



United States Department of Justice
Washington, D.C. 20530

ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

19 FEB 1960

The President
The White House

Dear Mr. President:

I am transmitting herewith, in accordance with the provisions of Executive Order No. 11030, as amended, a proposed proclamation entitled "Application of Certain Laws of the United States to the Northern Mariana Islands."

The proclamation was submitted by the Department of the Interior to the Office of Management and Budget (OMB) where it was slightly modified to reflect the statutory language more accurately. The proclamation was transmitted by OMB, with the approval of its Director, to the Department of Justice for consideration as to form and legality.

The proposed proclamation is approved as to form and legality.

Respectfully,

John M. Harmon
Assistant Attorney General
Office of Legal Counsel

FEBRUARY 21, 1980

Office of the White House Press Secretary

THE WHITE HOUSEAPPLICATION OF CERTAIN LAWS OF THE UNITED STATES
TO THE NORTHERN MARIANA ISLANDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are administered by the United States under a Trusteeship Agreement between the United States and the Security Council of the United Nations (61 Stat. 3301). Pursuant to Article 6, paragraph 2 of the Trusteeship Agreement, the United States has undertaken to promote the economic advancement and self-sufficiency of the inhabitants and to encourage the development of the fisheries of the Trust Territory of the Pacific Islands.

The United States and the Northern Mariana Islands have entered into a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241; 90 Stat. 263) pursuant to which many provisions of the laws of the United States have become applicable to the Northern Mariana Islands as of January 9, 1978 (Proclamation No. 4534, Sec. 2). Section 1004(a) of the Covenant provides that if the President finds a provision of the Constitution or laws of the United States to be inconsistent with the Trusteeship Agreement, the application of that provision to the Northern Mariana Islands may be suspended until the termination of that Agreement.

Certain provisions of the vessel documentation laws of the United States, applicable to the Northern Mariana Islands, prevent citizens of the Northern Mariana Islands and the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands to fish in the territorial sea and fishery conservation zone around the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands. Because of the considerable distance of the Northern Mariana Islands from American shipyards and resultant high transportation costs associated with the purchase of American-built ships for use in the Northern Marianas fisheries, this result is inconsistent with the undertakings assumed by the United States in the Trusteeship Agreement to provide for the economic advancement and self-sufficiency of the inhabitants and to encourage the development of the fisheries of the Northern Mariana Islands.

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NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, including Section 1004(a) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, do hereby find, declare and proclaim as follows:

1. Any provision of the vessel documentation laws of the United States which prevents the citizens of the Northern Mariana Islands or the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels, owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands, to fish in the territorial sea and fishery conservation zone around the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands, including that part of R.S. 4132, as amended, 46 U.S.C. 11, which reads "*** which are to engage only in trade with foreign countries, with the Islands of Guam, Tutuila, Wake, Midway, and Kingman Reef***," would be inconsistent with the objectives of the Trusteeship Agreement to the extent it has this effect.

2. The application of any such provision to foreign-built, United States registered fishing vessels owned by citizens of the Northern Mariana Islands or owned by or in the custody of the Government of the Northern Mariana Islands, is suspended to the extent it is inconsistent as described in Section 1 above until the termination of the Trusteeship Agreement for the Former Japanese Mandated Islands in the Pacific (61 Stat. 3301). Foreign-built fishing vessels owned by citizens of the Northern Mariana Islands or owned by or in the custody of the Government of the Northern Mariana Islands may therefore be registered under R.S. 4132, as amended, 46 U.S.C. 11, and any restrictive endorsement upon such register, prescribed by 46 C.F.R. 67.63-9(b) pursuant to 46 U.S.C. 11, shall be without effect insofar as it would prevent the citizens of the Northern Mariana Islands or the Government of the Northern Mariana Islands from using foreign-built, United States registered fishing vessels owned by such citizens or owned by or in the custody of the Government of the Northern Mariana Islands to fish in the territorial sea and fishery conservation zone surrounding the Northern Mariana Islands and to land their catch of fish in the Northern Mariana Islands.

3. For the purposes of this proclamation, the seaward limit of the fishery conservation zone surrounding the Northern Mariana Islands is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured, except that to the north of the Northern Mariana Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

1. 20°52'42"N., 141°20'53"E.
2. 23°02'19"N., 144°00'56"E.
3. 23°53'25"N., 145°05'59"E.

and, except that to the south of the Northern Mariana Islands, the limit of the fishery conservation zone shall be determined by straight lines connecting the following points:

4. 15°43'28"N., 142°05'43"E.
5. 14°55'18"N., 143°15'29"E.
6. 14°47'43"N., 143°26'23"E.
7. 14°30'07"N., 143°51'50"E.
8. 14°11'10"N., 144°26'36"E.
9. 14°05'34"N., 144°36'47"E.
10. 13°57'14"N., 144°51'43"E.
11. 13°53'11"N., 144°59'19"E.
12. 13°51'18"N., 145°03'00"E.
13. 13°51'16"N., 145°03'05"E.
14. 13°51'00"N., 143°03'36"E.
15. 13°50'11"N., 145°06'15"E.
16. 13°49'15"N., 145°08'37"E.
17. 13°47'40"N., 145°12'31"E.
18. 13°46'00"N., 145°16'14"E.
19. 13°45'27"N., 145°17'23"E.
20. 13°41'18"N., 145°26'08"E.
21. 13°37'16"N., 145°34'33"E.
22. 13°36'23"N., 145°36'21"E.
23. 13°35'54"N., 145°37'14"E.
24. 13°16'24"N., 146°12'14"E.
25. 13°05'18"N., 146°32'02"E.
26. 13°00'17"N., 146°41'05"E.
27. 12°33'02"N., 147°29'57"E.
28. 12°14'34"N., 148°03'11"E.
29. 12°13'55"N., 148°04'31"E.

4. For the purposes of this proclamation, a "citizen of the Northern Mariana Islands" is defined as: (1) an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled, within the meaning of Section 1005(e) of the Covenant, in the Northern Mariana Islands; (2) a partnership, unincorporated company, or association whose members are all citizens of the Northern Mariana Islands as defined in (1) above; or (3) a corporation incorporated under the laws of the Northern Mariana Islands, of which the president or other chief executive officer and the chairman of the board of directors are citizens of the Northern Mariana Islands as defined in (1) above and no more of its directors than a minority of the number necessary to constitute a quorum are not citizens of the Northern Mariana Islands as defined in (1) above.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

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THE WHITE HOUSE
WASHINGTON

*XC: Bert
David
Jeff Farnell
Nancy D.*

DATE: 20 FEB 80

FOR ACTION: LLOYD CUTLER

ZBIG BRZEZINSKI

STU EIZENSTAT

RICK HERTZBERG

INFO ONLY: THE VICE PRESIDENT

FRANK MOORE

SUBJECT: HARMON MEMO RE PROPOSED PROCLAMATION ENTITLED APPLICATION
OF CERTAIN LAWS OF THE UNITED STATES TO THE NORTHERN
MARIANA ISLANDS

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+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: +
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ACTION REQUESTED: IMMEDIATE TURNAROUND

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

*Sent to:
Jim Beirne, Laura Hudson,
Walt, Eddy Pangelinan,
Phil Burton, Don Clausen,
Steve Crown*