

was the consensus of the Committee that a modified version of Option 2, Extension of Interim Authority, was preferred.

There were three common themes that appeared during the discussion. No Committee members believe that there should be fishing or processing of Dungeness crab in waters of the EEZ under PFMC jurisdiction by any vessel not permitted or licensed in either Washington, Oregon, or California. The Committee generally accepted that additional tools beyond area closures and pot limits could be needed to address tribal allocation issues. Finally, the Committee also agreed that as a matter of fairness, vessels fishing alongside each other in an area should be subject to the same regulations. On that basis, the Tri-State Dungeness Crab Committee recommends that:

1. The PFMC immediately request that Congress make the current Interim Authority a permanent part of the Magnuson-Stevens Fishery Conservation and Management Act, applying only to Pacific coast Dungeness crab, with the following adjustments.

(a) delete the limitations listed in the current Section 2 of the Interim Authority so that state regulations will apply equally to all vessels in the EEZ and adjacent State waters; and

(b) clarify the language in the current Section 3B of the Interim Authority to prohibit participation in the fishery by vessels that are not registered in either Washington, Oregon, or California.

2. The PFMC defer action on a Dungeness crab FMP until March 1998 to determine whether Congress will be receptive to this extension of the Interim Authority.

Proposed draft bill language for an extension of the Interim Authority is attached.

This recommendation is not made without reservations on both sides. Washington representatives were reluctant to totally withdraw consideration of a federal FMP option, in the event that efforts to extend the Interim Authority fail. They expressed little confidence that a request for Congressional action would be successful. Representatives from Oregon were concerned that discriminatory regulations could be enacted in the future by other states that could effectively exclude them from participation on traditional fishing grounds. They preferred this risk over the involvement of federal agencies under a federal fishery management plan.

TRI-STATE DUNGENESS CRAB COMMITTEE
MEETING, ATTENDANCE—AUGUST 6-7, 1997,
PORTLAND, OR

COMMITTEE MEMBERS

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Ernie Summers, Washington Dungeness Crab Fishermen's Association, Westport, WA
Larry Thevik, Washington Dungeness Crab Fishermen's Association, Westport, WA
Terry Krager, Chinook Packing, Chinook, WA
Paul Davis, Oregon Fisher, Brookings, OR
Bob Eder, Oregon Fisher, Newport, OR
Tom Nowlin, Oregon Fisher, Coos Bay, OR
Stan Schones, Oregon Fisher, Newport, OR
Russell Smotherman, Oregon Fisher, Warrenton, OR
Joe Speir, Oregon Fisher, Brookings, OR
Rod Moore, West Coast Seafood Processors Association, Portland, OR
Harold Ames, CA Fisher, Bodega Bay, CA
Mike Cunningham, CA Fisher, Eureka, CA
Tom Fulkerson, CA Fisher, Trinidad, CA
Tom Timmer, CA Fisher, Crescent City, CA
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Mike Mail, Quinault Tribe, Taholah, WA
Nick Furman, Oregon Dungeness Crab Commission, Coos Bay, OR

JULIAN SIMON

• Mr. ABRAHAM. Mr. President, I would like to bring to my colleagues attention an article by Ben Wattenberg on the recent passing of economist Julian Simon. Dr. Simon, who I had the pleasure of meeting, was a great lover of freedom and a strong advocate for free markets. He was a pioneer who presented important research showing the benefits of legal immigration. His research also demonstrated that the rationale for the type of population control practiced in many places in the world is misguided and harmful. In other words, human beings are not problems to be solved. Such positions never won him popularity contests among certain groups, but as *The Washington Times* wrote of Julian Simon: "His forecasts about trends in resource availability, pollution and other effects of additional people have been completely borne out by events." A fitting epitaph. I ask that the articles by Ben Wattenberg and Julian Simon be printed in the RECORD.

The articles follow:

[From *The Wall Street Journal*, Feb. 11, 1998]

MALTHUS, WATCH OUT

(By Ben Wattenberg)

Julian Simon, who waged intellectual war on environmentalists and Malthusians, died suddenly on Sunday. He would have been 66 tomorrow, the day of his funeral.

Simon could sometimes glow like an exposed wire, crackling with nervous intellectual intensity. Privately, he had a soul of purest honey. But by force of will, fueled by his sizzling energy, Simon helped push a generation of Americans to rethink their views on population, resources and the environment. By now it is clear that in this task he was largely successful. As the years roll on he will be more successful yet, his work studied, and picked at, by regiments of graduate students.

His keystone work was "The Ultimate Resource," published in 1981 and updated in 1996 as "The Ultimate Resource 2" (Princeton University Press). Its central point is clear: Supplies of natural resources are not finite in any serious way; they are created by the intellect of man, an always renewable resource. Coal, oil and uranium were not resources at all until mixed well with human intellect.

The notion drove some environmentalists crazy. If it were true, poof!—there went so many of the crises that justified their existence. From their air-conditioned offices in high-rise buildings, they brayed: Simon believes in a technological fix! The attacks often got personal: Simon's doctorate was in business economics, they sniffed; he had merely been a professor of advertising and marketing, and—get this—he had actually started a mail order business and written a book about how to do it. Never mind that he also studied population economics for a quarter century.

In fact, it was Simon's knowledge of real-world commerce that gave him an edge in the intellectual wars. He knew firsthand about some things that many environmentalists had only touched gingerly, like prices. If the real resource was the human intellect, Simon reasoned, and the amount of human intellect was increasing, both quantitatively through population growth and qualitatively through education, then the supply of resources would grow, outrunning demand, pushing prices down and giving people more access to what they wanted, with more than enough left over to deal with pollution and congestion. In short, mankind faced the very opposite of a crisis.

Simon rarely presented a sentence not supported by facts—facts arranged in serried ranks to confront the opposition; facts about forests and food, pollution and poverty, nuclear power and nonrenewable resources; facts used as foot soldiers to strike blows for accuracy.

In a famous bet, gloom-meister Paul Ehrlich took up Simon's challenge and wagered that between 1980 and 1990 scarcity would drive resource prices up. Simon bet that progress would push prices down. Simon won the bet, easily. Mr. Ehrlich won a MacArthur Foundation "genius" grant. But the wheel turns, and we'll see who's a genius. *Fortune* magazine listed Simon among "the world's most stimulating thinkers." Mr. Ehrlich didn't make the cut.

Simon sensed the primacy of something else that many environmentalists and crisis-mongers didn't catch on to for a quite a time: Human intellect could best be transformed into beneficial goods and services in an atmosphere of political and economic liberty. At the United Nations' Mexico City population conference in 1984 Simon winced, and counterattacked, when population alarmists caricatured the Reagan-appointed American delegation as promoting the idea that "capitalism is the best contraceptive." It was not a good idea to ridicule capitalism, or free markets, or human liberty, in Simon's presence.

Of course, rising living standards do tend to depress fertility. Living standards do rise faster under democratic market systems. Smart folks now know that the fruits of economic growth can be used to diminish pollution. You don't hear much anymore about how we're running out of everything. (Next task: Simonize the Global Warmists.)

Finally, unlike many of his opponents, Julian was a traditionalist. He did not work on the Sabbath, and the Friday Sabbath dinner at the Simon house was always a gentle and joyous celebration.

At rest on the Sabbath, Julian was indefatigable the rest of the week, chasing his precious facts. If Thomas Malthus is in heaven, he's in for an argument, laced with facts, facts, facts.

[From the *Wall Street Journal* Tuesday,
April 22, 1997]

ANOTHER SURE BET ON EARTH DAY

[By Julian L. Simon]

The message of Earth Day is uplifting today just as it was in 1970. But any reasonable person who looks at the statistical evidence must agree that Earth Day's original scientific premises are simply wrong.

Panic reigned during the first Earth Week. The doomsaying environmentalists—among whom the pre-eminent figure was Paul Ehrlich—asserted that the oceans and the Great Lakes were dying; great famines were impending; the death rate would quickly increase, due to pollution; and increasingly-scarce raw materials would reverse the past centuries' progress in the standard of living.

Every ill was the result of exploding populations in the U.S. and abroad. The doomsayers urged government-coerced birth control, abroad and even at home.

Of course none of those calamities have occurred. Indeed, long before 1970, however, most agricultural economists—led by Nobel Prize winner Theodore Schultz—had known that people throughout the world have been living longer and eating better since at least 1950 in the poor countries, and for two centuries in the rich countries. Fewer people die of famine than a century ago. The real prices of food are lower than in earlier periods.

All other raw materials, too: In the great 1963 book "Scarcity and Growth," Harold Barnett and Chandler Morse had documented that prices had been declining throughout history, signaling increased natural-resource availability rather than growing scarcity.

Data showing improved cleanliness of air and purity of water in the rich countries had been published before 1970. Since then the major air and water pollutions in the advanced countries have continued to abate rather than worsen. And statistical studies by Richard Easterlin and Nobel Prize winner Simon Kuznets had in 1967 shown there to be no statistical evidence that population growth hinders economic progress. Yet the environmental organizations, the press, and the Clinton administration still take as doctrine exactly the same falsified ideas expressed by the doomsayers in 1970.

Scientific opinion about population growth has now shifted away from the doomsayers' apocalyptic views. In 1986 the National Academy of Sciences published a report on population growth and economic development prepared by a prestigious scholarly committee chaired by economists D. Gale Johnson and Ronald Lee. It reversed almost completely the frightening conclusions of the previous NAS report in 1971. The expert group found "no statistical association between national rates of population growth and growth rates of income per capita," though they hedged their qualitative judgment a bit. The report found benefits of additional population as well as costs.

I'm sufficiently certain about these trends that I'm willing to put my money where my mouth is. In 1980, Mr. Ehrlich and two associates bet me that increasing scarcity would bring higher prices of raw materials. We agreed to assess the trends in \$1,000 worth of copper, chrome, nickel, tin, and tungsten for ten years. I would win if resources grew more abundant and thus cheaper, and they would win if resources became more expensive. At settling time in 1990, the Ehrlich team sent me a check for \$576.07. The inflation-adjusted price of our basket of metals had declined more than 40% over the bet period.

More environmental and resource data are available nowadays. And a single bet proves little. Hence I make the new broader bet offer to any prominent doomsayer that just about any trend pertaining to material human welfare will improve rather than get worse. The other person picks the trend(s)—life expectancy, a price of a natural resource, some measure of air or water pollution, the number of telephones per person, or whatever—and chooses the area of the world, and the future year a decade or more hence.

Professor Ehrlich and global-warming climatologist Stephen Schneider have responded to my offer with a strategy one might call switch-and-bait. They first switch the subject from material human welfare, and offer to bet on a set of physical indicators such as sperm count, global temperature, and levels of carbon dioxide and ozone. They call these elusive measures "indirect indicators." But they are not relevant. The subject is economic welfare (including health) and not atmospheric science.

Furthermore, the economic goodness or badness of many physical indicators is quite unknown. Carbon dioxide makes the plants grow faster; more of it may be a good thing. And only two decades ago Mr. Schneider wrote a book about the imminent danger of global cooling, so perhaps a higher mean temperature is not the demon he now warns us of.

When I explain these ideas, Mr. Ehrlich baits me—on National Public Radio and elsewhere—by saying that I "chickened out" and "ran." The fact that these folks have to resort to such a switch-and-bait ploy reveals a lot about the strength of their position.

The continuing influence of the failed forecasters among the media and policy makers is frustrating. But it's spring, so let's look at the good news. There is every scientific reason to be joyful about the trends in Earth's condition, and to be hopeful for humanity's future. So we can safely ignore the scare stories and have a Happy Earth Day.

TODAY'S LINE-ITEM VETO DECISION

• Mr. LEAHY. Mr. President, today, the United States District Court for the District of Columbia has again held the line-item veto unconstitutional. I respect the decision of Judge Thomas F. Hogan. I respect it not only because his analysis is consistent with that which led me to oppose this legislation when it was being considered by the Senate. I also respect it because it was right as a matter of constitutional law and as a means to preserve the separation of powers that is so central to the checks and balances that preserve our freedoms and liberty.

We hear a lot of speeches around here condemning judges. Here is a Judge who has done his job and stood up for the Constitution against the ill-advised action of the political branches.

It is not our independent federal judiciary that is upsetting the limits of government and fundamental freedoms of us all. Congress has shown a dangerous tendency over the last few years to ignore constitutional limits on Federal legislative branch authority. Maybe it is Members of Congress who need to read the Constitution and consider its wisdom.

The last week of its last term, the United States Supreme Court struck down three congressional actions as unconstitutional, including the so-called Communications Decency Act and the Brady Act, both of which I voted against. The Supreme Court withheld ruling on the line-item veto law at that time, because it held that the plaintiffs in that case were without standing to bring the challenge. It was just a matter of time and occasion. The decision by Judge Thomas Penfield Jackson in the earlier case had predated the ruling today. The line-item veto was and is unconstitutional. I proudly stand with Senator BYRD on this matter.

I would ask Congress to step back from this specific decision and consider how unprecedented this is: Four statutes that do not comport with the constitutional limits on congressional au-

thority overturned from a single Congress.

It is unfortunate that Congress is far too often overstepping its constitutional bounds. It is unfortunate that the courts have to rein Congress in from time to time, with increasing frequency as the Republican majority loses its moorings, but that is the thankless responsibility of the courts under our system of checks and balances.

I have come to this floor often in the last several months to defend the judiciary against shrill attacks. I come today to offer my continuing gratitude and respect for our co-equal branch of government. We are the envy of the world in part because our free and independent judicial branch has served our country so well for more than 200 years.

We should be doing more to keep it that way, not less. We are finally beginning to consider longstanding judicial nominations to fill the vacancies that plague the federal judiciary and threaten the administration of justice. We need to do more. We should consider without further delay the judiciary's requests for the resources that they need. We should consider S. 678, the Federal Judgeship Act, which I introduced at the request of the Judicial Conference to provide an additional 55 judges where needed around the country. We should act on S. 394, which I sponsored with Senator HATCH to unlink judicial salaries from our own. We should consider and confirm qualified nominees to the 83 vacancies to the federal courts.

Finally, I hope that members of Congress will rethink the rush to propose amendment to our Constitution and consider how well our fundamental charter serves us. We do not need to rewrite the Constitution, we need to respect it and act in accordance with its design.●

KATHLEEN JONES AND MOIRA DELAHANTY—WINNERS OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD AND CHRISTOPHER VACHON, CHRISTOPHER PAPPAJOHAN, JOSEPH ALLISON, JUSTINE BARRETT, DISTINGUISHED FINALISTS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Kathleen Jones and Moira Delahanty who have achieved national recognition for receiving the Prudential Spirit of Community Award. I commend their youthful spirit and aggressive drive to improve the quality of life in New Hampshire through community service.

The award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, recognizes young people who have shown a great deal of commitment and dedication to improving their community. As New Hampshire's honorees,