The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. BRYANT of Texas. Mr. Speaker, I rise to make a point of order.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Texas will state his point of order.

Mr. BRYANT of Texas. Mr. Speaker, we made very clear our intention to ask for a record vote on that. At the time the gentleman from Texas [Mr. BONILLA] stood up on the compact commission matter, he raised a point of order that a quorum was not present and that did not lock in a record vote. The gentleman from Texas [Mr. COLEMAN] specifically asked what action he was supposed to take to lock in a record vote.

Mr. Speaker, I would ask the Chair to grant us our motion for the yeas and nays to be ordered on H.R. 558.

Mr. BONILLA. Mr. Speaker, I ask unanimous consent to revise my point that I made earlier and ask for the yeas and nays.

The SPEAKER pro tempore. Without objection, the yeas and nays are ordered.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1617, CONSOLIDATED AND REFORMED EDUCATION, EMPLOYMENT, AND REHABILITATION SYSTEMS ACT (CAREERS ACT)

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–249) on the resolution (H. Res. 222) providing for the consideration of the bill (H.R. 1617) to consolidate and reform work force development and literacy programs, and for other purposes, which was referred to the House Calendar and ordered printed.

FISHERY CONSERVATION AND MANAGEMENT AMENDMENTS OF 1995

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the order of the House of today and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 39.

□ 1816

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, with Mr. GOODLATTE in the chair.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a unique period of time that we are faced with during this session. We have a bill that has been heard by the committee and we have worked on this bill for approximately 3½ years now. It is H.R. 39, the Fisheries Conservation and Management Amendments of 1995, which I sponsored, along with my good friend, the gentleman from Massachusetts [Mr. STUDDS].

Mr. Chairman, I rise in strong support of H.R. 39, the Fishery Conservation and Management Amendments of 1995, which I sponsored.

Mr. Chairman, this legislation, as you will see, enjoys broad, bipartisan support from members of the Resources Committee and those members from coastal districts with fishing interests. For this bill to have come this far shows the bipartisan effort involved in the development of the bill. I want to thank Subcommittee Chairman SAXTON, GERRY STUDDS, and GEORGE MILLER for their leadership in addressing the difficult issues in this important legislation.

This reauthorization of the Magnuson Fishery Conservation and Management Act of 1976 is crucial to continuing the sound management of this Nation's fishery resources. If Members take nothing else away from this debate, remember, this legislation is supported by Members on both sides of the aisle, by the fishing industry, and by the environmental community.

This has been no small feat, and while some may not be entirely happy with the legislation, reauthorization of this act is very important to us all.

Mr. Chairman, during the 103d and 104th Congresses, 10 hearings on reauthorization issues were held. This legislation represents an attempt to address the concerns raised at these hearings. This legislation may not be perfect; however, fisheries management is a complicated balancing act. We have attempted to address the concerns raised by commercial fishermen, recreational and charter boat fishermen, environmental organizations, fishing communities, fish processors, and other interested groups.

The Magnuson Act was enacted in 1976 in direct response to the depletion of U.S. fishery resources by foreign vessels. The Magnuson Act expanded U.S. jurisdiction over fishery resources to 200 miles. The Act also included provisions intended to encourage the development of a domestic fishing industry.

The act created eight Regional Fishery Management Councils to manage the fishery resources within their geographic area. The Councils were charged with determining the appropriate level of harvest to maximize the benefit to the Nation while still protecting the long-term sustainability of the stocks.

This means the Councils must balance the often competing interests of commercial and recreational fishermen, and the often competing gear groups within the commercial industry.

It is important to note that the committee continues to strongly support the current Regional Fishery Management Councils system. This legislation includes some reforms of the Council process and requires new disclosure rules to deal with the perception of conflict of interest on the Councils.

While this legislation deals with the fishing industry, it is environment friendly. In fact, you have probably received or will receive letters of support from many of the national environmental groups. We think that we have crafted a bill which will allow fishermen to make a living from the sea while also making them better stewards of the resources they rely on for their livelihood.

Three major areas needed to be addressed in this reauthorization to maintain healthy fisheries and healthy fishing communities. For the domestic fishery resource to remain healthy, fishery managers must take steps to reduce bycatch and the mortality of discards in the fisheries, to prevent the overfishing of stocks and rebuild those stocks which are already overfished, and, finally, to protect habitat essential for the continued renewal of the fisheries.

The reduction of bycatch in our fisheries is one of the most crucial challenges facing fisheries managers today. In the North Pacific groundfish fishery alone, more than 740 million pounds of fish were discarded, in 1993. That represents 16 percent of the total catch of the fishery. Much of that discard is of prohibited species. It is clear that this is unacceptable. We hope that the requirements of this bill will help Councils address the problem of bycatch, and we hope that fishermen will respond with innovative methods of reducing bycatch.

In particular, this legislation requires the Regional Fishery Management Councils to amend all existing Fishery Management Plans to reduce bycatch to the maximum extent practicable. It also provides the Councils with the ability to offer incentives to fishermen to reduce their bycatch.

A second area of concern is the protection of essential habitat. This has been a tough issue to wrestle with. We do not want to over-regulate the fishing industry; however, the Councils

and the National Marine Fisheries Service should include in their Fishery Management Plans a description of what habitat is essential for the continued health of the fishery.

The third area of change is to address the problem of those stocks which are already overfished or may be in danger of overfishing. This legislation requires the Secretary to report to Councils if any stock is approaching a condition of being overfished. This proactive identification of overexploited stocks will enable the Councils to take steps to keep the stocks from crashing. The bill also requires that Councils implement a rebuilding plan for any stock which is already overfished. If the Council is not able to implement a plan within one year, the Secretary is then required to implement a plan.

Mr. Chairman, one of the most contentious issues that we have worked on this year has been the use of a limited access management system known as Individual Transferable Quotas [ITQ's]. This type of management system allocates a percentage of the harvest to vessels based on past history in the fishery, current level of harvest, and several other criteria. Since 1990, three fisheries have already turned to ITQ's as the preferable management option, the latest being the halibut/sablefish plan in the North Pacific.

The use of ITQ's has been hotly debated at the Council level and now at the national level. I believe that there are many issues yet to be resolved on the use of ITQ's as a management tool.

There are those who argue that this bill kills any chance of ever enacting another Individual Transferable Quota [ITQ] plan. It does not. It puts the brakes on the headlong rush to enact ITQ plans for all fisheries without examining other limited access options. I have heard of movements to manage a number of fisheries under ITQ plans including: Pacific crab stocks, Bering Sea groundfish, New England lobster, Gulf of Mexico red snapper, Atlantic bluefin tuna, and swordfish. I believe that there are those at the National Marine Fisheries Service who have been advocating the use of ITQ's for all fisheries and I think this should stop.

This bill makes it clear that ITQ's are a tool that the Councils can use, but clarifies that the quota shares are not property rights and do not convey a permanent right to the resource.

Some ITQ proponents do not like the guidelines we have put in this legislation. This debate has been going on for more than 2 years and will probably continue after this bill is passed by the House and the debate turns to the Senate, which is currently working to move similar reauthorization legislation.

I think these guidelines bring some rationality to ITQ management systems.

Mr. Chairman, the problem of overcapitalization is another issue which has been debated by many of our Members for years. You will hear the phrase that ''there are too many boats chasing too few fish'' quite a bit today. It is especially true in some areas of the country like New England.

We have worked hard to create a vessel buy-out program which does not require huge expenditures of taxpayer money. This program is a delicate compromise that I want to thank GERRY STUDDS and his staff for working on so diligently. The program allows a buy-out fund to be initially capitalized from already appropriated Federal programs such as fisheries disaster programs. The fund will then be used to bring the size of fishing fleets to a rational number. Those vessels which remain in the fishery and benefit from the reduction in fishing effort will then repay the fund over a 15-year period. This is a compromise which works, and which will not bankrupt the Federal Government nor the fishing industry.

Mr. Chairman, this is a good bill, and one that has taken 3 years to develop. It is full of compromise, yet does not compromise on maintaining the health of the resource—which should be the goal of everyone here.

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

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

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

Mr. STUDDS. Mr. Chairman, hard as it may be to believe, given the youthfulness and vigor of the gentleman from Alaska [Mr. YOUNG] and myself, it was 20 years ago on the floor of this House that the gentleman and I, and others, fought for passage of the original act to secure U.S. jurisdiction and management authority over fisheries within 200 miles of our shores. Today, we continue that battle to save our fisheries.

Mr. Chairman, the problem we faced then was that foreign fisherman were decimating our stocks from Maine to Alaska, leaving little if any fish for our own industry. We sought to push those fishermen out, promote the development of the U.S. capacity to harvest these valuable fisheries and establish a responsible conservation and management regime that would ensure the long-term sustainability of the resources and our industry.

American fishermen now have the technology and the capacity to harvest every fish available in U.S. waters. This advanced technology, overcapitalization, and the lack of political will to make tough management decisions have caused many stocks to face crises similar to the situation in the 1970's that spurred the passage of the original act. This time, however, there are no foreign fleets to blame.

In New England for example, years of overfishing have pushed groundfish landings to an all-time low—even lower than when we were competing with foreign fleets. Haddock is commercially extinct; cod and yellowtail are close behind. A $200 million industry is on the verge of collapse and with it will go tens of thousands of jobs. Yet, unbelievably, the New England Fishery Management Council last week chose no action as one of the five options it will consider to address this tragedy. Serious action must be taken, and soon, or we will save neither the fish nor the fishermen.

While the situation in New England is the most severe, it is not unique. The National Marine Fisheries Service tells us that 40 percent of the fisheries for which we have data are being harvested at a biologically unsustainable rate, and another 43 percent are fully exploited. We must act now, and assert without reservation that no action is not an acceptable alternative. Otherwise, we may force other fisheries around the country into their own New England-style crisis. That would mean the collapse of an industry that pumps $50 billion into the national economy and creates hundreds of thousands of jobs.

The bill we are considering today takes many significant actions to strengthen the Magnuson Act. First, and, perhaps most importantly, it seeks to bring an end to overfishing. No fishery should be harvested at a biologically unsustainable rate. The bill requires the regional Fishery Management Councils to establish baselines by which to measure overfishing. In cases where stocks are in decline, timelines for action by the Councils are explicitly spelled out; no action will no longer be an alternative. If the Councils still fail to act, the Secretary of Commerce will be required to do so. At the appropriate time the gentleman from Maryland [Mr. GILCHREST] will offer an amendment to strengthen this provision even further. I plan to support the amendment, and I urge other Members to do the same.

Second, the bill seeks to reduce the bycatch and waste of economically undesirable or prohibited species which account for the mortality of hundreds of millions of pounds of fish each year—fish that one person may want to discard but another may intend to harvest. For every management plan, the Councils will be required to adopt measures that minimize bycatch, such as gear restrictions, time and area closures, and incentives for fishermen to avoid nontarget fish. We can not afford to overfish the species we intend to catch, and we must also reduce the incidental take of these nontarget species.

Third, the bill seeks to improve the habitats that are essential to the productivity of more than 75 percent of our fish and shellfish landings. Even if we address overfishing, the environmental community and the fishing industry agree that continued habitat loss could be catastrophic. The bill requires fishery managers to identify areas that are important fish habitat to ensure that they are protected. In

addition, it encourages Councils to promote fishing practices that minimize habitat damage.

The bill also establishes a mechanism to allow a fishing industry to reduce the overcapitalization of its fleet, reduce pressure on fisheries stocks and make remaining boats more profitable. The chairman and I worked together on this effort, which is essentially a loan program for the fishing industry paid for by those in the fleet who remain and benefit from a healthier resource. This program will be an important part of the recovery effort in New England, and I thank the chairman for his support.

Finally, the bill represents something that is so rare in these Chambers of late—a bipartisan effort to protect our natural resources, and in turn benefit our economy. Without healthy fisheries, communities around the country that depend on them will soon face the economic hardships I see now in my district. For that reason, I urge Members to support this bill and oppose any efforts to weaken it. That will help us keep our fish and shellfish bountiful and self-sustaining, and hold out some hope of keeping family fishermen productive and prosperous, and alive and well.

□ 1830

I thank the gentleman from Alaska. It is a pleasure to work with him for an embarrassing number of years.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

May I suggest nothing has been embarrassing. We have worked well over these years, and only the length of time that he and I have served.

May I suggest that his area has been hardest hit. We thought we were doing great things in 1976, and we did. We worked to try to Americanize our fleet. Unfortunately, along the line, we did some things, or they did some things, that have damaged our fishing areas around our Nation very harmfully, ''they'' being our ownselves. So we have to address this legislation. This is a step in the right direction.

Mr. STUDDS. If the gentleman will yield, would the gentleman agree with me, if we are successful in strengthening the act, we should consider renaming it?

Mr. YOUNG of Alaska. No.

Mr. STUDDS. The gentleman still does not like the ''Young-Studds?''

Mr. YOUNG of Alaska. I do believe the gentleman from Guam would like to enter a colloquy before we get in trouble.

Mr. STUDDS. Mr. Chairman, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I would like to engage the chairman of the Committee on Resources in a colloquy. Mr. Chairman, during the committee markup of H.R. 39 in the Committee on Resources, I had prepared an amendment that I had voluntarily withdrawn that would have assisted the insular territories in developing their fishery resources. My amendment would allow the licensing of foreign fishing vessels to allow fishing within the 200-mile exclusive economic zones surrounding the insular areas. The funds derived from the licensing fees would be used to assist the territories in conserving and managing these fishery resources. I had withdrawn this amendment in order to allow time for the majority and minority to work collaboratively to find areas of agreement. Mr. Chairman, during the committee markup you stated your commitment to assisting the territories in developing their fishery resources and you also stated your support of an amendment that would return the benefits of this development to the territorial governments. We have been working with the majority and minority staffs to craft an acceptable compromise amendment. Would the chairman support an amendment along these lines?

Mr. YOUNG of Alaska. If the gentleman will yield, I am pleased to restate my commitment to the gentleman from Guam in support of his efforts to allow some development of the territory's fisheries resources and allow any benefits from the licensing of foreign fishing vessels to accrue to the territories for conservation and management of the fisheries resources. I understand this amendment is being worked through the committee, with my staff and your staff, and, hopefully, we will arrive at a conclusion that will be beneficial to both of them. The merits of his amendment are strongly supported by the chairman.

The one reservation we have, we will have to make sure of how the license fees will be utilized for the territory, and we are attempting now to work it out where it goes to the fisheries improvement area.

I have been in your area, and I have seen some of the actions by some of the foreign countries which you get no benefit from. I think that goes totally contrary to the Magnuson Act. I would support it with work on the amendment.

Mr. UNDERWOOD. I appreciate the gentleman's sensitivity on that.

Mr. METCALF. Mr. Chairman, I rise in opposition to H.R. 39, the Fisheries Conservation and Management Act.

This legislation would reauthorize and amend the Magnuson Act, which provides for the conservation and management of U.S. fishery resources and the development of U.S. domestic fisheries.

I am rather familiar with the gentleman for whom much of this Nation's fishing law is named, former Senator Magnuson. I ran against him when he was reelected to the U.S. Senate in 1968 and 1974. We were adversaries then, but we might have had similar opinions on these proposed changes to fisheries law.

Mr. Chairman, this is a bad bill. It's bad for the State of Washington, it's bad for fisheries conservation and it's bad for the working men and women who make their living from the resources of the sea. I strongly believe these family wage jobs must be protected.

Mr. Chairman, many of my constituents are alarmed at the potential impact of this legislation. Their voices must be heard. Thus, I would like to submit for the RECORD, immediately following my statement, some of their concerns. The first attachment is a critique prepared by members of the fishing community who will be directly affected by this flawed legislation. The second attachment is a report that examines the IFQ program for halibut and sablefish and its record in regards to crew safety and bycatch utilization issues.

These issues deserve careful consideration as Congress debates the future of fishing law. The livelihoods of fishing families depend on the outcome of these deliberations.

H.R. 39—A CRITIQUE

H.R. 39, the Fishery Conservation and Management Act Amendments of 1995, is bad legislation. The bill does not provide fisheries managers with the tools that are needed to resolve the most fundamental challenges to the sustainability of our nation's fisheries. The enactment of H.R. 39 would ensure that excessive harvesting and processing capacity, waste of target and non-target species, misallocation of resources among user groups, and severe risks to life and property at sea would continue to plague our fisheries.

INDIVIDUAL TRANSFERABLE QUOTAS

The legislative scheme proposed by H.R. 39 establishes unwarranted, unprecedented, and probably insuperable, procedural and substantive hurdles to the establishment and maintenance of ITQs, but not to the viability of any other limited entry systems or fishery management measures. The scheme would not only make promising new individual quota systems highly improbable, but also effectively destroy the successful, existing programs. For many fisheries, including crab and groundfish of the Bering Sea/Aleutian Islands, ITQs represent the single most effective means of reducing excessive fishing capacity, thus ending the wasteful and deadly race for fish, and greatly improving conservation, saving lives, and increasing the economic return for fishermen and their communities.

Provisions of H.R. 39 that work against individual quotas are as follows:

1. A new national ''review panel'' is to be established to provide recommendations to the Secretary of Commerce. Based on those recommendations, new regulations would have to be promulgated, before any new ITQ program could be implemented. This scheme requires a new layer of bureaucracy and a new set of regulatory burdens, dilutes the role of local industry and the regional approach to fisheries management, and delays the implementation of new ITQs. At the earliest, ITQ regulations would not be promulgated until September 30, 1998. Page 53, line 1-page 57, line 2.[1]

The national review panel should be deleted.

2. The Secretary of Commerce is provided unique authority, unilaterally and without reference to identified procedures and rational standards, to revoke or limit any individual quota (not only for violations, but also for other reasons as determined by the Secretary), and to limit or terminate any ITQ system, ''at any time''. This invites arbitrary, politically-motivated actions by the

[1] The page and line references are keyed to House Legislative Counsel Document F/HAS/RES1/H39.REP, May 30, 1995 (1:23 p.m.)

Secretary and bypasses the scheme of regional management. No other management measures are subjected to such a scheme. Under current law, fishing permits can only be revoked for violations, and only after established procedures have been followed; management programs can be amended or terminated, but only by action of the Councils, with the approval of the Secretary (except for highly migratory species). Page 48, lines 9–14; page 50, lines 7–12.

The provision for revocation of limitation of individual quotas should be limited to enforcement actions and should be subject to prevailing procedural safeguards.

The provision to terminate individual quota systems should be subject to the normal process by which fishery management plans are amended.

No later than 7 years after its implementation, any individual quota implemented following the date of enactment of H.R. 39 must automatically terminate, unless affirmatively renewed. This reverses the administrative process established by the Magnuson Act for all other management measures—they remain effective, unless they are time-limited by regulation or further action is taken to terminate or amend them. Page 48, line 21–page 49, line 6.

The sunset provision would introduce a unique, new element of uncertainly into ITQ programs. It would jeopardize the rationalization of the fisheries—one of the principal benefits of ITQs—by preventing quota shares from being freely traded, particularly in the out years, as the termination date approaches. The sunset provision would also make it difficult or impossible to secure much-needed loans with ITQs, Notably, this scheme would not apply to the State of Alaska salmon and herring limited entry permits, which are fully marketable personal assets worth almost $1 billion to individual holders.

The sunset provisions should be deleted.

3. New fees would be established for ITQs, but not for other limited entry permits or other management measures. There would be a fee of 4% of the value of the harvested or processed fish annually. In addition, upon first issuance of quotas, there would be a fee of 1% on the value of the fish authorized to be harvested or processed. A further fee of 1% would be applied to each subsequent transfer of quotas. These fee would be prohibitively high. Moreover, it would be unfair to require payment of a fee based on the amount of fish authorized for harvest, not on the amount of fish actually landed and sold. The provision in H.R. 39 to delay implementation of these exactions for 5 years in the case of the existing quota programs does not address the basic economic problem. Page 50, line 23–page 52, line 24.

In the context of the fisheries of the North Pacific, it is important to take note of the fact that the State of Alaska receives raw fish taxes (3–5% of landed value, one-half of which goes to coastal ports) and borough taxes (2% of landed value) from the fisheries in the federal exclusive economic zone. There is also an observer fee of 2% of the value of the catch. The set-asides of special quotas from the federal exclusive economic zone for certain communities in Alaska represent an additional cost to the industry at large, in the form of lost fishing opportunities and revenues. These set-asides, called community development quotas (CDQs) are described below in detail. However, it is noted here that the North Pacific Council has approved CDQs for all groundfish and crab fisheries in the Bering Sea/Aleutian Islands area of the federal exclusive economic zone in the amount of 7.5% of the total allowable catch. Therefore, in the case of the North Pacific fisheries, the enactment of H.R. 39 would increase the cost to industry at large, in the form of fees and lost revenues, to a level of approximately 20% , before any profits are made or federal income taxes are paid.

New fees should be capped at 2% and should be calculated on the basis of the unprocessed value of the fish harvested and sold annually. This level should be more than sufficient to cover any incremental additional fisheries management costs attributable to individual quotas.

4. The ''negative social and economic impacts'' of ITQs on local coastal communities must be ''minimized''. This is a standard that is not applied to any other management measures and could be impossible to satisfy. Page 47, lines 16–19.

This standard should be deleted. Any negative social and economic impact on any communities, not solely those that are local to the fisheries, should be ''considered'', as are other relevant factors in the management process under prevailing law.

5. Unlimited portions of the total allowable catches could be set aside from any ITQ system in order to provide for entry-level fishermen, small vessel owners, and crewmen who do not qualify for ITQs. Page 50, lines 3–6. These set-asides could result in the establishment of parallel and inconsistent management systems, one for ITQs and one for open access derbies, and would certainly increase the cost of management. In addition, if implemented, this approach would further compress the already overcapitalized large-vessel fisheries. It should be noted that the Commercial Fisheries Loan Program of the State of Alaska specializes in loans to commercial fishermen to purchase vessels, limited entry permits, and even ITQs. $11 million is reported to be available at this time for loans to fishermen who would not qualify for commercial lending on the open market.

This provision should be substantially modified to provide a different approach to providing for entry-level fishermen, small boat owners, and crew, or should be deleted. For example, fees on holders of individual quotas could serve as a source of funding to facilitate the entry of fishermen into the management system. Fees would not have to exceed the suggested maximum of 2% to achieve this purpose.

6. The ITQ scheme in H.R. 39 would not effectively grandfather existing quota programs in order to avoid further, time-consuming, expensive, and uncertain administrative action that could lead to renewed litigation. Notably, the halibut/sablefish quota program was developed over a 10-year period, adopted by the North Pacific Council, approved by the Secretary, and confirmed by the Federal District Court in Alaska. H.R. 39 would merely exempt the existing quota programs from the 7-year termination requirement, but not from other destructive provisions. Page 48, line 21–page 49, line 2. The application of new criteria to old programs could greatly delay and otherwise hinder the development of new ITQ systems.

New criteria should not be applied retroactively to existing quota systems.

It bears emphasizing that the State of Alaska salmon and herring limited entry permit programs, which are successful, are subject to none of the conditions and restrictions proposed for ITQs. As noted above, the salmon and herring limited access permits are currently worth to their holders almost $1 billion. This represents collateral for loans to facilitate entry into other fisheries and provides economic stability for local communities. H.R. 39 would establish an entirely unfair and unwarranted double standard to the detriment of fishermen who would benefit from ITQ systems.

COMMUNITY DEVELOPMENT QUOTAS

The bill requires the establishment of community development quotas for all Bering Sea fisheries as permanent entitlements. Page 43, line 12–page 44, line 24. There is no limit on the newly mandated CDQ entitlements, which represent simply a form of government economic and social engineering, the cost of which is to be borne, not by society, at large, but by the fishing industry, alone.

There are already CDQs in the amount of 7.5% of the pollock total allowable catch in the Bering Sea. Based on recent prices, these CDQs are worth $30 million annually (and are reportedly being made tax exempt through the establishment of foundations, and thus are being removed from the general tax base).

There are also, at present, CDQs in the amounts of 15% and 20% of the total allowable catches of sablefish and halibut, respectively, in the Bering Sea/Aleutian Islands. At current prices, the ex vessel values of these CDQs are $3.4 million for sablefish and $2.36 million for halibut, annually.

The Alaska-dominated North Pacific Council has recently decided to establish CDQs at the level of 7.5% for all groundfish and crab fisheries of the federal exclusive economic zone of the Bering Sea/Aleutian Islands area. This will yield an income transfer to the favored Bering Sea Alaskan coastal communities from historical fishermen of approximately $80 million per year, according to the Draft Environmental Assessment/Regulatory Impact Review for License Limitation Alternatives for the Groundfish and Crab Fisheries in the Gulf of Alaska and Bering Sea/Alcutian Islands, dated September 18, 1994. This will be in addition to halibut and sablefish CDQs. At present there are 52 participating Alaskan CDQ communities, with a total population of 21,000. This translates to a perpetual annual transfer of $4,938 for every man, woman, and child in those communities, in terms of the value of the fish reserved to the CDQ program. In the case of the 1034 historical crab and groundfish vessels that will be licensed to operate in the Bering Sea/Aleutian Islands, the lost fishing opportunity will be valued at $77,000 per vessel, based on recent prices. There is no precedent for a federal agency, with or without express statutory authority, reallocating private sector income for the purpose of redistributing economic wealth in so radical a manner.

There must be a statutory limit on these direct income transfers. Alaska natives have already received over $1.3 billion in federal payments under the Alaska Native Claims Settlement Act and related sales of net operating losses under special provisions of the tax laws.

It should be remembered that the communities that are accorded privileged treatment under H.R. 39 could have long ago applied federal funds to the development of Bering Sea fisheries on a very substantial scale. Rather, those communities chose to apply the federal funds primarily to other purposes. In point of fact, these communities have never been excluded from—nor been in any manner dependent upon—the major fisheries of the federal exclusive economic zone in the North Pacific.

It should also be remembered that CDQs do not apply to limited access permits for salmon and herring in Alaska.

The CDQ provisions of H.R. 39 should be amended to limit CDQs to a maximum of 3% of each affected fishery, and should be subject to criteria that would ensure these income transfers from historical fishermen are dedicated to those communities that are most in need of assistance.

SAFETY OF LIFE AND PROPERTY AT SEA

H.R. 39 has only weak provisions relating to the safety of life and property at sea. Page 22, lines 4–5; page 25, lines 13–17.

In view of the fundamental importance of reducing injuries and losses of life in the fisheries, there should be a national standard requiring that conservation and management measures promote safety. It should be noted that crab fishing in the Bering Sea is the most dangerous profession in the United States, according to the National Institute of Occupational Safety and Health.

There should be a national standard that requires fishery conservation and management measures to promote safety of life and property at sea.

CONCLUSION

H.R. 39 contains provisions that are extremely damaging. Positive elements of H.R. 39 fall far short outweighing the negative provisions of the bill. H.R. 39 should be amended to reflect the suggested changes with respect to ITQs, CDQs, and safety, or the measure should be defeated.

MARINE SAFETY RESERVE,
Seattle, WA, July 18, 1995.

To: The Alaska and Washington State Congressional Delegation.

The following report on safety by the Marine Safety Reserve is an examination of the effects that the IFQ program for halibut and sablefish is having on crew injuries. The Marine Safety Reserve was formed in 1954 as a crew liability pool to indemnify vessel owners for Jones Act liability claims. The members of the Reserve are primarily from Washington State and Alaska with membership from all the West Coast states. The Reserve has specialized in longline fishing operation since its inception and has had a consistent number of longline vessels that it has covered. This examination attempts to look at the rate of longline claims through mid-season July 17, from 1980 to the present and rationalize the difference in accident rates.

The following is a composite of our claims in the longline fleet through July 17, 1995 and July 17th for the last 16 years since 1980. The number of longline vessels in the Reserve has remained constant through the period examined. Approximately 70 of the Reserve member vessels have been dedicated to longline activities during the years examined. The vessels typically covered are vessels with 4 to 6 person crews that deliver and sell dressed fish.

Year	Number of claims thru July 17	Total claims for the year	Fishing days available	Injuries per fishing days
1995	9	.....	123	.073
1994	14	33	14	2.36
1993	8	25	22	1.14
1992	21	41	27	1.51
1991	22	36	36	1.00
1990	24	40	62	.65
1989	23	40	61	.66
1988	21	44	77	.57
1987	19	35	62.5	.56
1986	11	25	61	.41
1985	12	26	155	.17
1984	7	21	260	.081
1983	9	18	365	.05
1982	11	26	365	.07
1981	11	24	365	.07
1980	5	18	365	.05

The number of fishable days for the ice boat fleet for halibut and sablefish was figured using the GOA fishable days for halibut, plus the time available in the Kodiak Central area for sablefish. Some vessels fished in the western district of the GOA and those seasons were somewhat longer than the Kodiak seasons. Some vessels fished only the southeast districts of the GOA, which were shorter seasons than the Kodiak area. It is the Reserve's opinion that the Central Kodiak area for sablefish represented an industry norm for available fishable days.

CONCLUSIONS

1. In 1984, the sablefish fishery was Americanized and had its first closure date other than December 31. The number of injury claims between 1980 and 1984 were fairly constant, averaging 21.4 per year.

2. Between 1980 and 1984, the accident rate per fishable day was .064 per day.

3. The 1985 season represented the first year that the fleet knew before the season started that the sablefish season would not be unlimited. The number of injuries increased 18.7 percent between 1985 and the previous 5 year average. However, the rate per number of fishing days available to the fleet increased 265 percent. The fleet was down to 155 days of operation between halibut and sablefish seasons.

4. By the 1986 season, the fleet had realized that they were in a race for fish, the fishing time reduced from 155 days in 1985 to 61 days in 1986. The number of injury claims remained about the same as the previous year, 25 versus 26. But once again, the injury rate per day increased this time by 241 percent from the year before. The injury rate per day was now 650 percent above the rate per day between 1980 and 1984.

5. By the end of the 1986 season, a fisherman was 6.4 times more likely to be injured during a halibut or sablefish opening than during the time period between 1980 and 1984 when unlimited sablefish opportunities were available.

6. The last year of derby fishing for either halibut or sablefish in 1994 recorded 33 claims which represent 2.36 claims per fishable day in the Gulf of Alaska. This reflects that you were 36.8 times more likely to be injured per fishable day than during the 1980 to 1984 time frame.

7. The nature of injuries became more severe as fishing gear was hauled faster. Prior to the race for fish, injuries usually included an occasional hook in the hand, broken ribs and hernias, injuries that people healed up from. By the time the Council voted approval of the plan, the 1992 season saw 12 lives lost in the halibut derbies. The September 1994 halibut opener for 24 hours saw 5 vessels lost and one death. These two fisheries had become killers.

8. The amount of hooks hauled and baited by hand prior to 1990 may have been between 10,000 to 12,000 hooks a day for a 5 to 6 man crew vessel and this increased to 17,000 to 19,000 hooks per day by 1994 for the same size crew. Crews recalibrated their work days to 28 and 30 hour days, as a result, new injury lawsuits of sleep deprivation emerged in the courts. After conducting interviews, it appears that the average vessel has reduced the amount of gear being set per day by 30 to 40 percent under the IFQ program.

9. The derby fishery forced out of business the majority of crew persons over 45 years old. The pace of the fishery was burning up crew members by the age of 40 with bad backs, stress and fatigue. A typical 24 hour halibut opening meant the crew was up 12 hours before the opening getting gear ready to set and 12 to 20 hours after a season cleaning fish and taking fish out of the holds. The pace of the fishery under the IFQ program has slowed down as there are no time limits to stop a vessels' fishing activity.

10. Even with all the good safety training now required by Congress with the Safety Act of 1986, the injuries per fishable day increased 570 percent per fishable day between 1986 and 1994 following enactment of the Safety Act.

11. The injuries per day of fishing opportunity in the first 123 days of fishing in 1995 under the IFQ program has fallen 323 percent to .073 injuries per day. This is comparable to rates experienced between 1980 and 1984.

12. No amount of safety training and new safety laws can have as much affect as the luxury of additional time to avoid bad weather and not be forced to harvest against a set closing date.

13. The IFQ program, by taking the race out of the Halibut and sablefish fishery, may well have had more positive aspects for human safety than all the new Congressional requirements required by law, and yet there are those who refuse to support having human safety as a new National Standard to the Magnuson Act for which regulations would be judged against.

The conclusions for the 1995 season are still waiting to be fully examined but as of July 17, 1995, the number of claims and rate per day of claims which we have had recorded have not been this low since the 1983 season when there was unlimited fishing time for sablefish and the halibut fishery in the Gulf of Alaska consisted of one 16-day season and one 4-day season. This report is intended to inform you of our perspective of the on-going IFQ program.

FISHERIES INFORMATION SERVICES,
Juneau, AK, July 20, 1995.

To: Bob Alverson, FVOA.

From: Janet Smoker, FIS.

Here is the revised table showing discards of sablefish and other groundfish in the Gulf of Alaska sablefish fishery. As noted before, I choose to use straight observer data because the process of estimating discards in the IFQ fisheries is a very complicated one that will not be thoroughly developed (by a joint effort of IFHC and NMFS staff) until this fall, and the bycatch extrapolation model used by NMFS in past years is thus obsolete.

I was unable to prepare a similar table for the halibut fishery. Groundfish bycatch and discards in the halibut directed fishery have not been thoroughly documented. Discards of halibut in the halibut IFQ fishery in 1995 have not yet been estimated by IPHC.

Conclusions to be drawn from the table follow.

1. The percent of groundfish discarded decreased from more than 24% in 1994 to less than 10% so far this year. This suggests that fishermen are better able to avoid unwanted species in the IFQ fishery.

2. The complementary conclusion, that fishermen are better able to target on sablefish, is show by the fact that the percent of sablefish of all groundfish taken in the sablefish target fishery increased from 70% to 84%.

3. The percent of sablefish discarded decreased from over 3% in 1994 to under 2% in 1995, suggesting that fewer unwanted (e.g. undersized) sablefish are being taken.

4. The percent of other groundfish that are discarded in the sablefish fishery has decreased from 74% to 51%, suggesting that fishermen are better able to use incidental take of other groundfish in the IFQ fishery.

5. The amount of groundfish sampled this year already exceeds that of 1994, even though only 60% of quota has been taken; IFQ fishery allows greater observer coverage and better data collection.

6. Last but not least, the halibut rate has decreased from almost 42% to 22% this year.

FIG. 1.—GULF OF ALASKA LONGLINE SABLEFISH TARGET CATCH, BYCATCH AND DISCARD DATA (MT)

	1994		1995		1995/1994
		Percent		Percent	Percent
All groundfish:					
Retained	1949	76	2374	90	

FIG. 1.—GULF OF ALASKA LONGLINE SABLEFISH TARGET CATCH, BYCATCH AND DISCARD DATA (MT)—Continued

	1994			1995			1995/1994
		Percent			Percent		Percent
Discarded	631	24		251	10		39
Total	2579			2624			102
Sablefish:							
Retained	1751	97		2173	98		
Discarded	58	3		39	2		55
Total	1809	70	+	2212	84	+	120
Other groundfish:							
Retained	197	26		201	49		
Discarded	573	74		212	51		69
Total	770	30	+	412	16	+	53
Halibut	1073	42	*	578	22	*	53

+Proportion of all groundfish.
*Proportion halibut to total groundfish.

Notes: Source: NMFS observer program in-season data. Preliminary data, observed vessels only; (not extrapolated to fleet).

Mr. SAXTON. Mr. Chairman, I rise in support of H.R. 39, the Magnuson Fishery Conservation and Management Act, and ask to revise and extend my remarks. Congress enacted the Magnuson Act and created the 200-mile fishery conservation zone—now called the exclusive economic zone—in direct response to a dramatic rise in foreign fishing off the coasts of the United States in the early 1970s. One undisputed success of the Magnuson Act has been the virtual elimination of foreign fishing within the exclusive economic zone.

According to some environmental groups, the Magnuson Act succeeded in getting rid of foreign overfishing only to replace it with domestic overfishing.

Our fisheries resources are facing an acknowledged crisis. The National Marine Fisheries Service reports that some of the Nation's most historically important fisheries are in serious decline, including several key species of Northeast groundfish, many Pacific coast salmon runs, and Gulf of Mexico shrimp.

During this year's reauthorization, the Magnuson Act must provide a framework for the recovery of diminished stocks. One of the issues that will have to be addressed is ''overfishing.'' The original Magnuson Act did not define overfishing and the time has come to do so. Our fisheries resources are too valuable to squander away.

The Magnuson Act in its current draft is not perfect, but it is comprehensive and does address the problems I mentioned. One area that I may offer an amendment on is in the definition of bycatch. Recreational fishermen are concerned that the bill's definition of bycatch and the new language regarding this definition will cause the ''catch and release'' fisheries to be closed down by regional councils. I may offer an amendment to make clear that ''catch and release'' fisheries cannot be eliminated by regional management councils to minimize bycatch.

In closing, I compliment the chairman of the Resources Committee, DON YOUNG, and the ranking minority member of the Subcommittee on Fisheries, Wildlife and Oceans, which I chair, GERRY STUDDS, for their bipartisanship during the drafting process of this bill.

Mr. MILLER of California. Mr. Chairman, in a clear demonstration of the fact that fish truly do not know political boundaries, I find myself on the same side of an resource management issue as the gentleman from Alaska, Mr. YOUNG and rise in support of H.R. 39, the Fishery Conservation and Management Amendments of 1995.

As many Members have mentioned here, our fisheries, and in turn our family fishermen, are in trouble. In northern California, the salmon fishermen have seen their season remain closed two years in row, the stocks devastated by habitat loss. In New England, overfishing of cod and haddock have closed significant areas of the once teeming waters of Georges Bank. In the Gulf of Mexico and the North Pacific, some fisheries are in decline or must be shut down early as a result of high bycatch of these species by fishermen who are targeting totally different fish.

When we harvest our fish at an unsustainable rate, when we decimate the habitat that fish depend on for reproduction and growth, and when we continue to discard non-target species at unchecked rates, everybody loses. The resource, the fishermen that depend on it to make a living, and the consumers that face higher prices due to limited supplies. Overfishing, habitat loss, and bycatch are just a few of the problems that face our fisheries, severe economic impacts to our coastal fishing communities is the result.

Last week, there was yet another news article documenting the plight of the fishing industry. ''Fisheries going the way of the family farm'' was the title of the story which detailed the challenges the small independent operators face today, driving many out of business. To stem this tide, we must act now if we want to preserve the fish and the fishermen and protect fishermen's jobs, instead of short term investors' profits. We must act now if we want to maintain an industry that encourages small independent owner-operators and holds the promise for crew members that invest their hearts and souls in the fishery that their hard work will enable them to fulfill the dream of owning their own vessel and fishing just as their fathers and grandfathers did.

The bill before us today represents a bipartisan effort to improve our fisheries management system and maintain this way of life. I congratulate the Chairman and the gentlemen from Massachusetts and New Jersey for their efforts to bring this legislation to the floor. At the appropriate time I will be offering an amendment that I believe takes us even closer to what I hope would be our goal for the future of the fishing industry. In total, however, this is a good bill and I urge Members to support it.

Mrs. SMITH of Washington. Mr. Chairman, I want to take this opportunity during general debate of H.R. 39 to point out the importance of fisheries to my district.

The Magnuson Act is vitally important to the people of fishery dependent communities in southwest Washington. The action we take in this legislation impacts among others, crab fishermen in places like Grayland, Chinook and Tokeland, and shoreside processors in places like Westport. These are some of the hardest working people I have ever seen, and all they want from the Federal fisheries program is an opportunity to make a living.

I also want to point out that during consideration of H.R. 39 in the House Resources Committee I offered an amendment to establish a pilot program that starts a process to contract out fish stock surveys to the private sector. This will allow fishermen to conduct fish surveys and keep the catch as a way to defer costs for the use of their boats. This will allow fishermen in my State to have a better idea of what stocks are available.

More than anyone, fishermen have a stake in making sure that we have the best information available about the quantity and quality of fish stocks. I would like to thank the West Coast Seafood Processors and Fisherman Marketing Association for their support of my amendment.

I look forward to working with the Chairman and my colleagues in the Senate as we work toward reauthorizing this important Act. The hardworking people of my State deserve nothing less.

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

Mr. YOUNG of Alaska. Mr. Chairman, I have no further requests for time. I urge a ''yes'' vote when this bill finally gets to the floor on the Magnuson Act, the renewal of the fisheries conservation bill.

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

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. GOODLATTE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, had come to no resolution thereon.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–116)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (''UNITA'') is to continue in effect beyond September 26, 1995, to the Federal Register for publication.

The circumstances that led to the declaration on September 26, 1993, of a