

fishing industry in Massachusetts. I believe that current federal law should do a better job than it does of allowing fishing to go forward with appropriate respect for environmental considerations. Flaws in the current law have resulted in judicial orders that restrict fishing unduly, and will cause serious economic harm without appropriate environmental justification. It is my hope that we will proceed quickly to amendment of existing law so as to avoid this problem in the future.

Currently, because we have not yet dealt with the law, the fishing industry in Massachusetts faces the imposition of unduly restrictive rules. Some of my Congressional colleagues and I have spoken out in an effort to hold off drastic action for as long as is legally possible, to give us time to change the law. Last week, Mayor Frederick Kalisz, Jr. of New Bedford addressed an important meeting in New Bedford, attended by a large number of representatives of the fishing industry, as well as federal officials. Mayor Kalisz's comments are extremely thoughtful and because this is an important national subject, and because I hope that the views expressed by Mayor Kalisz will be followed by federal officials, I ask that his comments be printed here.

2003 NOAA—FISHERIES CONSTITUENT  
SESSION—SEPTEMBER 16, 2003

Good afternoon Dr. Hogarth, on behalf of the residents of the City of New Bedford, I'd like to thank you for the opportunity to present a few brief remarks regarding the current state of fisheries issues.

Back in 1976 when the Magnuson Act was first enacted there was great hope throughout the country that the Act's innovative structure of setting forth objective standards and requiring that these standards and scientific data form the basis of decisions rendered through consensus by a regional fisheries management councils would protect the American Fishery and also create a sustainable fishery. As you are aware, the Act set forth ten (10) national standards and required that all fisheries management plans be consistent with these standards. Although Congress seemed to give all of the standards equal weight, the regulations promulgated to implement the Act and subsequent Court decisions appear to have created a pecking order among standards. As a result the scientific data is no longer a tool to assist in crafting consensus, but rather disagreements over basic scientific data have become the single biggest impediment to consensus. This is truly unfortunate.

We rely on current economic conditions to determine interest rates; we rely on current air quality conditions to determine smog, yet we are satisfied to rely on last year's fishing trawls to determine if fish are in the same area today. My remarks are not intended to attack the science, but rather to call for a renewed scientific partnership based on consensus. If we can not agree on the basics of fisheries science, we will never be able to agree on maximum sustainable yield.

I understand that in spite of the significant strides that have been made in marine biology and marine environmental science, our knowledge pales in comparison to the mysteries the oceans still hold. We still do not fully understand the result of a 2% change in the salinity of the water, nor do we fully understand the impact of a 2 degree change in the water temperature on year old fish stock. We understand that smoke stack emissions from the Midwest can affect our air quality here in New England, but do not understand, or in some cases recognize, the effects the particulates from those emissions

will have on Georges Bank when they run into an Atlantic Storm. We intuitively understand that there must be an effect on the oceans from El Nino, but we still don't know what causes red tide to occur when it does.

Perhaps it is only the arrogance of man that would lead us to assume that we can totally understand the intricacies of the seas. And so rather than expand our knowledge of those things we still don't understand, we have settled for intensive study of the things we do understand. We then purport to be committed to building a sustainable fishery by controlling only those things we understand. It is analogous to learning that someone has polluted a stream and then rather than seek to identify the source of the contamination, claim that the reduction of fish is solely due to new lures being used by people who fish in the stream.

We have allowed ourselves to become overwhelmed by the task of fisheries management and have ceded our responsibilities to science. Science's role must be to use the best methods available to collect data, analyze that data and then identify trends. Science's role is not to set policy. That is the role that Congress assigned to the members of the regional council who represent all of the various interests.

As we seek to expand our knowledge, we must also guard to ensure that we recognize the difference between scientific data and rhetoric. There is currently a movement afoot to paint our fishing families as "capture hunters" and not the harvesters of the bounty of the sea as Magnuson rightfully recognizes. The fisherman are no more the enemy of the oceans than farmers are enemies of the land.

So where do we go from here. I believe that Vice Admiral Lautenbacher's message in the NOAA Annual Guidance Memorandum clearly identifies NOAA's role in the future. The Vice Admiral writes:

"NOAA's own decision making processes must be transparent, participatory, and information-based, taking into account diverse societal values. In short, the Nation needs NOAA as an honest broker when it comes to oceanic and atmospheric issues."

I couldn't agree more. But there must be actions to support these words. An honest broker facilitates frank and forthright discussion and is not willing to resort to overly simplistic solutions such as "hard TACs" which do nothing more than encourage more intensive use of the fishery.

An agency that has led the way in understanding the dynamics of hurricanes by flying planes into the middle of the cyclone, cannot rely on old outdated models and data when it comes to fisheries. The Vice Admiral also rightfully recognizes the need to develop new models and methods for data gathering and analysis. Again the Vice Admiral writes:

"We should enhance our current scientific and decision-making ability, in order to fulfill mandates for trust resources in a manner that satisfies the public's expectations of an honest broker. We should conduct research on ecological, social and economic processes geared toward advancing integrated analyses of alternatives."

The Vice Admiral further writes:

"To enhance NOAA's role as honest broker, we should strive consistently to improve the accuracy and quality of the scientific research on which important decisions depend. We should also work to make our decision processes as fair and transparent as possible and expand our interaction with the entire spectrum of decisions-makers to ensure increased responsiveness to NOAA science."

The Vice Admiral's message is actually a call to develop models that analyze the entire system rather than just one piece of a

much bigger system. As I mentioned earlier, this new model will require renewed commitment as we seek to understand that which is still a mystery.

Finally, the Vice Admiral writes of the need to forge strategic partnerships stating, "The challenges facing America require integrated, cooperative solutions. No agency can go it alone. We need to work with universities, industry, stakeholder groups and government agencies at all levels."

Over the past two years, the City of New Bedford has forged a strategic partnership with NOAA and other federal agencies and through this partnership has developed innovative consensus based strategies for the remediation and redevelopment of Brownfields. Today, I renew the commitment of New Bedford to continue our work with SMAST, MassFisheries, NOAA-Fisheries, and our sister ports in Massachusetts and throughout New England to develop and implement the best practices possible so that we can collect and analyze data in real time to create a truly sustainable fishery.

Today, the winds have changed. A solidarity is building on the wharves and in the facilities, on the streets and in the community. During the past year, I have met regularly with a Seafood Industry Advisory Task Force composed of representatives of the various sectors of New Bedford's Seafood Industry. In these meetings there is a sense of cooperation and resolve. We understand that it is more than just charts and graphs, it is about families and community. We understand that an academic exercise that only results in a 1% change in the resource in 2023 can decimate an industry, a community and a family.

We have many difficult decisions to make. Let us agree to use the best available science to gather and analyze our data in real time, and then allow the deliberative framework created by the Magnuson Act to balance the interests and manage our fisheries.

HONORING COLONEL DIANE L.  
BERARD

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 2003

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to honor Colonel Diane L. Berard, a native of Janesville, Wisconsin, who will retire later this year after more than 26 years of distinguished service with the United States Army.

Colonel Berard was born in Janesville, Wisconsin, and attended the University of Wisconsin-Whitewater. She graduated with a degree in accounting and was recognized as a Distinguished Military Graduate for her participation in the university's four-year ROTC program. In addition to holding the distinction of being the first woman to graduate from a four-year ROTC program at the University of Wisconsin-Whitewater, Colonel Berard is also the school's first ROTC graduate to earn the rank of Colonel in the United States Army.

Colonel Berard's first duty station was with the U.S. Army in Germany. Since that assignment, Colonel Berard has been stationed in Fort Stewart, Georgia; the Pentagon; Rock Island Arsenal, Illinois; Fort Jackson, South Carolina; Fort Hood, Texas; Fort Eustis, Virginia; and Fort McCoy, Wisconsin. She closes out her long military career as the senior military Resource Manager for the U.S. Army

Training and Doctrine Command at Fort Monroe, Virginia. At Fort Monroe, she worked with the Deputy Chief of Staff for Resource Management in the planning, execution, and overall management of resources totaling 4.2 billion dollars.

As a reflection of the leadership skills and financial management expertise that have allowed her to shape the future of financial services for soldiers and their units serving worldwide, Colonel Berard has received numerous awards and decorations. Eight Meritorious Service Medals, two Army Commendation Medals and two Army Achievement Medals are only a few of the many distinctions that she received throughout her career. Upon her retirement, Colonel Berard will be awarded the prestigious Legion of Merit, an honor reserved for members of the Armed Forces who have displayed exceptionally outstanding conduct in the performance of meritorious service to the United States. This tremendous award is a fitting tribute to Colonel Berard for her courage, patriotic service, and exemplary dedication to her profession.

I ask my colleagues to join me in thanking Colonel Berard for her service to the Nation and the United States Army, and wish her and her family all the best in their future endeavors.

#### TRIBUTE TO DON MOFFATT

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2003*

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of a great citizen from my district. Don Moffatt of Crested Butte, Colorado recently passed away at the age of 58, and as his family and friends mourn Don's passing, I would like to pay tribute to his life and memory.

Don was an active member of his community. He served on the Board of the Adaptive Sports Center, where he worked hard to secure funding to help physically-challenged adults and children. Don was also an avid golfer and was active with the Crested Butte Open. Throughout the community Don was widely admired and respected. Don treated everyone he met with courtesy and respect, and he will always be remembered as someone who looked for, and found, the best in those around him.

Mr. Speaker, Don Moffatt was a beloved member of the Crested Butte community. His love for life and dedication to his friends and neighbors touched many lives. While Don has passed on, his legacy will continue to live. I am honored to join with my colleagues in honoring Don here today.

#### PERSONAL EXPLANATION

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2003*

Mr. TERRY. Mr. Speaker, on Tuesday, September 23, 2003, I missed four votes due to

a funeral for Omaha Police Sergeant Jason Pratt, who was killed in the line of duty. Had I been present, I would have voted NO on: Roll Call Vote #509—The Motion to Instruct on H.R. 1308 and Roll Call Vote #510—The Motion to Instruct on H.R. 1.

I would have voted YES on: Roll Call Vote #511—The Motion to Instruct on H.R. 1588 and Roll Call Vote #512—H.R. 1409—To provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

#### HONORING REV. SCOTT R. PILARZ ON HIS INAUGURATION AS THE PRESIDENT OF THE UNIVERSITY OF SCRANTON

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2003*

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the inauguration of Rev. Scott R. Pilarz as the new President of the University of Scranton. I am pleased to be joining the entire community of Northeastern Pennsylvania in welcoming him to the area this Friday, September 26, 2003.

Rev. Scott R. Pilarz, S.J., Ph.D. has a remarkable background and career. He entered the Society of Jesus in 1981 and was ordained a priest in 1992. He received his bachelor's degree in English from Georgetown University, and a master's degree in philosophy from Fordham University and in divinity and theology from the Weston School of Theology in Cambridge, Massachusetts. He went on to earn a Ph.D. in English at the City University of New York, CUNY, and his dissertation won the 1997 CUNY Alumni Achievement Prize for Dissertation Excellence.

As he was completing his studies at Weston, Father Pilarz served as a lecturer in the philosophy department of St. Peter & Paul Seminary at the University of Ibadan, Nigeria. While completing doctoral studies, he was appointed to the English faculty of St. Joseph's University in 1994. In 1996, he joined the Georgetown faculty as an assistant professor of English. In 2002, he was appointed interim University Chaplain, where he served as a member of the President's Cabinet and was responsible for leading campus ministry efforts on Georgetown's Main, Medical and Law campuses. He worked with the President to promote Georgetown's Catholic and Jesuit character, sponsored inter-religious dialogue and coordinated interfaith activities on all three of Georgetown's campuses.

He was recognized by the Georgetown Alumni Association in 2002 with the William Gaston Award for Outstanding Service and was chosen by the graduating class of 1999 to receive the Edward B. Bunn, S.J., Award for Faculty Excellence, an award that recognizes outstanding teaching and service.

As a scholar, Father Pilarz has delivered numerous papers at scholarly conferences on various aspects of Medieval and Renaissance literature. He has also lectured and published on topics related to Jesuit education. His articles on John Donne, Robert Southwell and Medieval drama have appeared in academic

journals and collections of essays, and his book, Robert Southwell, S.J., and the Mission of Literature 1561–1595: Writing Reconciliation, will be published by Ashgate Press.

In 1998, he received a grant from the National Endowment for the Humanities, and he has received three research grants and a competitive junior faculty research leave from Georgetown.

Father Pilarz serves on the boards of Boston College, Loyola University of Chicago, the Community Medical Center, Scranton, and Camden Catholic High School in Cherry Hill, N.J., from which he graduated. His professional memberships include the John Donne Society, the Renaissance Society of America, the Shakespeare Association of America, the Medieval and Renaissance Drama Society, the Polish Institute of Arts and Sciences of America, and the Modern Language Association.

Father Pilarz has served as a member of The University of Scranton's Board of Trustees since 2000. In April of 2003, The University of Scranton's Board of Trustees completed a national search and announced the selection of Father Pilarz as the next President.

Father Pilarz became the twenty-fourth President of The University of Scranton on July 1, 2003.

Mr. Speaker The University of Scranton is, by tradition, choice and heartfelt commitment, a Catholic and Jesuit university. Founded in 1888 as Saint Thomas College by the Most Reverend William G. O'Hara, D.D., the first bishop of Scranton, it achieved university status in 1938 and was entrusted to the care of the Society of Jesus in 1942.

On the inauguration of its newest President, I would like to pay tribute to the University of Scranton, its administration, trustees, faculty, alumni, and students. I would also like to wish Father Pilarz the best of luck as he leads this university into the future. Thank you.

#### PERSONAL EXPLANATION

### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2003*

Mr. CARTER. Mr. Speaker, during rollcall votes 509, 510, and 511, Representative Ryan (OH) Motion to Instruct Conferees on H.R. 1308, Representative Stenholm Motion to Instruct Conferees on H.R. 1, and Representative Rodriguez Motion to Instruct Conferees on H.R. 1588, I was unavoidably detained. If I had been present, I would have voted "no."

During rollcall vote 512, the Eastern Band of Cherokee Indians Land Exchange Act of 2003, H.R. 1409, I was unavoidably detained. If I had been present, I would have voted "yea."

#### TRIBUTE TO TRI-COUNTY HOUSING & COMMUNITY DEVELOPMENT CORPORATION

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2003*

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay