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Congress of the United States
House of Representatives
Washington, D.C. 20515

October 25, 1979

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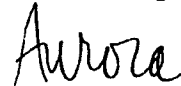
Dear Jeff:

Enclosed please find copies of Congressman Won Pat's letter to Senator Johnston and of his bill relating to the use of foreign-built vessels in the fisheries around Guam, the Northern Mariana Islands (NMI) and American Samoa.

I spoke to Jim Beirne yesterday to clarify the nature of the amendments regarding the use of foreign-built vessels in the NMI. He stated that there were two alternatives being considered: (1) a narrow amendment covering the Olwol only; and (2) a broader one exempting the NMI from the Fishery Conservation and Management Act of 1976 for the remainder of the trusteeship agreement. I believe George discussed this with you.

On a separate but related matter, John Harville, Executive Director of the Pacific Marine Fisheries Commission will be in town late next week. He would like to meet with the different agencies and with Congressional staffers to discuss the contract he obtained to conduct a study on the development of the fisheries in the Pacific. I gave a Mr. Rendall your name and number, as he is coordinating the interagency meeting with Mr. Harville. If he does not call you by early next week, you might give him a call (634-7307) should you want to meet with Mr. Harville.

Sincerely,



Aurora C. Jose

October 23, 1979

Honorable J. Bennett Johnston
421 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Johnston:

You are aware of the recent controversy generated by three law suits filed against the United States by the Northern Mariana Islands (NMI), local NMI fishermen, and a corporation licensed to do business in the NMI. The gist of these suits is that the NMI is not within the fishery conservation zone and is therefore not subject to the prohibition against the use of foreign-built vessels in the American fisheries, ie., the 200 mile fishery conservation zone around the NMI. The immediate issue is the use of a foreign-built fishing vessel, the Olwol, which was a war reparation vessel given to the NMI by the Japanese.

However, the concerns are not limited to the use of one specific vessel; nor are they limited to the interests of the NMI. Guam and American Samoa are also very interested in using foreign-built vessels to develop their fishing industry. That they are exempt from the Nicholson Act (46 U.S.C. 251) which prohibits the landing in U.S. ports of fish caught on the high seas by foreign-flag vessels has not given these territories the leeway needed to develop their fishing industry in the most economically feasible manner. Instead, you have the situation where foreign-flag fishing vessels can land their catch on Guam and American Samoa, and foreign-built but U.S. owned vessels over five tons can neither fish nor land any catch wherever caught.

Because of the physical similarity of these three territories to each other, there is no logical, political or economic justification for differentiating between the islands. Moreover, Saipan (NMI) is only 110 miles north of Guam. As Chairman of the House Interior Subcommittee on Pacific Affairs it is incumbent upon me to approach this problem of the development of the fishing industry in the

Pacific in a uniform and equitable manner. All three territories should have the opportunity equally to develop and explore the marine resources in their waters.

It was in this context that I introduced today a bill that would entitle foreign-built vessels registered pursuant to 46 U.S.C 11 and owned by U.S. citizens and nationals residing in American Samoa, Guam and the NMI for employment in the fisheries within the territorial seas of American Samoa, Guam and the NMI and within that limited portion of the fishery conservation zone contiguous to the above-mentioned territorial seas. The bill does not amend existing requirements for registry under 46 U.S.C. 11, nor does it significantly deviate from the established definitions of key terms.

I cannot stress enough the need for a uniform, regional approach to this problem. A recent draft of an interagency territorial policy review task force report pinpoints the contradictory manner in which the documentation laws contribute to the wide gap between the perceived potential and the actual development of commercial fishing in these islands and suggests that amendments to existing laws may be warranted to accommodate the needs of these islands on a regional basis. My bill responds to this suggestion.

I am writing to solicit your support in this matter. I understand that you have requested some amendatory language that you might include in H.R. 3756 which would address the specific problem in the NMI. However, I urge you to consider the language in my bill which is more comprehensive and more equitable to these islands. The use of foreign-built vessels for fishing has become a very political and controversial issue in Guam and American Samoa, and not just in the NMI, and it seems to me that if the problem is to be legislatively addressed at all, comprehensive legislative makes the most sense.

A copy of the bill and of my statement for the record are enclosed for your ready reference. If you have any questions or comments, please feel free to call me or you may have your staffer call Ms. Aurora Jose of my staff.

Before I close, I would like to thank you for your very kind comments on my behalf at the opening of the hearing on H.R. 3756 on Wednesday, October 10, 1979. As I'm sure

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you're aware, I would like very much to retain my status an
an "old friend" of the Senate.

Thank you for your attention in this matter. Si yuus
maase and best personal regards.

Sincerely,

ANTONIO B. WON PAT
Member of Congress

Enclosure

THE WHITE HOUSE
WASHINGTON
September 28, 1979

MEMORANDUM FOR STU EIZENSTAT

FROM:

JEFFREY FARROW

J.F.F.

SUBJECT:

Northern Mariana Islands fishing controversy

In July the President received a letter from Governor Carlos Camacho of the Commonwealth of the Northern Mariana Islands (N.M.I.) requesting a proclamation suspending the application of the Fishery Conservation and Management Act (FCMA) from the N.M.I.

His reasons were good. They were also applicable to Guam and American Samoa. This had been noted by the Territorial Policy Task Force which has included an option for a comprehensive solution in one of its draft reports.

Essentially, the complaint is that the FCMA disallows the use of foreign-built vessels over five tons for fishing between the three and 200 mile limits. Since the cost of U.S. vessels is prohibitive-- especially in light of the distance of the territories from the mainland -- this law has curtailed the growth of the fishing industry-- which is the greatest potential industry in these otherwise natural resource poor areas.

The situation was made somewhat absurd when the U.S. prevented the use of a 26 ton Japanese built vessel. The N.M.I. Government owned ship was given to the U.S. by Japan for war reparations and used for fishing training.

A temporary solution applicable to the N.M.I. alone would be to have the President suspend the FCMA for the remainder of the Trust Territory trusteeship (the N.M.I. is still a part and does not fully become a U.S. territory until termination of the trusteeship.)

That is what Justice proposed to do in response to N.M.I. lawsuits on the issue. However, in providing temporary relief for the N.M.I., that solution would exacerbate the problem in the other areas. They believe they are treated less favorably than the post World War Two acquired Trust Territory although they have been full U.S. territories for many years. This belief is encouraging the status talks movement.

This contention was stressed to me by Guam Congressman Tony Won Pat who chairs the House Pacific Affairs Subcommittee. I have also been called by Phil Burton's office. Won Pat caught wind of the Justice proposal and proposes instead legislation to exempt all of the areas from Coast Guard documentation. There are a couple of possible vehicles for such an amendment now on their way to approval by Congress

I have called Bruce Rashkow at Justice to explore the issue. My suggestion was that they investigate the possibility of postponing the imperative for a proclamation for the N.M.I. while a comprehensive legislative approach is attempted. I said that this perhaps could be accomplished through a continuation of a preliminary injunction issued in August preventing enforcement of the FCMA. Bruce agreed to advise me if there was a problem with that approach.

He informed me Tuesday that it would be helpful in the case of the war reparations vessel suit but not two others and requested that I call a meeting of all agencies concerned (Justice, Customs, Interior, Coast Guard, State and NOAA). The meeting would be to reach a consensus as to whether the proclamation should be issued and what a comprehensive legislative solution would be.

I have such a meeting scheduled for Tuesday.