

Public Law 99-432
99th Congress

An Act

To reauthorize the Atlantic Striped Bass Conservation Act, and for other purposes.

Oct. 1, 1986

[H.R. 3358]

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

SECTION 1. DEFINITIONS.

Paragraphs (2), (3), and (4) of section 3 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) are amended to read as follows:

“(2) The term ‘Atlantic striped bass’ means members of stocks or populations of the species *Morone saxatilis*, which ordinarily migrate seaward of the waters described in paragraph (3)(A)(i).

“(3) The term ‘coastal waters’ means—

“(A) for each coastal State referred to in paragraph (4)(A)—

“(i) all waters, whether salt or fresh, of the coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

“(ii) the waters of the coastal State seaward from the baseline referred to in clause (i) to the inner boundary of the exclusive economic zone;

“(B) for the District of Columbia, those waters within its jurisdiction; and

“(C) for the Potomac River Fisheries Commission, those waters of the Potomac River within the boundaries established by the Potomac River Compact of 1958.

“(4) The term ‘coastal State’ means—

“(A) Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina;

“(B) the District of Columbia; and

“(C) the Potomac River Fisheries Commission established by the Potomac River Compact of 1958.”.

District of
Columbia.

SEC. 2. COMMISSION FUNCTIONS.

Section 4 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by—

(a) striking subsections (a) and (c) and redesignating subsections (b) and (d) as (a) and (b) respectively;

(b) amending subsection (a), as so redesignated, to read as follows:

“(a) MONITORING OF IMPLEMENTATION AND ENFORCEMENT.—

“(1) During December of fiscal year 1987, and of each fiscal year thereafter, the Commission shall determine:

“(A) whether each coastal State has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters; and

“(B) whether the enforcement of the Plan by each coastal State is satisfactory. Enforcement by a coastal State shall not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within its coastal waters is being, or will likely be, substantially and adversely affected.

“(2) The Commission shall immediately notify the Secretaries of each negative determination made by it under this subsection.”;

(c) amending subsection (b), as so redesignated, to read as follows:

“(b) SECRETARIAL ACTION AFTER NOTIFICATION.—Upon receiving notice from the Commission under subsection (a) that a coastal State has not taken the actions described in that subsection, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretaries shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and that coastal State in question.”.

SEC. 3. MORATORIUM.

Section 5 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by—

- (a) striking “(4)(d)” and inserting in lieu thereof “(4)(b)”; and
- (b) striking “Secretary” and inserting in lieu thereof “Secretaries”.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

“For each of fiscal years 1986, 1987, and 1988, there are authorized to be appropriated such sums as may be necessary or appropriate to carry out this Act.”.

SEC. 5. EFFECTIVE PERIOD.

Section 9 of the Atlantic Striped Bass Conservation Act is amended by striking “18 months after the date of the enactment of this Act.” and inserting in lieu thereof “at the close of September 30, 1988.”.

SEC. 6. FUNDING OF STRIPED BASS STUDIES.

Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 767g(d)) is amended by striking “and September 30, 1986” and inserting in lieu thereof “September 30, 1986, September 30, 1987, and September 30, 1988”.

SEC. 7. TRANSFER OF MILES CITY NATIONAL FISH HATCHERY.

Notwithstanding any other law, the Secretary of the Interior shall convey to the State of Montana, without reimbursement to the United States and no later than thirty days following enactment of this legislation, all of the rights (including all water rights), title, and interest of the United States in and to the fish hatchery property located south of Miles City, Montana, and known as the

16 USC 1851
note.

16 USC 757g.

Montana.
16 USC 760-2
note.

Miles City National Fish Hatchery, consisting of 168.22 acres, more or less, of land, together with any improvements and related personal property thereon. The property conveyed shall be used by the Montana Department of Fish, Wildlife and Parks as part of the Montana fishery resources management program. If the property conveyed is ever used for other than these purposes, title to such property shall revert to the United States.

Approved October 1, 1986.

LEGISLATIVE HISTORY—H.R. 3358 (S. 1813):

HOUSE REPORTS: No. 99-532 (Comm. on Merchant Marine and Fisheries).

SENATE REPORTS: No. 99-287 accompanying S. 1813 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 132 (1986):

Apr. 29, considered and passed House.

June 26, considered and passed Senate, amended, in lieu of S. 1813.

Sept. 16, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):

Oct. 1, Presidential statement.