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THE WHITE HOUSE
WASHINGTON

March 4, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JAMES T. LYNN
FROM: JAMES E. CONNOR *JEB.*
SUBJECT: 200 Mile Fisheries Legislation

The President reviewed your memorandum of March 2 on the above subject and made the following notation:

"March 1st. Do our best on other provisions."

Please follow-up with appropriate action.

cc: Dick Cheney
Brent Scowcroft
Jim Cannon
Max Friedersdorf
Jack Marsh

THE WHITE HOUSE
WASHINGTON

March 3, 1976

MR PRESIDENT:

Copies of the attached memorandum
have been sent to Messrs. Scowcroft,
Marsh, Cannon and Friedersdorf.

Jim Connor

March 1st. Do our
best on other
provisions.

~~THE~~ PRESIDENT HAS ~~SEEN~~....



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

MAR 3 1976

INFORMATION

MEMORANDUM FOR: THE PRESIDENT
FROM: JAMES J. LYNN
SUBJECT: 200 Mile Fisheries Legislation

The draft conference bill to extend U.S. fisheries management jurisdiction to 200 miles (H.R. 200 and S. 961) is undergoing final revisions in preparation for approval by the conference on Thursday, March 4, 1976.

The Administration's prime objective has been to delay the effective date of the legislation so that we have time to complete two more sessions of the Law of the Seas conference. At least two sessions will be required to negotiate a treaty, which would supersede the legislation. The first is scheduled for New York (March 15 - May 7, 1976). Though the United States is pressing for a second session this summer, a second session could slip until next year.

The conference bill now contains a January 1, 1977, effective date. You have asked the conferees for an effective date of July 1, 1977, (as in the Senate bill) and indicated that you would accept April 1. This might still provide time for a Law of the Seas session early in 1977, if negotiators fail to schedule a second session this summer. The conferees responded that they could accept an effective date no later than March 1, 1977, and that in order to get it, you must promise to sign the bill. The March 1 date would not allow adequate time for a full second session in 1977.

There are other problems in addition to the implementation date. Most important, there are some indications that significant compromises on a treaty may be reached in New York this session. If Congress passes and you sign the legislation during the New York session, the disruptive impact could destroy the possibilities for compromise. This can be avoided if the conference report is delayed until May 7 or perhaps even if a final vote is delayed in either house. Such a delay is of critical importance if the United States is to avoid undermining the conference.

Although there may well be additional changes, most of the major objectionable provisions have been modified. However, several major objectionable provisions remain, including:

- . Enforcement of fisheries regulations beyond the 200 mile zone, which is in violation of international law and should be pursuant to international agreement;
- . Mandatory import restrictions on foreign fisheries products when the Secretary of State determines that countries have not negotiated in good faith to allow access to U.S. fishermen or when countries seize U.S. fishing vessels;
- . Provisional application of a signed Law of the Seas treaty would not supersede the act (as in the Senate bill), so the Administration may be required to enforce provisions of the act which are inconsistent with a signed treaty;
- . Conferees are still debating whether to give the Secretary of Commerce the final decision on management plans or whether to allow regional councils to overrule the Secretary.

I believe it is worth the effort to delay the conference report or final passage until after May 7. In addition, it may be possible to change some of the troublesome administrative provisions.

If it is not possible to make these changes in the legislation -- and if you are certain you will sign the bill -- it is probably still possible to delay the legislation until March if you make such a request.