

Congress of the United States
House of Representatives
Washington, DC

March 21, 2008

Vice Admiral Conrad C. Lautenbacher, Administrator
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

Dear Vice Admiral Lautenbacher:

I am writing to you regarding the February 8, 2008 letter from the National Marine Fisheries Service (NMFS) to Massachusetts Division of Marine Fisheries Director Paul Diodati with respect to the \$13,395,000 in economic assistance for the Massachusetts groundfish fishery that was included in the 2008 Omnibus Appropriations bill. Specifically, it is inappropriate for NMFS to provide such stringent guidelines about the percentages of the funds that should be used for various purposes. The money was included in the appropriations bill to address economic problems within the Massachusetts fishing industry as a result of the restrictive groundfish management measures that are now in place. It is clear that requiring the State to expend the funds for other purposes that do not contribute directly to this goal falls outside the purpose of the appropriations language.

As you know, this funding was requested by Senators Kennedy and Kerry and supported by Congressmen Delahunt and Tierney and myself in order to directly assist those fishermen who were negatively impacted by Framework 42 to the multispecies fishery management plan in Massachusetts. The initial decision of the federal government to deny the disaster application of Governor Deval Patrick prompted the inclusion of this necessary funding in the appropriations legislation.

I am concerned that the letter from Acting Assistant Administrator for Fisheries John Oliver, after giving very specific percentage breakdowns of how NMFS expects the funds to be distributed, goes on to say that state officials should comply with NMFS's recommendations for the disbursement of this aid so the agency will "be able to process it quickly and ensure funding is available to the State at the earliest possible time." In fact, NMFS does not have the authority to dictate, in this detailed fashion that goes well beyond the language in the Appropriations bill report, how the State should distribute these funds

Therefore, I urge the National Oceanic and Atmospheric Administration and NMFS to defer to the state and to accept the planned uses of the funds that the Division works out in consultation with the industry, provided those uses fall within the general purposes laid out in the appropriations report. I would add that, subsequent to that determination, this economic assistance should be allocated as soon as possible so the dedicated and hardworking men and women of our fishing communities can begin to repair some of the damage that has resulted from the recent management decisions in this fishery.

Thank you for your attention to these matters. I look forward to your response.



BARNEY FRANK

CC: Paul Diodati, Director
Division of Marine Fisheries