

Public Law 102-251
102d Congress

An Act

Mar. 9, 1992
[H.R. 3866]

To provide for the designation of the Flower Garden Banks National Marine Sanctuary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conservation.

TITLE I—NATIONAL MARINE SANCTUARY

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

16 USC 1433
note.

Federal
Register,
publication.

SECTION 101. Notwithstanding section 304(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(b))—

(1) the Secretary of Commerce shall, on January 17, 1992 (or as soon thereafter as is practicable), publish under that Act in the Federal Register a notice of designation of the Flower Garden Banks National Marine Sanctuary, as described in the notice of designation submitted to the Congress on November 20, 1991; and

Effective date.

(2) that designation shall take effect on January 17, 1992.

TITLE II—MERCHANT MARINE PROVISIONS

NON-VESSEL-OPERATING COMMON CARRIERS

Non-Vessel-
Operating
Common Carrier
Act of 1991.
46 USC app.
1701 note.

SEC. 201. (a) SHORT TITLE.—This section may be cited as the “Non-Vessel-Operating Common Carrier Act of 1991”.

(b) PROHIBITED ACTS.—Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended—

(1) in paragraph (14), by inserting “, insurance, or other surety” after “bond”; and

(2) in paragraph (15), by inserting “, insurance, or other surety” after “bond”.

(c) SURETY FOR NVOCC'S.—Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721), is amended—

(1) in the section heading by striking “BONDING OF” and inserting in lieu thereof “SURETY FOR”;

(2) by amending subsection (a) to read as follows:

“(a) SURETY.—Each non-vessel-operating common carrier shall furnish to the Commission a bond, proof of insurance, or such other surety, as the Commission may require, in a form and an amount determined by the Commission to be satisfactory to insure the financial responsibility of that carrier. Any bond submitted pursuant to this section shall be issued by a surety company found acceptable by the Secretary of the Treasury.”;

(3) by striking subsection (b) and redesignating subsections (c) through (e) as subsections (b) through (d), respectively;

(4) in subsection (b), as so redesignated—

(A) by striking “BOND” in the subsection heading and inserting in lieu thereof “SURETY”;

(B) by inserting “, insurance, or other surety” after “bond”; and

(C) by inserting “under this Act” after “transportation-related activities”; and

(5) in subsection (d), as so redesignated—

(A) by inserting “, insurance, or other surety” after “bond”; and

(B) by striking “subsection (d)” and inserting in lieu thereof “subsection (c)”.

(d) INTERIM RULES AND REGULATIONS.—The Federal Maritime Commission may prescribe interim rules and regulations necessary to carry out the amendments made by this section. 46 USC app. 1721 note.

(e) CONFORMING AMENDMENT.—The item relating to section 23 in the table of contents in the first section of the Shipping Act of 1984 is amended by striking “Bonding of” and inserting in lieu thereof “Surety for”.

(f) EFFECTIVE DATE.—This section shall become effective 90 days after the date of its enactment. 46 USC app. 1709 note.

CLARIFICATIONS OF, AND LIMITATIONS ON, GAMBLING DEVICES PROHIBITIONS

Commerce and trade.

SEC. 202. (a) TRANSPORT TO A PLACE IN A STATE, ETC.—Section 2 of the Act of January 2, 1951 (15 U.S.C. 1172; commonly referred to as the “Johnson Act”), is amended—

(1) by inserting before the first paragraph the following:

“(a) GENERAL RULE.—”;

(2) in subsection (a) (as so designated) by striking “, District of Columbia,”;

(3) by inserting before the second paragraph the following:

“(b) AUTHORITY OF FEDERAL TRADE COMMISSION.—”;

(4) by adding at the end the following:

“(c) EXCEPTION.—This section does not prohibit the transport of a gambling device to a place in a State or a possession of the United States on a vessel on a voyage, if—

“(1) use of the gambling device on a portion of that voyage is, by reason of subsection (b) of section 5, not a violation of that section; and

“(2) the gambling device remains on board that vessel while in that State.”.

(b) REPAIR, OTHER TRANSPORT, ETC.—Section 5 of that Act (15 U.S.C. 1175) is amended—

(1) by inserting before “It shall be unlawful” the following:

“(a) GENERAL RULE.—”;

(2) by inserting before the period at the end the following:

“, including on a vessel documented under chapter 121 of title 46, United States Code, or documented under the laws of a foreign country”; and

(3) by adding at the end the following:

“(b) EXCEPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), this section does not prohibit—

“(A) the repair, transport, possession, or use of a gambling device on a vessel that is not within the boundaries of any State or possession of the United States; or

“(B) the transport or possession, on a voyage, of a gambling device on a vessel that is within the boundaries of any State or possession of the United States, if—

“(i) use of the gambling device on a portion of that voyage is, by reason of subparagraph (A), not a violation of this section; and

“(ii) the gambling device remains on board that vessel while the vessel is within the boundaries of that State or possession.

“(2) APPLICATION TO CERTAIN VOYAGES.—

“(A) GENERAL RULE.—Paragraph (1)(A) does not apply to the repair or use of a gambling device on a vessel that is on a voyage or segment of a voyage described in subparagraph (B) of this paragraph if the State or possession of the United States in which the voyage or segment begins and ends has enacted a statute the terms of which prohibit that repair or use on that voyage or segment.

“(B) VOYAGE AND SEGMENT DESCRIBED.—A voyage or segment of a voyage referred to in subparagraph (A) is a voyage or segment, respectively—

“(i) that begins and ends in the same State or possession of the United States, and

“(ii) during which the vessel does not make an intervening stop within the boundaries of another State or possession of the United States or a foreign country.”

(c) BOUNDARIES DEFINED.—The first section of that Act (15 U.S.C. 1171) is amended by adding at the end the following:

“(f) The term ‘boundaries’ has the same meaning given that term in section 2 of the Submerged Lands Act.”

TITLE III—IMPLEMENTATION OF MARITIME BOUNDARY AGREEMENT AMENDMENTS TO MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT

SEC. 301. (a) PURPOSES.—Section 2(b)(1) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801(b)(1)) is amended by inserting “, and fishery resources in the special areas” immediately before the semicolon at the end.

(b) DEFINITIONS.—Section 3 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802) is amended—

(1) by redesignating paragraphs (24) through (32) as paragraphs (25) through (33), respectively; and

(2) by inserting immediately after paragraph (23) the following new paragraph:

“(24) The term ‘special areas’ means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.”

(c) UNITED STATES MANAGEMENT AUTHORITY.—(1) Section 101(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1811(a)) is amended by inserting “and special areas” immediately before the period at the end.

(2) Section 101(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1811(b)) is amended by inserting immediately after paragraph (2) the following new paragraph:

“(3) All fishery resources in the special areas.”.

(d) FOREIGN FISHING.—Section 201 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1821) is amended—

(1) in subsection (a)—

(A) by inserting “within the special areas,” immediately before “or for anadromous species”; and

(B) by striking “beyond the exclusive economic zone” and inserting in lieu thereof “beyond such zone or areas”;

(2) in subsection (e)(1)(E)(IV), by inserting “or special areas” immediately after “exclusive economic zone”;

(3) in subsection (i)—

(A) by inserting “or special areas” immediately before the period at the end of paragraph (1)(A);

(B) by inserting “or special areas” immediately after “exclusive economic zone” in paragraph (2)(A); and

(C) by inserting “or special areas” immediately after “exclusive economic zone” in paragraph (2)(B); and

(4) in subsection (j)—

(A) by inserting “, special areas,” immediately after “exclusive economic zone”; and

(B) by inserting “, areas,” immediately after “such zone”.

(e) INTERNATIONAL FISHERY AGREEMENTS.—Section 202 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1822) is amended—

(1) in subsection (b)—

(A) by inserting “or special areas” immediately after “February 28, 1977”; and

(B) by striking “such zone or area” and inserting in lieu thereof “such zone or areas”;

(2) in subsection (c)—

(A) by inserting “or special areas” immediately after “February 28, 1977”; and

(B) by striking “such zone or area” and inserting in lieu thereof “such zone or areas”; and

(3) by adding at the end the following new subsection:

“(g) FISHERY AGREEMENT WITH UNION OF SOVIET SOCIALIST REPUBLICS.—(1) The Secretary of State, in consultation with the Secretary, is authorized to negotiate and conclude a fishery agreement with Russia of a duration of no more than 3 years, pursuant to which—

“(A) Russia will give United States fishing vessels the opportunity to conduct traditional fisheries within waters claimed by the United States prior to the conclusion of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, west of the maritime boundary, including the western special area described in Article 3(2) of the Agreement;

“(B) the United States will give fishing vessels of Russia the opportunity to conduct traditional fisheries within waters claimed by the Union of Soviet Socialist Republics prior to the conclusion of the Agreement referred to in subparagraph (A), east of the maritime boundary, including the eastern special areas described in Article 3(1) of the Agreement;

“(C) catch data shall be made available to the government of the country exercising fisheries jurisdiction over the waters in which the catch occurred; and

“(D) each country shall have the right to place observers on board vessels of the other country and to board and inspect such vessels.

“(2) Vessels operating under a fishery agreement negotiated and concluded pursuant to paragraph (1) shall be subject to regulations and permit requirements of the country in whose waters the fisheries are conducted only to the extent such regulations and permit requirements are specified in that agreement.

“(3) The Secretary of Commerce may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to carry out the provisions of any fishery agreement negotiated and concluded pursuant to paragraph (1).”

(f) PERMITS FOR FOREIGN FISHING.—Section 204(a) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(a)) is amended—

(1) by inserting “within the special areas,” immediately before “or for anadromous species”; and

(2) by inserting “or areas” immediately after “such zone”.

(g) CONTENTS OF FISHERY MANAGEMENT PLANS.—Section 303(b)(1)(A) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(b)(1)(A)) is amended—

(1) by inserting “or special areas,” immediately after “exclusive economic zone”; and

(2) by inserting “or areas” immediately after “such zone”.

(h) PROHIBITED ACTS.—Section 307 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) in paragraph (1)(K), by inserting “or special areas” immediately after “exclusive economic zone”; and

(2) in paragraph (2)(B)—

(A) by inserting “within the special areas,” immediately after “exclusive economic zone”; and

(B) by inserting “or areas” immediately after “such zone”;

(3) in paragraph (3), by inserting “or special areas” immediately after “exclusive economic zone”; and

(4) in paragraph (4), by inserting “or special areas” immediately after “exclusive economic zone”.

(i) ENFORCEMENT.—Section 311(b)(2) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1861(b)(2)) is amended by inserting “and special areas” immediately after “exclusive economic zone”.

AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT OF 1982

SEC. 302. (a) DEFINITIONS.—(1) Section 2(c) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773(c)) is amended to read as follows:

“(c) ‘Exclusive economic zone’ means the zone established by Proclamation Numbered 5030, dated March 10, 1983. For purposes of applying this Act, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States.”

(2) Section 2 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773) is amended by adding at the end the following new subsection:

“(h) ‘Special areas’ means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.”.

(b) UNLAWFUL ACTS.—Section 7(b) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773e(b)) is amended by striking “fishery conservation zone” and inserting in lieu thereof “exclusive economic zone or special areas”.

AMENDMENTS TO THE FUR SEAL ACT OF 1966

SEC. 303. Section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) is amended—

(1) by redesignating subsections (f) through (m) as subsections (g) through (n), respectively; and

(2) by inserting immediately after subsection (e) the following new subsection:

“(f) ‘Jurisdiction of the United States’ includes jurisdiction over the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.”.

AMENDMENTS TO MARINE MAMMAL PROTECTION ACT OF 1972

SEC. 304. Section 3(14) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(14)) is amended to read as follows:

“(14) The term ‘waters under the jurisdiction of the United States’ means—

“(A) the territorial sea of the United States;

“(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured; and

“(C) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.”.

RELATIONSHIP TO ENDANGERED SPECIES ACT OF 1973

16 USC 1531
note.

SEC. 305. The special areas defined in section 3(24) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(24)) shall be considered places that are subject to the jurisdiction of the United States for the purposes of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

AMENDMENTS TO PACIFIC SALMON TREATY ACT OF 1985

SEC. 306. (a) DEFINITIONS.—Section 2 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631) is amended—

- (1) by redesignating subsections (h) through (j) as subsections (i) through (k), respectively; and
- (2) by inserting immediately after subsection (g) the following new subsection:

“(h) ‘Special areas’ means the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, the term refers to those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured.”.

(b) RULEMAKING.—Section 7(a) of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3636(a)) is amended by inserting “and special areas” immediately after “Exclusive Economic Zone”.

NATIONAL SEA GRANT COLLEGE PROGRAM

SEC. 307. (a) DEFINITIONS.—Section 203(6) of the National Sea Grant College Program Act (33 U.S.C. 1122(6)) is amended—

- (1) by striking “and” at the end of subparagraph (E);
- (2) by redesignating subparagraph (F) as subparagraph (G);

and

- (3) by inserting immediately after subparagraph (E) the following new subparagraph:

“(F) the areas referred to as eastern special areas in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990; in particular, those areas east of the maritime boundary, as defined in that Agreement, that lie within 200 nautical miles of the baselines from which the breadth of the territorial sea of Russia is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured; and”.

(b) INTERNATIONAL PROGRAM.—Section 3(a)(6) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(a)(6)) is amended by inserting “and special areas” immediately after “exclusive economic zone”.

EFFECTIVE DATES

16 USC 773 note.

SEC. 308. (a) IN GENERAL.—The amendment made by section 301(e)(3) takes effect on the date of enactment of this Act, and the amendments made by the other provisions of this title, except as provided in subsection (b), shall be effective on the date on

which the Agreement between the United States and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990, enters into force for the United States.

(b) **AUTHORITY TO PRESCRIBE REGULATIONS.**—The authority to prescribe regulations to implement the amendments made by this title shall be effective on the date of enactment of this Act, but no such regulation may be effective until the date on which the Agreement described in subsection (a) enters into force for the United States.

Effective date.

Approved March 9, 1992.

LEGISLATIVE HISTORY—H.R. 3866:

CONGRESSIONAL RECORD:

Vol. 137 (1991): Nov. 23, considered and passed House.

Nov. 27, considered and passed Senate, amended.

Vol. 138 (1992): Jan. 28, House concurred in Senate amendment.