



PACIFIC STATES MARINE FISHERIES COMMISSION

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June 14, 1995

Dear Friends of PSMFC:

Legislation is moving forward in D.C. to eliminate the Department of Commerce. As a result, we are proposing to send the attached draft letter to the House Resource Committee and the Senate Commerce Committee.

The letter is intended only to demonstrate the constituent opposition to the proposal, and our concern for retaining a fisheries department presence.

We don't need signatures. All we need is for you to fax or call my office and give us permission to list your name or organization.

Sincerely,

Randy Fisher
Executive Director

June 14, 1995

The Honorable Don Young
Chairman
House Resources Committee
1324 Longworth Bldg.
Washington, D.C. 20515

The Honorable George Miller
Ranking Member
House Resources Committee
1329 Longworth Bldg.
Washington, D.C. 20515

The Honorable James Saxton
Chairman
Fisheries, Wildlife & Oceans
Subcommittee
805 O'Neill House Bldg
Washington, D.C. 20515

The Honorable Gerry Studds
Ranking Member
Fisheries, Wildlife & Oceans
Subcommittee
522 O'Neill House Bldg.
Washington, D.C. 20515

Dear Sirs:

The undersigned organizations and businesses would like to go on record in adamant opposition to the proposal introduced by Representative Chrysler to eliminate the Department of Commerce and break up the functions of the National Oceanic and Atmospheric Administration.

We have all worked closely with the Department of Commerce, NOAA, and the National Marine Fisheries Service over the years on a wide variety of issues. In comparison to other Federal agencies, we have found the Department to be effective in bringing together diverse interests to develop middle ground solutions and create a fair balance among conflicting positions. The consolidation and reorganization currently being proposed would seriously impede the progress made by the Department and NOAA in promoting sustainable fisheries and healthy marine species, modernizing the National Weather Service functions, and promoting healthy coastal habitats. The consolidation would be a gross disservice to the public which depends on the services and management expertise within the Department of Commerce.

A number of the undersigned groups may be submitting more detailed written comments to your Committee in the future setting forth specific reasons why the Department should not be disbanded. In the interim, we felt that it would be important for you to understand the nearly universal opposition from your coastal constituency on the proposed breakup. We urge you to take action to preserve the Commerce Department and retain NOAA in its current organizational form.

Sincerely,

RE-TYPED FOR LEGIBILITY

From: Kenney, Jr.
Date: Tue, May 23, 1995 17:17
Subject: Letters from the Hill
To: SRD E'body in (field); SRD E'body in (HQ); SRD NERRS All

FYI from DC

C. . . (unreadable),

Today Rep. Chrysler (R-MI-3) and Rep. Brownback (R-KS-2) introduced legislation to eliminate the Department of Commerce. Aside from terminating several programs (forwarding attached list), it moves several programs to the Department of Interior, and for those functions that are not abolished and are somewhat left standing, it funds them at 75 PERCENT OF THE 1994 LEVEL. The provisions go into effect six months after enactment. The bill establishes a "Commerce Programs Resolution Agency" (fire sale agency) which in essence will sell off the Commerce Department assets within 18 months after enactment.

This legislative package was put together by a task force whose mission is to restructure government. I will be sending everyone a list of members on the task force soon.

A similar bill will be introduced by Sen. Faircloth (R-NC) on Thursday.

-----[Original Message]-----

This afternoon, Cong. Chrysler will introduce legislation to eliminate DOC. Most of you all saw the Wall St. Journal article in yesterday's paper describing his plan. What follows is a more detailed account of this plan:

- 1) Eliminate the Department of Commerce
- 2) Terminate the functions of EDA, MBDA, NTIA, and USTTA
- 3) Eliminate BXA and send the functions to other Departments
 - BXA enforcement to State Dept.
 - BXA anti-boycott responsibilities to the Attorney General
 - National security functions divided among ITC, Treasury, and DOD
- 4) Eliminate ITA
 - Uruguay Round responsibilities to USTR
 - FTZ's to Treasury
 - FCS domestic abolished
 - FCS international to USTR
 - Export promotion activities to USTR
 - Trade information to Treasury
 - IEP abolished
 - Textile agreement responsibilities to USTR, ITC, and Treasury
 - Foreign Auto parts responsibilities to ITC
- 5) PTO is transferred to the Justice Department

- 6) Technology Administration is eliminated
- 7) NIST standards and measurements transferred to NSF
 - NIST labs are privatized
 - NTIS is privatized
 - ATP and MCTs are eliminated
- 8) Census Bureau is transferred to Treasury
 - BEA is transferred to the Federal Reserve
- 9) NOAA
 - Repeal authority to make fish grants
 - Repeal authority to guarantee obligations for fishing vessel and fish facilities construction
 - Terminate compensation under fisheries protective act
 - Terminate compensation to fishermen under Continental Shelf Lands Act
 - Terminate NOAA Corps
 - Dispose of NOAA fleet
 - Privatize NOAA labs
 - Shift nautical charts to the Defense Mapping Agency
 - Privatize NESDIS
 - Shift National Weather Service to Interior Dept.
 - NMFS enforcement to Transportation Dept
 - NMFS science functions to US Fish and Wildlife Service
 - NMFS seafood inspection to Agriculture Dept.
 - Geodesy survey to US Geological Survey
 - Marine and Estuarine Sanctuary functions to Interior Dept.

[Notated in longhand - "Please share w/everyone who is interested-----"]

[Retyped for Legibility]

SUMMARY OF MAJOR PROVISION OF THE CHRYSLER
"DEPARTMENT OF COMMERCE DISMANTLING ACT" (DOCDA)
H.R. _____

TITLE I-- ABOLISHMENT OF DEPARTMENT OF COMMERCE

- Reestablishment of DOC as Commerce Programs Resolution Agency (Sec. 101).
--Redesignates the Department of Commerce as the "Commerce Programs Resolution Agency (CPRA), an independent agency headed by an Administrator (ES level II) appointed by the President with Senate confirmation. The Administrator shall be responsible for--
 - administration and wind-up, during the 3-year wind-up period, of all section 102 functions and other provisions of DOCDA;
 - administration and wind-up of any obligations of the government under any programs terminated or repealed by DOCDA;
 - taking such other actions before the termination date as may be necessary to wind up the outstanding affairs of the DOC.
- Functions (Sec. 102). -- Assigns to the Administrator responsibility to perform all functions previously assigned to the DOC, any office of the DOC, or the Secretary, effective 6 months after enactment of DOCDA.
- Deputy Administrator (Sec. 103). -- Authorizes the Administrator to appoint a Deputy Administrator.
- Continuation of Services of Department Officers (Sec. 104). -- Authorizes the individual serving as Secretary to act as Administrator until confirmation of the Administrator or until the end of the 120-day period provided for filling vacancies on a temporary basis under 5 U.S.C. § 3348. Other DOC officers may continue to serve and act in an equivalent capacity in the Agency on the same basis (i.e., until appointment of the Administrator or expiration of the 120-day period). Compensation of such officers shall remain as provided for the previous positions.
- Reorganization (Sec. 105). -- Authorizes the Administrator to allocate or reallocate any function of the Agency among the officers of the Agency and to establish, consolidate, alter or discontinue in the CPRA any organizational entities of the DOC as the Administrator deems appropriate.
- Abolishment of Commerce Programs Resolution Agency (Sec. 106). -- Abolishes the CPRA 3 years after enactment and abolishes all functions of the CPRA except for functions transferred or otherwise continued by the DOCDA. Requires the President to submit a plan to Congress for winding up the affairs of the agency within 6 months of enactment of DOCDA.
- GAO Report (Sec. 107). -- Requires the GAO to submit recommendations to Congress within 180 days of enactment with respect to the most efficient means

of achieving abolishment of Commerce and for the termination or transfer or other continuation of the functions of the Department.

- Conforming Amendments (Sec. 108). -- Deletes the specification of the various positions of Commerce in title 5 of the United States Code.
- Effective Date (Sec. 109). -- Specifies that title I is generally effective 6 months after enactment, except for certain provisions which are effective immediately concerning the position of the Administrator of the CPRA (§ 101(b)), the President's plan for winding up the affairs of the agency (§ 106(c)), and the GAO report (§ 107).

TITLE II-- DISPOSITION OF PARTICULAR PROGRAMS, FUNCTIONS, AND AGENCIES OF DEPARTMENT OF COMMERCE

- Economic Development (Repeal and Transfer) (Sec. 201).
 - Repeals upon enactment¹ the Public Works and Economic Development Act and transfers to Treasury loans, notes, bonds, debentures, securities, and other financial obligations owned by DOC under the Act, together with all assets or other rights incident thereon, and all liabilities related thereto;
 - Requires Comptroller General to conduct an audit of all grants made under the Act in FY 1995 and all loans, obligations and guarantees and transmit a report to the Congress.
- Export Controls (Transfers and Terminations) (sections 202 & 203).
 - Transfers the Department's export control functions (other than short supply controls) of the Export Administration Act (EAA) to State. Short supply controls would reside with the President;
 - Transfers export control enforcement authorities to Treasury, with no more than 60 enforcement agents of BXA transferred to Customs;
 - Transfers Anti-boycott compliance authorities to the Attorney General;
 - Terminates the Office of Foreign Availability and establishes an industries board to advise the Secretary of State on matters of foreign availability.
 - Transfers to State authority to establish a Buyer Power Maintenance Account to carry out functions of the EAA;

¹Provisions relating to the effective dates of the abolishment and transfer of agencies are somewhat unclear due to a reference error. The references are to effective dates under a "section 211," which concerns NOAA; we presume the drafters intended to refer to the effective dates under section 213.

- Abolishes Office of the Under Secretary of Commerce for Export Administration and repeals the provision of the EAA that appoints the Under Secretary and two Assistant Secretaries;
 - Transfers Section 232 Trade Expansion Act function to ITC (to investigate whether imports threaten to impair the national security and to recommend action to the President);
 - Transfers Offset [?-poor legibility] reporting requirements to Defense;
 - Transfers to Treasury functions pertaining to the establishment of information system on the domestic defense industrial base;
 - Requires President to appoint industry committee to advise NSC with respect to those matters affecting industry addressed by the NSC;
 - Requires President to appoint a representative from private industry to co-chair Market Impact Committee established under the Strategic and Critical Materials Stockpiling Act; requires President to appoint industry committee to offer advice with regard to functions of Commerce under the Strategic and Critical Materials Stockpiling Act.
- International Trade Functions (Transfers and Abolishments) (Section 204).
- Transfers Antidumping and countervailing duty functions to USTR;
 - Makes Secretary of Treasury the chairman and executive officer of the Foreign Trade Zones Board;
 - Abolishes all domestic operations of US&FCS; Renames US&FCS as the United States Foreign Commercial Service and transfers foreign operations to State; Transfers the Secretary's responsibilities with regard to the Commercial Service to USTR;
 - Transfers to USTR Trade Development export promotion functions, but requires that any services provided be fully fee funded; transfers to Treasury all Trade information functions performed by TD under the International Investment and Trade Services Survey Act (22 USC 3101 et al.);
 - Abolishes functions of International Economic Policy;
 - Abolishes the Committee for the Implementation of Textile Agreements (CITA) and distributes its functions as follows:
 - textile and apparel policy formulations, negotiation of Trade agreements transferred to USTR;

- economic analyses and damage assessments for safeguard matters transferred to the ITC;
 - export promotion activities to new Commercial Service;
 - monitoring and enforcement of quotas transferred to Treasury;
 - Transfers to the ITC responsibilities related to the Fair Trade in Auto Parts Act;
 - Directs the President to provide for private industry participation on the interagency Trade group, the Trade Policy Staff Committee (TPRC);
 - Transfers to Treasury certain functions (and abolishes others) of the Department under the Export Trading Company;
 - Requires appointment by the President of private sector industries boards to advise USTR and Treasury with respect to the functions transferred by DOCDA.
- Patent and Trademark Offices (Transfer) (Section 205).
 - Creates PTO as an independent agency within Justice.
 - Requires all activities of PTO to be full fee funded (such funds to be available with appropriation); Requires Commissioner to establish fees annually.
- Technology Administration (Abolishment and Transfers) (Sec. 206).
 - Abolishes the Technology Administration;
 - Transfers most of functions of NIST to the National Science Foundation;
 - Transfers the labs to the Commerce Programs Resolution Agency to sell;
 - Transfers NTIS to the Commerce Resolution Agency to sell.
- Reorganization of the Bureau of the Census (Transfer to Treasury) (Sec. 207).
 - Transfers the Census Bureau to Treasury 6 months after enactment;
 - Authorizes individual serving as Director before reorganization to continue serving until a successor has taken office;
 - Provides sense of Congress that the Bureau should make appropriate use of address list authority under Public Law 103-430 and streamline census questionnaires to promote savings;

- Makes conforming amendments to title 13 and other provisions of law to change references to "Commerce" to Treasury";
- Specifies that for the purposes of title III, the reorganization of the Bureau under this section is to be treated as if it involved a transfer of functions from one office to another (presumably subjecting the details of the transfer to determinations by OMB).
- Reorganization of the Bureau of Economic Analysis (Transfer to the Federal Reserve System) (Sec. 208).
 - Transfers BEA to the Federal Reserve System 6 months after enactment and transfers BEA functions to the Chairman of the Board of Governors of the Federal Reserve System;
 - Authorizes the individual serving as Director of BEA before the reorganization to continue to serve in that capacity until a successor has taken office;
 - Requires the Director to submit a report to Congress within 18 months of enactment regarding the feasibility of privatization and the feasibility of imposing fees to defray the costs of services performed on behalf of non-government entities;
 - Specifies that for the purposes of title III, the reorganization of the Bureau under this section is to be treated as if it involved a transfer of functions from one office to another (presumably subjecting the details of the transfer to determinations by OMB).
- Terminated Functions of NTIA (Repeal of non-spectrum functions) (Sec. 209). -- Repeals provisions of law relating to the Public Telecommunications Facilities Program (47 U.S.C. §§ 390 *et seq.*), the Endowment for Children's Educational Television (47 U.S.C. §§ 394 *et seq.*, and Telecommunications Demonstration grants (47 U.S.C. §§ 395 *et seq.*).
- NTIA Spectrum Management Functions (Transfer to OMB) (Sec. 210). -- Transfers to OMB NTIA's spectrum management functions under parts A and B of the NTIA Organization Act.
- National Oceanic and Atmospheric Administration (Terminations and Transfers and Abolishments) (Section 211).
 - Terminates authority given to NOAA to make grants under:
 - Saltonstall-Kennedy Act
 - 16 U.S.C. § 753a (cooperative agreements with colleges and universities)
 - Antarctic Marine Living Resources Convention Act
 - Anadromous Fish Conservation Act
 - Magnuson Fishery Conservation and Management Act

- **Interjurisdictional Fisheries Act**
 - **Fish and Wildlife Act**
 - **Mitchell Act**
 - **Pacific Salmon Treaty Act**
 - **Marine Mammal Protection Act**
- **Terminates authority to guarantee obligations for fishing vessels and fishing facilities construction;**
- **Terminates authority to pay compensation under Fishermen's Protection Act for damage, loss or destruction of fishing vessels or gear;**
- **Terminates compensation to fishermen under the Outer Continental Shelf Lands Act;**
- **Terminates functions vested in NOAA relating to:**
- **observation and prediction pollution research**
 - **estuarine and coastal assessment research;**
- **Terminates NOAA Corps;**
- **Requires Interior to cease modernization of NOAA fleet and dispose of all assets of fleet;**
- **Terminates Office of Oceanic and Atmospheric Research; Functions relating to weather research transferred to the National Weather Service. Labs transferred to Commerce Programs Resolution Agency, which shall attempt to sell to private sector to perform same function;**
- **Transfers to the Defense Mapping Agency nautical and aeronautical charting functions;**
- **Transfers to CPRA National Environmental Satellite, Data and Information System Data Center and requires CPRA to attempt to sell if it to private sector entity to perform same function; transfers functions related to weather satellites transferred to National Weather Service;**
- **Transfers to Interior the National Weather Service and requires Weather Service to terminate its specialized agricultural, Marine Radiofax and forestry weather services, and its Regional Climate Centers;**
- **Transfers to Transportation enforcement functions of National Marine Fisheries Service (NMFS);**
- **Transfers to Fish and Wildlife Services the science functions of NMFS;**
- **Transfers to USDA seafood inspection functions of NMFS;**

- Transfers to United States Geological Survey Geodesy functions of National Ocean Service;
 - Transfers to Interior Marine and Estuarine Sanctuary functions of National Ocean Service;
 - Transfers to the CPRA Environmental Research Labs which shall try to sell to private sector entity to perform same functions.
- Miscellaneous Abolishments (Sec. 212 -- Abolishes the following agencies of the DOC and all the functions of those agencies except to the extent otherwise provided in the DOCDA; EDA, MBDA, USTTA, and NTIA.
 - Sense of Congress Regarding User Fees -- States the sense of Congress that the head of each agency that performs a function vested in the agency by the Act should, wherever feasible, explore and implement user fees for the provision of services in the performance of that function, to offset operating costs.

TITLE III - MISCELLANEOUS PROVISIONS

- References (Sec. 301). -- Provides that any reference in any other law, Executive order, rule, regulation, delegation of authority, or any document of or pertaining to an office from which a function is transferred by DOCDA to the Secretary of [illegible] . . officer of the Department, or to that Department or agency within the Department is deemed to refer to the head of the department or office or to the department or office to which such function is transferred.
- Exercise of Authorities (Sec. 302). -- Except as otherwise provided by law, authorizes a Federal official receiving responsibilities under a function transferred by the DOCDA to exercise all authorities under any other provision of law that were available with respect to performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer.
- Savings Provisions (Sec. 303). -- Provides boilerplate to ensure that legal documents previously issued remain effective until modified or otherwise dealt with by the President, any authorized official, a court or operation of law; provides other boilerplates related to continuance of pending proceedings and applications, and suits.
- Transfer of Assets (Sec. 304). -- Except as otherwise provided by DOCDA, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by the Act shall be available to the official or head of the agency, respectively, at such time or times as the Director of OMB directs for use in connection with the functions transferred.

- Delegation and Assignment (Sec. 305). -- Except as otherwise expressly prohibited by law or otherwise provided in DOCDA, an official receiving responsibilities under a transferred function may delegate those functions.
- Authority of OMB with respect to Functions Transferred (Sec. 306).
 - If necessary, requires OMB to make any determination of the functions that are transferred under DOCDA;
 - Authorizes OMB to make such determinations as may be necessary at such times as the Director shall provide, with regard to functions transferred by DOCDA, and to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, allocations, and other funds in connection with such functions as may be necessary;
 - Requires the Director of OMB to provide for the termination of the affairs of all entities terminated by DOCDA and for such further measures and dispositions as may be necessary to carry out the Act.
- Proposed Changes in Law (Sec. 307). -- Requires OMB to submit a description to Congress within one year of enactment of any changes in Federal law that may be necessary to reflect abolishments, transfers, terminations and disposals under DOCDA.
- Definition of Transfer (Sec. 308). -- Provides that “for purposes of this Act, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.”
- Definitions (Sec. 309). -- Defines Administrator, agency function, office, and wind-up period.

JUN - 1 - 95 THU 13:42 MRR I

FRI MAY 24 '95 10:44AM SEA GRANT CONSORTIUM(OT)

From: NSStarks@RDC.NOAA.GOV

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Subject: Republican Task Force Announces Bill to dismantle DOC

Resent-Date: Tue, 23 May 1995 16:02:17 -0400 (EDT)

Resent-From: "Scott Snyder@RMR" <SSnyder@RDC.NOAA.GOV>

Forwarded to: ERL Lab Directors@OAR@R, JI Directors@EEL@R
 SEAGRANT FRP@OAR@R, NURCDIRS@OAR@R

cc: Scott Snyder@RMR
 Comments by:
 Comments:

TO: OAR Field Sites

More fun from our budget cutting Congress. We are currently responding to this and will keep you updated.

Scott

----- [Original Message] -----
 Former Commerce Secretary Robert Mosbacher and Senate Majority Leader Bob Dole (R-KS) endorsed a bill to dismantle the Commerce Department, including NOAA, over a three year period beginning this October. The bill was introduced today.

Flanked by 18 House and Senate Members, Rep. Dick Chrysler (R-MI), DOC Task Force co-chair, said the legislation will have be approved by nine separate committees and subcommittees before it reaches the floor.

Senator Spencer Abraham (R-MI), Chrysler's Senate counterpart, said companion legislation will be introduced in the Senate in June.

The dismantling of NOAA, the Task Force said, would produce \$2.338 billion in savings.

"While the activities of NOAA are only tangentially related to the promotion of commerce, it makes up over 40 percent of the Department of Commerce budget. The individual functions of this agency would be sent to more appropriate agencies or departments."

"National Marine Fisheries Service--The enforcement functions of this agency would be transferred to the Coast Guard, while the scientific functions would be transferred to the Fish and Wildlife Service. Seafood inspections would be transferred to the Department of Agriculture, while already carries out more food inspection programs. State Fishery grants and commercial fisheries promotion are terminated.

National Ocean Service. Geodesy functions are transferred to the U.S. Geological Survey. Coastal and water pollution research duplicated by the EPA is terminated. Marine and estuarine sanctuary management would be transferred to Interior, which already manages some fisheries. Nautical and aeronautical charting is privatized, as the private sector undertakes this activity already.

National Environment Satellites, Data & Information Service--The weather satellites of this agency are transferred to the National Weather Service to

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privatized.
Office of Oceanic and Atmospheric Research--Because many of its activities are duplicative of other federal agencies or could be better served by the private sector, this office is terminated. The labs could operate in the private sector will be sold and the remaining labs will be transferred to Interior;

NOAA Corps--Is terminated and its vessels sold to the private sector. Services can be obtained in the private sector and its fleet is in disrepair."

Incredibly, all mention of what happens to the National Weather Service was omitted in the information sheet handed reporters. However, when asked later by a reporter what happens to NWS, Rep. Sam Brownback (R-KS) said it would be transferred to Interior as Chrysler forgot where NWS went; and it wasn't in the handout!

Meschner then went up to the podium to explain how to beat back opposition to weather service modernization he had to certify to members losing weather forecasting stations that their service would not be degraded.