

the highest award Boy Scouts Councils may grant to a volunteer. John is the Military and Veterans Affairs Liaison in my Irving, Texas, office.

John's devotion to the Boy Scouts of America through the years makes him well-deserving of this award. He is a District Commissioner in the Circle Ten Council and, with his wife, Mary, chaired the Circle Ten Council POW WOW for 2 years. He has also taught POW WOW at the Boy Scouts' Philmont, New Mexico, Training Center for 4 years.

A former Air Force combat pilot, he currently serves as the Senior Vice Commander of the Dallas Chapter of the Military Order of The World Wars. John is also very active in the Dallas Veterans Foundation. He will be a chairman for the Military Order of the World Wars sponsored Youth Leadership Conference in June in Fort Worth, Texas. The conference provides leadership and patriotic training for high school students.

I congratulate John on this high honor from the Boy Scouts. This country thanks him for his dedicated service—both in the military and with the Boy Scouts of America. The 24th District of Texas benefits from having a man with such valuable experience and strong allegiance to his country serve them in my congressional office.

INTRODUCTION OF THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2006

**HON. WAYNE T. GILCREST**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 30, 2006*

Mr. GILCREST. Mr. Speaker, today, along with my distinguished colleagues, Representatives EHLERS, BARTLETT, LEACH, FARR, CASTLE, and SHAYS, I am introducing legislation to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, which provides the U.S. with authority to manage fisheries in U.S. waters. Our bill would enact critical updates to our current national fishery policy management that will ensure sustainable fisheries well into the future. I urge my colleagues to join us in cosponsoring H.R. 5051.

Both nationally and globally, our fishery resources are stretched to meet increasing demand—Americans alone now consume over 4 billion pounds of seafood annually. Fishery management has improved greatly since the enactment of the Sustainable Fisheries Act in 1996. Yet too often, we continue to experience overfishing and overcapacity—too many boats and too few fish—throughout our Nation's oceans—a situation that is not sustainable over time. In national policy, we must make the sustainable harvest of our living marine resources and the ecosystems on which they depend our highest priority.

I commend Chairman POMBO, Mr. FRANK, and Mr. YOUNG for their introduction of a comprehensive Magnuson-Stevens reauthorization bill, and I believe its close alignment with S. 2012 is a solid step forward in improving the health of our Nation's fisheries. However, I believe recent advances in marine science and a greater understanding of our complex ocean ecosystems can help shape an even stronger bill. Our bill proposes to move fisheries man-

agement in a positive step toward ecosystem management, incorporating our vastly increased scientific understanding of ocean ecosystems and the rapidly developing body of experience in this approach gained by the Regional Fishery Management Councils in projects around the Nation. It would require the administration to develop comprehensive guidelines, with the councils, to support the drafting of Fishery Ecosystem Plans. Science on ecosystems is very advanced, to the extent that over 200 scientists signed on to a scientific consensus statement on ecosystem management organized by the Communication Partnership for Science and the Sea (COMPASS) on March 21, 2005.

For stocks that are designated as overfished, our bill proposes to require overfishing to end by a date certain. Currently, and as a result of a ruling by a Federal district court which held that overfishing could occur during the rebuilding of the stock, overfishing is a continuing problem for stocks in many parts of the Nation. Out of 175 stocks in the Nation about which the status is known, 53 are overfished. Rebuilding time frames for some species have reached over 40 years in length, during which overfishing may continue under current law. However, the administration supports ending overfishing by a date certain, well within a time in which Regional Fishery Management Councils could act, so that rebuilding time frames become less contentious. The Pombo-Young-Frank bill extends the rebuilding time frame for fisheries from the current 10 year limit under a wide range of circumstances, but does not address overfishing at all. This approach takes us backward, not forward in ensuring sustainable use of our fisheries.

The National Environmental Policy Act (NEPA) is very controversial, as my colleagues know. The Senate, in its Magnuson-Stevens reauthorization bill, requires the administration to work between the National Oceanic and Atmospheric Administration and the White House Council on Environmental Quality to better integrate the process required by NEPA and the process required by Magnuson-Stevens for its Fishery Management Plan process. Given that the Resources Committee has held only one hearing on this issue, I believe this is the best approach. Providing the Secretary of NOAA with the authority to waive NEPA for Fishery Management Plans, as the Pombo-Young-Frank bill proposes, is too broad to capture potential pitfalls about which we are only beginning to understand.

Finally, the most important aspect of fishery management is the containment of annual harvest limits within boundaries that support sustainability of fishery stocks. The number of overfished stocks demonstrates our failure to achieve this important limit. The Senate has been engaged in a productive negotiation over this issue—how to establish accountability for the administration and the Councils and to support stronger science in setting and achieving such limits. The Pombo-Young-Frank bill does include many provisions to strengthen the state of fishery management science and the use of science in management decisions, but does not address the need to ensure that fisheries are not stretched beyond the scientifically established limits it provides. While I believe neither the House nor the Senate has achieved consensus on this issue, our bill includes such accountability.

It is our intention to constructively contribute to the coming debate in the House over national ocean fishery management by stressing policy to strengthen the conservation of ocean fish resources while supporting the extraordinary efforts of our administration and Regional Fishery Management Councils. I urge my colleagues to cosponsor H.R. 5051 and join us in this critical policy debate.

INTRODUCTION OF THE DESIGN PIRACY PROHIBITION ACT

**HON. BOB GOODLATTE**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 30, 2006*

Mr. GOODLATTE. Mr. Speaker, I rise to introduce the Design Piracy Prohibition Act.

Article I section 8 of our Constitution lays the framework for our Nation's copyright laws. It grants Congress the power to award inventors and creators, for limited amounts of time, exclusive rights to their inventions and works. The Founding Fathers realized that this type of incentive was crucial to ensure that America would become the world's leader in innovation and creativity. This truth is still applicable today. We must be sure to continue to reward our innovators with the exclusive rights to their works for limited periods of time. This incentive is still necessary to maintain America's position as the world leader in innovation.

Most industrialized nations provide legal protection for fashion designs. However, in the United States—the world's leader in innovation and creativity—fashion designs are not protected by traditional intellectual property protections. Copyrights are not granted to apparel because articles of clothing, which are both creative and functional, are considered "useful articles," as opposed to works of art. Design patents are intended to protect ornamental designs, but clothing rarely meets the criteria of patentability. Trademarks only protect brand names and logos, not the clothing itself, and the Supreme Court has refused to extend trade dress protection to apparel designs.

Thus, if a thief steals a creator's design, reproduces and sells that article of clothing, and attaches a fake label to the garment to market it, he would be violating Federal law. However under current law it is perfectly legal for that same thief to steal that same design, reproduce and sell the article of clothing if he does not attach a fake label to it. This loophole allows pirates to cash in on others' efforts and prevents designers in our country from reaping a fair return on their creative investments.

Furthermore, the production life cycle for fashion designs is very short. Once a particular design gains popularity through a fashion show or other event, a designer usually has only a limited number of months to effectively produce and market that original design. Further complicating this short-term cycle is the fact that once a design is made public, pirates can now virtually immediately offer an identical knock-off piece on the Internet for distribution. Again, under current law this theft is legal unless the thief also reproduces a label or trademark. Because these knock-offs are of such poor quality, these reproductions not only take away designer's profits, but also damage the designer's reputation.

Chapter 13 of the Copyright Act offers protection for the designs of vessel hulls. The Design Piracy Prohibition Act protects designers