

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
FIFTH NORTHERN MARIANA ISLANDS LEGISLATURE

P.O. BOX 129
SUSUPE, SAIPAN, MARIANA ISLANDS 96950

August 10, 1977

The Honorable Les AuCoin
Member
House of Representatives
Congress of the United States
329 Cannon House Office Building
Washington, D.C. 20513

Dear Congressman AuCoin:

The Northern Mariana Islands Legislature has received copies of your amendments to the Fishery Conservation and Management Act of 1976, (U.S. Congress H.R. 2564). As you know, the Northern Mariana Islands will become a Commonwealth of the United States of America when the Trusteeship of the Trust Territory of the Pacific Islands ends in 1981. At this moment, we are expecting our Constitution to be signed by the President of the United States very shortly.

The Covenant which establishes the Constitution and the Commonwealth states that residents of the Northern Mariana Islands will not become citizens or nationals of the United States until the Trusteeship ends in 1981. The Covenant also provides for interim definitions of citizenship between the signing of the Constitution and the termination of the Trusteeship wherein for certain purposes, residents of the Northern Mariana Islands will be classified as citizens or nationals of the United States.

It is our opinion that residents of the Northern Mariana Islands would be classified as United States citizens under Section 25(b) of H.R. 2564 and any vessels owned by these residents would be vessels of the United States under the same section. The Covenant did not address itself to the Fishery Conservation and Management Act of 1976, and is silent on this provision. If this interpretation is wrong, then we are fearful that residents of the Northern Mariana Islands will not be able to fish in their own waters, a situation which I am sure that neither you nor your advisers anticipated.

We would appreciate it if we could receive clarification on the above issue as it is important to our people who make a living and subsist by the sea.

Additionally, H.R. 2564 provides that a corporation must be 75% owned by citizens of the United States in order for its ships to

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fish within the 200 mile economic zone. This zone will apply to the Northern Marianas when the Constitution is signed. It is our opinion that for the purposes of corporate nationality, residents of the Northern Mariana Islands will also be classified as United States citizens.

We have one problem here which is dissimilar to the problems of the fishing industry in the United States which prompted the Fishery Conservation and Management Act of 1976, and the subsequent amendment. There is no United States fishing fleet in the Northern Marianas and, in order to properly cultivate the economic resources of the waters here, it will be necessary to participate in joint ventures with Japanese or Taiwanese fishing companies. We are doubtful that the companies would want to get involved and invest money if the maximum ownership of a joint venture foreign cooperation is only 25%. Since there is no American fishing fleet to be protected in the Northern Marianas and since joint ventures are necessary for our economic growth, certain exceptions to the Fishery Conservation and Management Act of 1976, must be applied to the Northern Marianas.

We would appreciate hearing from you at your earliest convenience.

Sincerely yours,

(Sen.) Pedro R. Guerrero
Chairman
Economic Committee, NMIL

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xc: Congressman Phillip Burton, U.S. Congress,
House of Representatives
Mrs. Patsy Mink
Mr. Edward DLG. Pangelinan
Western Pacific Regional Fisheries
Management Council
Mr. Erwin D. Canham, GNMI
Speaker, NMIL
Marianas Fishing Authority