

The original documents are located in Box 10, folder “Fisheries Legislation - 200 Mile Limit (3)” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

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September 15, 1975

Dear Dick:

Per your request I am enclosing two copies of the news interview with the President on August 30, 1975, in Newport, Rhode Island, wherein the President spoke to the 200 mile limit question.

At page nine of the enclosed news interview of the President, the President expressed his views on the subject.

Sincerely,

**Charles Leppert, Jr.
Special Assistant
for Legislative Affairs**

**Mr. Richard N. Sharrod
Minority Counsel
Committee on Merchant Marine
and Fisheries
House of Representatives
Washington, D. C. 20515**

Enclosures



THE WHITE HOUSE
WASHINGTON

September 20, 1975

MEMORANDUM FOR: VERN LOEN
CHARLIE LEPPERT

FROM: TOM LOEFFLER *TL*.

SUBJECT: LIG Meeting -- HR-200, the 200-Mile
Fisheries Bill

The 200-Mile Fisheries Bill is anticipated to be considered by the Congress around the first of October. At a LIG meeting on Wednesday, September 17, it was agreed that State, Transportation, Defense and the White House would contact assigned Members of Congress in an effort to ascertain their position on this legislation. The following Members are to be contacted by the White House:

Carl Albert	Lou Frey
John Anderson	George Hansen
Bill Broomfield	Wayne Hays
Clarence Brown	Del Latta
Garry Brown	John McFall
Phil Burton	Bob Michel
Barber Conable	Jim Quillen
Ed Derwinski	John Rhodes
Jack Edwards	Dave Satterfield
Millicent Fenwick	Joe Waggoner

These White House contacts should be made by Thursday, September 25. Les Janka intends to convene another LIG meeting on this topic on or about Friday, September 26.



STATEMENT OF THE HONORABLE EDWIN B. FORSYTHE (R.-N.J.) BEFORE
THE HOUSE RULES COMMITTEE, September 30, 1975, on H.R. 200,
THE MARINE FISHERIES CONSERVATION ACT OF 1975.

Mr. Chairman and Members of the Committee, I appreciate the opportunity to testify this morning in support of H.R. 200, the Marine Fisheries Conservation Act of 1975. At the outset, let me assure you that I am not going to repeat the detailed explanation of this bill previously given by my colleague, Congressman Leggett. I, of course, support his statement, and I endorse the views expressed by Congressman Studts, the original author of this legislation. There are several points, however, that I would like to stress.

The overriding issue posed by the opponents of this legislation, principally the Department of State, relates to its timeliness and potential impact upon the Law of the Sea conference which will resume formal deliberations in New York City next March. It is urged that enactment of H.R. 200 would disrupt the conference to such an extent that the chances for a successful Law of the Sea treaty would be substantially diminished. In effect, the rest of the world would simply pick up their marbles and go home. This extremely simplistic view of the complex negotiations taking place in the Law of the Sea conference is not only an insult to our intelligence but is simply not supported by the facts.

Coastal state jurisdiction over fishery resources within 200 miles of their shores and management of migratory and anadromous species which inhabit ocean waters beyond 200 miles from shore during part or all of their life cycle, the subject of H.R. 200, are but two of the many complex issues being debated in the Law of the Sea Conference. While coastal state control over fishery resources, as well as the mineral deposits found within 200 miles of shore, have been generally conceded within the concept of an economic zone, other very basic issues are only at the threshold stage of serious debate. These include the international rights and obligations of coastal states with respect to the sharing of resources, both living and non-living, within the economic zone, the nature and powers of the international regime which will regulate seabed mining beyond the economic zone, the right of transit through international straits and over-flight, scientific research and marine pollution.

Undoubtedly, the most controversial of these issues is the question of the regime for the seabeds. It was, after all, the prospect of wealth derived from mining the seabed for the benefit of developing nations that triggered this third Law of the Sea conference. The resolution which spawned this effort in the late 1960's spoke in terms of the mineral resources of the oceans beyond national jurisdiction as the common heritage of mankind.

While the full potential of the seabeds as a source of mineral wealth will not be realized for decades, the rules and regulations governing access to mineral deposits on the seabed is the crux of the Law of the Sea conference. It is an issue which the developing nations of the world, which dominate the Law of the Sea conference in terms of numerical strength, have committed themselves to settling on terms which will insure that they and not the industrialized nations of the world will be the chief beneficiaries.

In order to accept the State Department's theory that enactment of H.R. 200 will disrupt the Law of the Sea conference, we must assume that the developing nations of the world are prepared to abandon their quest for an international treaty establishing the regime for the deep seabeds. There is simply no evidence whatsoever to support that assumption. All the evidence is to the contrary. The general consensus for a 200-mile economic zone virtually guarantees to the developing nations full control of their coastal resources. Without a treaty, however, the developing nations have no hope of deriving any ultimate benefit from the rapidly increasing technology of seabed mining. It is the developed nations of the world, and principally the United States, which would benefit most if indeed the rest of the world picked up their marbles and went home without a new Law of the Sea treaty. American corporations and those of Japan and a few

other countries under national legislation are prepared to begin commercial seabed mining almost immediately. Lacking the hundreds of millions of dollars needed to begin seabed mining, the developing nations simply have no chance whatsoever to share in this wealth without a treaty that in some fashion earmarks a portion of seabed revenues for their benefit. The United States has committed itself to such a treaty, provided it contains reasonable terms for commercial participation in seabed mining.

In essence, what I am saying is that the developing nations have everything to gain and very little to lose by persevering in the Law of the Sea conference. In terms of access, to the mineral resources of the seabed, it is, I am afraid, the United States that ultimately stands to lose in this negotiating process. It is absurd to suggest that the majority of nations will walk out of the Law of the Sea conference because the United States has chosen to protect its coastal and other fishery resources.

The corollary argument offered by the State Department against enactment of H.R. 200 is to the effect that since there is a general consensus for coastal state control of fishery resources within a 200-mile economic zone, the legislation is simply unnecessary. That argument might have some merit if we had any reason to expect a treaty within the next year. The destruction

of our fishery resources under existing ineffectual arrangements is proceeding at a frightening rate. Foreign fishing pressures are growing daily. The Soviet Union agrees to abstain from fishing for species which are vitally important to the American fisherman only after they have been decimated. Thus, we were able to achieve an agreement to substantially reduce foreign quotas on yellow-tail flounder after the Russians and other European fishing nations had virtually destroyed this, our most valuable coastal species.

What are the prospects of securing adoption of a treaty which the United States can ratify? I suggest that the prospect is not good. While I have no doubt that given their overwhelming numerical superiority the developing nations could ram a treaty through the conference next March, the drafting of a treaty which the United States and the other developed nations of the world can sign and ratify is a different matter altogether.

I have already pointed out the fact that the seabed and the nature of the international regime to control ocean mining is a critical issue in these deliberations. It is also an issue upon which the negotiating positions of the United States and the developing nations are diametrically opposed. Our position essentially is that the seabed regime should rely basically on private enterprise to explore and exploit the mineral resources

of the oceans. A portion of the wealth derived from this effort will be dedicated to international development activities for the benefit of the third world. The developing nations, on the other hand, not for the same reasons in all cases, seek the establishment of an international regime under which an international authority which they control will actively engage in seabed mining. Presumably, the United States and other developed nations would furnish the money. Private enterprise might or might not be permitted to engage in mining, but in any event only as a licensee of this international authority. The likelihood that these opposing philosophies can be reconciled in one more session of the Law of the Sea conference next March is small indeed, assuming that they can be reconciled at all.

In order for the United States to achieve a Law of the Sea treaty next year, we would have to make such fundamental concessions that I seriously doubt the treaty would ever be ratified. The United States delegates to the Law of the Sea conference have consistently stated on the record that the United States will not sign a treaty that does not satisfy our basic objectives in terms of our national security and our resource interests. Taking those statements at face value, as I think we must, I cannot see how a treaty can possibly emerge that we can accept unless the developing nations utterly abandon their position. The more realistic appraisal

of the timing of the Law of the Sea conference is that several more very difficult negotiating sessions lie ahead before a consensus on all issues will be achieved. We cannot afford to wait to take action to protect our coastal fisheries.

Much has been made of the fact that the last session of the Law of the Sea conference produced what is called a Single Negotiating Text. We are given to believe that this text is virtually a final treaty. The facts are to the contrary. This text was developed by a small group of experts and was presented to the conference on the last day of the session. It is simply the opinion of an informal group as to where they think the conference is headed. It will undoubtedly be used in the next session of the Law of the Sea conference as the point of departure for further debate. It does not set forth the provisions for a beached regime which the United States can support, nor does it sufficiently guarantee our security interests. The introduction of the so-called Single Negotiating Text was equivalent to dropping a bill in the hopper. A great deal of time may have gone into the drafting of the bill, but the entire process of Committee deliberations and mark-up yet remains.

In summary, Mr. Chairman, enactment of this legislation will not disrupt the Law of the Sea conference. There are simply too many other vital issues of concern to the rest of the world

as well as the United States. The conference will go on, I am afraid, for some time, and time is of the essence. I urge you to grant a rule as requested by the Committee on Merchant Marine and Fisheries.

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as well as the United States. The conference will go on, I am afraid, for some time, and time is of the essence. I urge you to grant a rule as requested by the Committee on Merchant Marine and Fisheries.

Five

TRANSMITTED BY:
(Date & Time Stamp) STATE
DEPARTMENT OF STATE WASHINGTON

RECEIVED BY:
(Date & Time Stamp)

DEPARTMENT OF STATE 75 OCT 2 AM 11:16
Operations Center

LDX MESSAGE RECEIPT

S/S #

WHITE HOUSE
SITUATION ROOM

LDX MESSAGE NO. 61, CLASSIFICATION UNCLASSIFIED, NO. PAGES 2

DESCRIPTION OF MSG. Ltr to Congressmen Rhodes from Ingersoll re 200-mile bill

FROM: Jack MacKenzie D/LOS - State 2004 4321
Officer Office Symbol Extension Room Number

LDX TO:	DELIVER TO:	EXTENSION:	ROOM NUMBER:
White House	Bob Walthius	456-2702	
WHITE HOUSE	Charlie Leppert	456-2140	112 West Wing
Old Executive Office Building	Les Jenka	395-3116	376A
Pentagon	Donald Sanders	695-1868	3D919

FOR: CLEARANCE INFORMATION PER REQUEST COMMENT

REMARKS:

VALIDATED FOR TRANSMISSION BY: [Signature]
Executive Secretariat Officer



DEPARTMENT OF STATE
WASHINGTON

October 1, 1975

Dear John:

The Rules Committee has granted a rule on H.R. 200, a bill which would unilaterally extend the contiguous fishing zone of the United States from 12 to 200 miles. Enactment of this legislation raises serious questions affecting our foreign policy and oceans interests. At a minimum, the bill would make negotiation of our oceans policy objectives in a law of the sea agreement more difficult and could create confrontations which would seriously affect our relations with nations fishing off our coasts.

While I am strongly opposed to such legislation, I recognize the need to deal effectively through negotiations with the problem of the depletion of coastal fish stocks. We have initiated an action plan to make the transition to a 200-mile fisheries zone through negotiated agreements. Such an approach will better protect our foreign policy interests as well as the fish stocks off our coasts. A first step has already been taken at the meeting in Montreal of the International Commission for the Northwest Atlantic Fisheries on September 28, 1975, where we reached agreement that would reduce 1976 foreign catch levels from Maine to North Carolina by 23 per cent over 1975.

If the United States were unilaterally to assert jurisdiction on the high seas, we could expect that other nations would resist such action and be less willing as a matter of principle to negotiate this kind of phased transition to a 200-mile fisheries zone. If the legislation were enacted, we could also expect

The Honorable
John J. Rhodes,
Minority Leader,
House of Representatives.



many nations to seize upon this precedent to establish 200-mile zones that would not necessarily be limited to fisheries jurisdiction. The United States has, as you know, for years protested unilateral claims by others. Many of these claims would, if recognized, seriously impair rights of navigation and overflight and other uses of the seas.

In short, I believe that the serious consequences of unilateral action for our fisheries and other interests would far outweigh any benefits to be obtained from this bill. Indeed, I am confident that protection for fish stocks off our coasts can be obtained in a timely manner through interim fisheries negotiations and a Law of the Sea Treaty.

As you also are aware the International Relations Committee held oversight hearings on this bill. I would hope that any action by the House could be delayed until the report is filed and the membership can give it full consideration.

Very best regards.

Sincerely,



Robert S. Ingersoll
Acting Secretary



10/3/75

Forsythe and Ruppe have been invited to the GOP Leadership on Tuesday, October 7 - Cabinet Room - 8 am to 9:30 am - NW Gate

This is in lieu of schedule proposal submitted 9/22/75.

Neta



THE WHITE HOUSE

WASHINGTON

Charlie --

X 2650

Dick Sharood called re the meeting proposed w/
President on H. R. 200 - marine fisheries -
Forsythe and Clausen.

Knows that someone at WH has been talking to
Forsythe and Clausen.

Rules Committee overwhelming cleared a rule
with one "no" vote (Pepper). Expect to have it
on floor next Tuesday.

Neta :

~~10/11/75~~

10-1-75

Max has Walther's working
on this to see if the meeting will
take place. Check with Bob
Walther & ask him what we
can tell Forsythe, Clausen et.
al. Fr.

Clear. /

W.



10/21/75 Still looking at it - Scheduling doesn't want
to do it unless Max pushes - Bob doesn't
think he will - Told Sharood what is underlined.

THE WHITE HOUSE
WASHINGTON

SCHEDULE PROPOSAL
DATE: September 22, 1975
FROM: Charles Leppert, *Ch.*
THRU: Max L. Friedersdorf
Vern Loen *VL*
VIA: Warren Rustand

MEETING: Reps. Edwin B. Forsythe (R-NJ) and
Don H. Clausen (R-Calif) et al

DATE: Open

PURPOSE: To discuss with the President, H. R. 200, the
"Marine Fisheries Conservation Act of 1975"

FORMAT: Cabinet Room (20 minutes)

PARTICIPANTS: List of Participants attached at Tab A

CABINET PARTICIPATION: See Tab A

SPEECH MATERIAL: Talking points to be provided by National Security
Council and Department of Commerce

PRESS COVERAGE: White House photographers only

STAFF: Charles Leppert, Jr.

RECOMMENDED: Max L. Friedersdorf

OPPOSED: None

PREVIOUS PARTICIPATION: None

BACKGROUND: 1. Rep. Forsythe is the Ranking Minority member
of the Subcommittee on Fisheries and Wildlife
Conservation and the Environment of the House
Merchant Marine and Fisheries Committee.
Rep. Bob Leggett (D-Calif.) is the Subcommittee
Chairman. Rep. Don H. Clausen (R-Calif) is
interested in the fishing resources of the Pacific
coast.



H. R. 200, the "Marine Fisheries Conservation Act
of 1975" was reported from the House Merchant
Marine and Fisheries Committee on July 31, 1975
by recorded vote of 36-3-1 (voting "nay" were

Anderson, Calif.; McCloskey, Calif.; and Treen, La. -- de la Garza, Tex. voted present.) H. R. 200 has strong bipartisan support in the House and is co-sponsored by 131 Members of the House.

3. Rep. Forsythe will represent H. R. 200, as a bill which establishes a comprehensive federal fisheries management program. It does not preclude foreign fishing within the 200 mile zone and recognizes a U. S. obligation to share our fishery resources with the world. Establishment of the 200 mile fisheries zone is delayed until July 1, 1976, subsequent to the next session of the Law of the Sea Conference.
4. Passage and enactment of H. R. 200 is unilateral action by the U. S. which will provide the international safeguards the U. S. must seek to obtain in an international treaty and prompt the Law of the Sea Conference, and the group of 77 countries in particular, to negotiate an international treaty with a greater sense of urgency and provide the U. S. with a positive negotiating posture.
5. Passage and enactment of H. R. 200 has definite political consequences for Republican Members from coastal districts because passage of the bill by the Democratic majority is a reasonable certainty. Forsythe and Clausen view a veto of the legislation as a disaster for Republican Members.
6. The record of the hearings before the House Merchant Marine and Fisheries Committee for the past five years provide overwhelming evidence that the once abundant fisheries resources of the U. S. coastal waters have been severely depleted or destroyed by Soviet, Polish and Eastern European fishing interests in the Northwest Atlantic off New England and the Soviets and Japanese off the states of Alaska and Washington. Existing fishery commissions are totally inadequate to settle the issues.
7. Progress in negotiation of a new bilateral Law of the Sea treaty has been only procedural to the extent that a so-called "Single Negotiating Text" has emerged. Substantive progress toward a



resolution of the issues has not begun. Establishment of a 200 mile "economic zone" is hotly disputed. In addition, the minimum requirements encompassing our national security interests, fisheries and regime for deep seabed mining are controversial and in dispute.

8. It is highly unlikely that any treaty will emerge from the Law of the Sea Conference in 1976, and only somewhat realistic to assume that a treaty can be negotiated before 1977, with ratification of such a treaty requiring several more years. There is a leadership crisis in the U.S. delegation to negotiate such a treaty because the Members lack the qualifications for such an important assignment.



Participants to meet with the President on H. R. 200, the
"Marine Fisheries Conservation Act of 1975"

The President

Rep. Edwin B. Forsythe (R-NJ)
Rep. Don H. Clausen (R-Calif.)
Rep. David F. Emery (R-Me)
Rep. Joel Pritchard (R-Wash.)
Rep. Philip E. Ruppe (R-Mich.)
Rep. Don Young (R-Alaska)

Secretary of State Henry A. Kissinger
Secretary of Commerce Rogers C. B. Morton

Richard N. Sharood Minority Counsel, Comte on Merchant
 Marine and Fisheries

General Brent Scowcroft (staff)
Charles Leppert, Jr. (staff)



October 23, 1975

Dear Ed:

Enclosed are two copies of the picture taken during your meeting with the President on October 7.

I am pleased to send them to you with the best wishes of the President.

With kind personal regards, I am

Sincerely yours,

Vernon C. Loen
Deputy Assistant
to the President

Honorable Edwin B. Forsythe
House of Representatives
Washington, D. C. 20515

VCL:vh enclosures (2) copies of 7OC75A6813-17

(200 mile limit meeting)



November 17, 1975

Dear Ed:

Enclosed is another picture taken during your meeting with the President on October 7.

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VCL:vh

enclosure

(1) 70C75A6813-21

(200 Mile Limit Meeting)



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Dear Bill:

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(200 mile limit meeting)



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Washington, D. C. 20515

VCL:vh

enclosure (1) 70C75A6813-21

(200 Mile Limit Meeting)



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(200 mile limit meeting)



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VCL:vh

enclosure (1)
(200 Mile Limit Meeting)

70C75A6813-21



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VCL:vh
hkrxx

enclosure (2) copies of 70C75A6813-20

(200 mile limit meeting)



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With kind personal regards, I am

Sincerely yours,

Vernon C. Loen
Deputy Assistant
to the President

Honorable David F. Emery
House of Representatives
Washington, D.C. 20515

VCL:vh

enclosures

(1) each

70C75A6813-17 & 20

(200 mile limit meeting)



23-14
October 23, 1975

Dear Mr. Parsky:

Enclosed is the picture taken during your meeting with the President on October 7.

I am pleased to send it to you with the best wishes of the President.

With kind regards, I am

Sincerely yours,

Vernon C. Loen
Deputy Assistant
to the President

Honorable Gerald Parsky
Assistant Secretary
Department of the Treasury
Washington, D. C. 20220

VCL:vh

enclosure (1) 70C75A6813-17
(200 mile limit meeting)



(FISHING ROLL)

WASHINGTON (UPI) -- THE 77-19 VOTE BY WHICH THE SENATE APPROVED LEGISLATION TO EXTEND U.S. FISHERIES JURISDICTION TO 200 MILES.

FOR -- (77)

DEMOCRATS FOR (49): ABOUREZK, S.D.; ALLEN, ALA.; BENTSEN, TEX.; BIDEN, DEL.; BUMPERS, ARK.; BURDICK, N.D.; BYRD, VA.; BYRD, W.VA.; CANNON, NEV.; CHURCH, IDAHO; DURKIN, N.H.; EAGLETON, MO.; EASTLAND, MISS.; FORD, KY.; HART, MICH.; HARTKE, IND.; HASKELL, COLO.; HATHAWAY, MAINE; HOLLINGS, S.C.; HUDDLESTON, KY.; HUMPHREY, MINN.; INOUE, HAWAII; JACKSON, WASH.; JOHNSTON, LA.; KENNEDY, MASS.; LEAHY, VT.; LONG, LA.; MAGNUSON, WASH.; MANSFIELD, MONT.; MCCLELLAN, ARK.; MCGEE, WYO.; MCGOVERN, S.D.; MCINTYRE, N.H.; METCALF, MONT.; MONDALE, MINN.; MONTOYA, N.M.; MORGAN, N.C.; MOSS, UTAH; MUSKIE, MAINE; NELSON, WIS.; NUNN, GA.; PASTORE, R.I.; PELL, R.I.; RANDOLPH, W. VA.; RIBICOFF, CONN.; SPARKMAN, ALA.; STENNIS, MISS.; TALMADGE, GA.; AND WILLIAMS, N.J.

REPUBLICANS FOR (28): BEALL, MD.; BELLMON, OKLA.; BROCK, TENN.; BROOKE, MASS.; BUCKLEY, N.Y.; CASE, N.J.; DOLE, KAN.; DOMENICI, N.M.; FANNIN, ARIZ.; GARN, UTAH; GOLDWATER, ARIZ.; HANSEN, WYO.; HATFIELD, ORE.; HELMS, N.C.; LAXALT, NEV.; MATHIAS, MD.; PACKWOOD, ORE.; PEARSON, KAN.; PERCY, ILL.; ROTH, DEL.; SCHWEICKER, PA.; SCOTT, VA.; STAFFORD, VT.; STEVENS, ALASKA; TAFT, OHIO; THURMOND, S.C.; WEICKER, CONN. AND YOUNG, N.D.

AGAINST -- (19)

DEMOCRATS AGAINST (11): CHILES, FLA.; CLARK, IOWA; CRANSTON, CALIF.; CULVER, IOWA; GLENN, OHIO; GRAVEL, ALASKA; HART, COLO.; PROXMIER, WIS.; STEVENSON, ILL.; STONE, FLA.; AND TUNNEY, CALIF.

REPUBLICANS AGAINST (8): BARTLETT, OKLA.; FONG, HAWAII; GRIFFIN, MICH.; HRUSKA, NEB.; JAVITS, N.Y.; MCCLURE, IDAHO; SCOTT, PA.; AND TOWER, TEX.

ABSENT OR NOT VOTING (4): BAKER, R-TENN.; BAYH, D-IND.; CURTIS, R-NEB.; SYMINGTON, D-MO.

UPI 01-28 01:55 PES

February 2, 1976

MEMORANDUM FOR:

MAX L. FRIEDERSDORF

THRU:

VERN LOEN

FROM:

CHARLES LEPPER T, JR.

SUBJECT:

Rep. Ed. Forsythe (R-NJ)

Rep. Ed Forsythe has requested a meeting with the President and the House Republican Conference on the 200 mile limit bill.

Forsythe is joined by Rep. Don Clausen in this request and both contend that such a meeting is important because of the politics involved in the 200-mile bill and to explain some of the problems involved before the conference or the Administration get locked into certain positions or provisions of the legislation. Forsythe and Clausen contend that the politics of this legislation is not coming into the White House through the bureaucratic channels.

On January 29, Forsythe wrote the President requesting a meeting and mentioning his discussion with me for such a meeting.

If such a meeting is likely I will do a schedule proposal. Please advise.



RED TAG

March 1, 1976

MEMORANDUM FOR:

DON OGILVIE

THRU:

**MAX L. FRIEDERSDORF
VERN LOEN**

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

**H. R. 200, Preliminary Draft
(200 mile limit bill)**

Attached is a preliminary draft of the 200 mile limit bill as it is being drafted for final approval by the Conference on Thursday, March 4, 1976.

I will submit re-drafts as they become available each day so that you may keep abreast of changes made.

Attachment

