Oceanic and Atmospheric Administration,  
Silver Spring, MD.

DEAR MS. SOBECK: We write to memorialize a series of conversations between our respective offices and legal counsel beginning on September 6, 2013, regarding the relationship between California's Shark Fin Prohibition, Cal. Fish & Game Code §§2021 & 2021.5, and the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§1801-1884, as amended by the Shark Finning Prohibition Act of 2000, Pub. L. No. 106-557, 114 Stat. 2772 (2000), and the Shark Conservation Act of 2010, Pub. L. No. 111-348, 124 Stat. 3668 (2010). We appreciate the opportunity to consult with you and believe that this process has been highly productive. This process was initiated after the United States filed an amicus brief in *Chinatown Neighborhood Association et al.*, v. *Brown, et al.*, Ninth Circuit Case No. 13-15188, and in that filing the United States observed that California's Shark Fin Prohibition may conflict with or obstruct federal law. However, in light of our discussions and the full information and analysis we have provided regarding the scope and effect of California's law, we now agree that California law and federal law are consistent and that there is no basis for finding California's Shark Fin Prohibition to be preempted by the Magnuson-Stevens Act, as amended.

The Magnuson-Stevens Act governs the management of federal fisheries, including shark fisheries. As we have discussed, the Shark Fin Prohibition and the Magnuson-Stevens Act, as amended, share a goal of promoting conservation and ending the practice of shark finning. To this end, the California

Shark Fin Prohibition proscribes the possession, sale, trade, and distribution of detached shark fins in California. See Cal. Fish & Game Code §§2021(a)&(b). Of particular significance here, and unlike federal law, the California Shark Fin Prohibition does not regulate the act of finning or the taking and landing of sharks within the Exclusive Economic Zone (EEZ). Moreover, under California law, a federally-licensed fisher may land a shark in California with the fins attached, as required by the Shark Conservation Act of 2010. See id. §2021(a) (defining "shark fin" as the "raw, dried, or otherwise processed detached fin, or the raw, dried, or otherwise processed detached tail, of an elasmobranch.")

With respect to your concern regarding the ability of fishers to possess fins (from sharks caught in the EEZ), pursuant to California Fish and Game Code sections 2021(d) and 2021.5(a)(1), properly-licensed fishers are exempt from the ban on possession. Because all fishers, including those who operate in federal waters pursuant to a federal license, are required to hold state licenses in order to land sharks in California, see id. §§7850, 7881, this exemption applies equally to federal and state fishers.

Finally, California's Shark Fin Prohibition does not interfere with the management of federal fisheries. As you are aware, and as set forth in our reply to your amicus brief, we reject the notion that simply because a state ban might have an effect on fishing within federal waters and consequently on the attainment of "optimum yield," that it conflicts with and/or is preempted by the Magnuson-Stevens Act. While we may continue to disagree on this point, as a practical matter, the California Shark Fin Prohibition has no meaningful effect on fishing behavior or "optimum yield." Relatively few sharks are landed in California. The California-based drift gillnet fleet and the Hawaii-based pelagic longline fleet account for the majority of shark landings in California from federally-managed fisheries. Both of these fleets target swordfish and thus fishing behavior in these fleets is driven primarily by swordfish, and not by sharks. The relative importance of swordfish and sharks is apparent in both landings and revenue. For example, in 2012, according to PacFIN data, shark landings in California (from both federal and state waters) totaled 107.5 metric tons, and represented \$189,910 in revenue. By comparison, 402.5 metric tons of swordfish were landed in California in 2012, with an ex-vessel value of \$2,092,050. With respect to the relatively small number of sharks that are landed in California, state law permits the sale of all of the parts of a shark caught in federal waters and landed in California, excluding its detached fin and tail. Accordingly, we do not expect an appreciable impact on income to federally-licensed shark harvesters in California as a result of California's law.

For these reasons, we believe that California's Shark Fin Prohibition is consistent with and does not conflict with the Magnuson-Stevens Act, as amended by the Shark Finning Prohibition Act of 2000, and the Shark Conservation Act of 2010.

Please feel free to contact Thomas Gibson, General Counsel, if you have further questions or concerns.

Sincerely,

CHARLTON H. BONHAM,  
Director.

## PERSONAL EXPLANATION

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2014

Mr. SMITH of Washington. Mr. Speaker, on Monday, January 27, 2014, I was unable to be present for recorded votes. Had I been present, I would have voted: "yes" on rollcall vote No. 24 (on the motion to suspend the rules and pass H.R. 2166, as amended), and "yes" on rollcall vote No. 25 (on the motion to suspend the rules and pass H.R. 3008, as amended).

## RECOGNIZING KATIE PORTA

### HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2014

Mr. GRAYSON. Mr. Speaker, I rise today to recognize Katie Porta. Katie has devoted her life to serving the Central Florida community. She is an amazing woman and a source of inspiration to us all.

Katie was born in Indiana as Mary Katherine Hartman. She spent much of her childhood shadowing her mom, a nurse who conducted in-home hearing tests for people with disabilities. The experience of visiting rural homes and serving her community remained with Katie into adulthood and drove her apply to Purdue University, where she eventually earned a degree in speech and hearing. Following graduation, Katie became a speech and hearing therapist initially serving the public school system, and later working with military families stationed in Japan through the Department of Defense. Katie's service was rewarded with a new position in Germany, where she supervised an initiative that assisted servicemen as they transitioned from the military back into society.

After her time in Germany, Katie accepted a job working with mentally disabled children at the Sunland Center in Tallahassee. She was shocked by the hospital conditions and immediately resolved herself to becoming a powerful advocate for the disabled. One of Katie's first opportunities to serve as that advocate came in form of legislation: a bill of rights for the developmentally disabled. Katie fought to secure these rights—rights that are now enshrined in Florida law. As Katie says, the developmentally disabled "have the same needs you and I have . . . People don't want to be treated down; they want to be treated up."

Katie later took over Life Concepts, Inc. a non-profit organization that operated group homes, sheltered apartments and vocational training for adults with developmental disabilities (who had previously lived in large state institutions). She spent time visiting state institutions to personally meet the individuals who would be discharged into their assigned community homes. Katie said she wanted to make sure that the settings Life Concepts provided would meet their individual needs. The non-profit had few resources, so Katie worked hard to develop relationships with Florida legislators and stakeholders to ensure that her clients could count on quality care. Her quick wit, persistence, and passion for her clients earned her a reputation for getting things done.

Katie also served her community as Chairwoman of the Orlando Utilities Commission and in her capacity on other community boards, such as the City of Orlando's Nominating Board, the Orange County Membership Advisory Board, and the Heart of Florida United Way. Katie's love for her community is reflected in her two children, Michael and Stephanie. Stephanie is a community organizer in Central Florida and demonstrates the same commitment to equality and justice that her mother has shown.

Katie's work has earned her recognition in Central Florida. In 1996, she was presented with the Distinguished Leadership Award by the National Association of Community Leadership. In 2000 she was recognized as one of the "Top 10 Central Florida Women Who Mean Business." In 2003, our local public radio station, WMFE, called her the "Can-Do Woman of the Year." Last month, our local newspaper named Katie the "Central Floridian of the Year" for her lifetime commitment to serving our community.

I want to recognize Katie for creating a legacy of care and compassion for the voiceless—and as an inspiration to those of us who dream of serving our community.

Mr. Speaker, it is with great honor that I enter these remarks into the CONGRESSIONAL RECORD of history for my friend, and Central Florida's hero, Katie Porta.

#### HONORING KIDS ALIVE

#### HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2014

Mr. MESSER. Mr. Speaker, I rise today to recognize Kids Alive, an organization that is working around the world to improve the lives of children.

America is the most generous nation in human history. When tragedy strikes and innocent people are suffering, Americans respond. Kids Alive is an organization that exemplifies that great American tradition by supporting girls and boys who are orphaned or struggling just to survive extreme poverty. For nearly 100 years, Kids Alive has helped thousands of children with their housing and medical needs, along with providing food, clothing and education assistance. Children from all over the world have seen their lives improve thanks to this faith-based organization.

I am proud that this organization, based in Indiana, has received so much support from the 6th Congressional District. Churches and individuals from across the district have stepped up to help children in the most desperate situations. By donating their time and resources, these Hoosiers have helped give countless kids a better future.

I ask the entire 6th Congressional district to join me in recognizing the important work of Kids Alive and all those who contributed to their success.

#### HONORING ZACHARIAH FRANKLYNN PIXLER

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2014

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Zachariah Franklynn Pixler. Zachariah is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Zachariah has been very active with his troop, participating in many scout activities. Over the many years Zachariah has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Zachariah has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Zachariah Franklynn Pixler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### HONORING AMBASSADOR VICTOR ASHE

#### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 5, 2014

Mr. DUNCAN of Tennessee. Mr. Speaker, Ambassador Victor Ashe retired in 2009 as the longest-serving U.S. Ambassador to Poland.

Prior to his distinguished service abroad, Ambassador Ashe served 16 years as Knoxville's longest-serving Mayor.

Ambassador Ashe has held many other positions in service to Tennessee and our Nation, and he has had one of the most distinguished careers of anyone from my State.

Even following his retirement, Ambassador Ashe is being cited for his expertise and continued devotion to our Nation. I call the following article from the website BBG Watch, in which Ambassador Ashe is quoted many times and is reprinted in part below, to the attention of my colleagues and other readers of the RECORD. I am glad to see my good friend is still working to protect the taxpayers of our Nation:

BBG Watch has learned that officials of the International Broadcasting Bureau (IBB) at a federal agency, Broadcasting Board of Governors (BBG), are alleged to have violated IRS tax rules by employing thousands of private contractors as full-time, long-term employees but failing to withhold taxes from their salaries as they were required to do, according to IRS and the Office of the Inspector General (OIG). . . .

BBG Watch has also learned of allegations that some IBB officials suspected of these irregularities may be trying to cover up their alleged violations by refusing or delaying release of information under the Freedom of Information Act (FOIA) requests from private individuals, including news reporters and NGO representatives. . . .

Allegations have been made that some of IBB officials responsible for employing thou-

sands of poorly-paid full-time contractors who have been denied by these officials basic employment protections and benefits, such as vacations and health insurance, may have also been involved in an attempt to silence and remove from the BBG board a former member, Victor Ashe, and to undermine reputation of some of the still serving BBG members who have questioned their management practices.

Alleged retaliation against Ashe is strongly suspected because he was most active among BBG members in trying to expose and prevent waste of taxpayers' money at the agency, but at least two other BBG members who are still serving may have also been a target of a smear campaign. BBG Watch has learned that FOIA requests for documents that may show alleged efforts by IBB officials to silence BBG members and to undermine their reputation are the ones which are not being answered by IBB officials who have not yet produced any documents several months after these FOIA requests were submitted. BBG Watch also learned that there is still a pending FOIA request for additional information about an incident in which a senior Voice of America executive allegedly tried to get officials at the United Nations to revoke a press accreditation of an independent American journalist. BBG's mission is to support media freedom. Some of these officials are still employed by BBG.

One of BBG Watch volunteer-reporters contacted Victor Ashe by phone at his home at Knoxville, TN to get his perspective on the developing scandal over violations of IRS tax rules by agency officials where he was a board member until late last year. Ashe is a former U.S. Ambassador to Poland and former popular long-term mayor of Knoxville. He had served many U.S. administrations of both parties in various federal positions. This is how BBG Watch reporter summarized for BBG Watch the phone conversation with Ashe:

"After years of neglect from prior management, Broadcasting Board of Governors is now moving to remedy the mistreatment from a pay standpoint for 35% of BBG's employees who are on contract as opposed to being fulltime federal employees," former BBG member Victor Ashe said.

"Of course this is due to the heavy pressure from the Internal Revenue Service and the Office of Inspector General," Ashe added.

"One reason BBG has ranked so poorly in Office of Personnel Management (OPM) morale surveys is the way contract employees are treated, as well as the fallout from the Office of Cuba Broadcasting (OCB) Radio and TV Marti lawsuit from former Cuban American employees in Miami who were illegally dismissed, according to findings by an impartial Federal Arbitrator and legal panels. This lawsuit, which management has lost at every step along the way, continues with costs exceeding \$3.5 million. While it may last two more years, cost may exceed \$5.3 million by the time it is over. No one seems bothered by this use of tax dollars," Ashe added.

"Morale at the three entities, which are Radio Free Asia (RFA), Radio Free Europe/Radio Liberty (RFE/RL) and Middle East Broadcasting Networks (MBN), remains much higher," he added.

"International Broadcasting Bureau (IBB) has a terrible history of mistreating contract employees," Ashe said.

"Congress needs to act swiftly to correct these problems and monitor carefully how BBG is handling the IRS audit and OIG findings. BBG owes the public an explanation on why this has occurred and how they plan on finding \$12 to \$18 million," he added.

"This is all about righting a wrong. IBB past management thought they could get