

In the Senate of the United States,

September 4, 1996.

Resolved, That the bill from the House of Representatives (H.R. 3060) entitled “An Act to implement the Protocol on Environmental Protection to the Antarctic Treaty”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Antarctic Science, Tour-*
3 *ism, and Conservation Act of 1996”.*

4 **TITLE I—AMENDMENTS TO THE**
5 **ANTARCTIC CONSERVATION**
6 **ACT OF 1978**

7 **SEC. 101. FINDINGS AND PURPOSE.**

8 *(a) FINDINGS.—Section 2(a) of the Antarctic Con-*
9 *servation Act of 1978 (16 U.S.C. 2401(a)) is amended—*

1 (1) by redesignating paragraphs (1) and (2) as
2 paragraphs (4) and (5) respectively, and inserting be-
3 fore paragraph (4), as redesignated, the following:

4 “(1) for well over a quarter of a century, sci-
5 entific investigation has been the principal activity of
6 the Federal Government and United States nationals
7 in Antarctica;

8 “(2) more recently, interest of American tourists
9 in Antarctica has increased;

10 “(3) as the lead civilian agency in Antarctica,
11 the National Science Foundation has long had re-
12 sponsibility for ensuring that United States scientific
13 activities and tourism, and their supporting logistics
14 operations, are conducted with an eye to preserving
15 the unique values of the Antarctic region;”;

16 (2) by striking “the Agreed Measures for the
17 Conservation of Antarctic Fauna and Flora, adopted
18 at the Third Antarctic Treaty Consultative Meeting,
19 have established a firm foundation” in paragraph (4),
20 as redesignated, and inserting “the Protocol establish
21 a firm foundation for the conservation of Antarctic
22 resources,”;

23 (3) by striking paragraph (5), as redesignated,
24 and inserting the following:

1 “(5) the Antarctic Treaty and the Protocol estab-
2 lish international mechanisms and create legal obliga-
3 tions necessary for the maintenance of Antarctica as
4 a natural reserve devoted to peace and science.”.

5 (b) *PURPOSE.*—Section 2(b) of such Act (16 U.S.C.
6 2401(b)) is amended by striking “Treaty, the Agreed Meas-
7 ures for the Conservation of Antarctic Fauna and Flora,
8 and Recommendation VII-3 of the Eighth Antarctic Treaty
9 Consultative Meeting” and inserting “Treaty and the Pro-
10 tocol”.

11 **SEC. 102. DEFINITIONS.**

12 Section 3 of the Antarctic Conservation Act of 1978
13 (16 U.S.C. 2402) is amended to read as follows:

14 **“SEC. 3. DEFINITIONS.**

15 *“For purposes of this Act—*

16 *“(1) the term ‘Administrator’ means the Admin-
17 istrator of the Environmental Protection Agency;*

18 *“(2) the term ‘Antarctica’ means the area south
19 of 60 degrees south latitude;*

20 *“(3) the term ‘Antarctic Specially Protected
21 Area’ means an area identified as such pursuant to
22 Annex V to the Protocol;*

23 *“(4) the term ‘Director’ means the Director of the
24 National Science Foundation;*

25 *“(5) the term ‘harmful interference’ means—*

1 “(A) *flying or landing helicopters or other*
2 *aircraft in a manner that disturbs concentra-*
3 *tions of birds or seals;*

4 “(B) *using vehicles or vessels, including*
5 *hovercraft and small boats, in a manner that*
6 *disturbs concentrations of birds or seals;*

7 “(C) *using explosives or firearms in a man-*
8 *ner that disturbs concentrations of birds or seals;*

9 “(D) *willfully disturbing breeding or*
10 *molting birds or concentrations of birds or seals*
11 *by persons on foot;*

12 “(E) *significantly damaging concentrations*
13 *of native terrestrial plants by landing aircraft,*
14 *driving vehicles, or walking on them, or by other*
15 *means; and*

16 “(F) *any activity that results in the signifi-*
17 *cant adverse modification of habitats of any spe-*
18 *cies or population of native mammal, native*
19 *bird, native plant, or native invertebrate;*

20 “(6) *the term ‘historic site or monument’ means*
21 *any site or monument listed as an historic site or*
22 *monument pursuant to Annex V to the Protocol;*

23 “(7) *the term ‘impact’ means impact on the Ant-*
24 *arctic environment and dependent and associated*
25 *ecosystems;*

1 “(8) the term ‘import’ means to land on, bring
2 into, or introduce into, or attempt to land on, bring
3 into or introduce into, any place subject to the juris-
4 diction of the United States, including the 12-mile
5 territorial sea of the United States, whether or not
6 such act constitutes an importation within the mean-
7 ing of the customs laws of the United States;

8 “(9) the term ‘native bird’ means any member,
9 at any stage of its life cycle (including eggs), of any
10 species of the class Aves which is indigenous to Ant-
11 arctica or occurs there seasonally through natural mi-
12 grations, and includes any part of such member;

13 “(10) the term ‘native invertebrate’ means any
14 terrestrial or freshwater invertebrate, at any stage of
15 its life cycle, which is indigenous to Antarctica, and
16 includes any part of such invertebrate;

17 “(11) the term ‘native mammal’ means any
18 member, at any stage of its life cycle, of any species
19 of the class Mammalia, which is indigenous to Ant-
20 arctica or occurs there seasonally through natural mi-
21 grations, and includes any part of such member;

22 “(12) the term ‘native plant’ means any terres-
23 trial or freshwater vegetation, including bryophytes,
24 lichens, fungi, and algae, at any stage of its life cycle
25 (including seeds and other propagules), which is in-

1 *digenous to Antarctica, and includes any part of such*
2 *vegetation;*

3 “(13) *the term ‘non-native species’ means any*
4 *species of animal or plant which is not indigenous to*
5 *Antarctica and does not occur there seasonally*
6 *through natural migrations;*

7 “(14) *the term ‘person’ has the meaning given*
8 *that term in section 1 of title 1, United States Code,*
9 *and includes any person subject to the jurisdiction of*
10 *the United States and any department, agency, or*
11 *other instrumentality of the Federal Government or of*
12 *any State or local government;*

13 “(15) *the term ‘prohibited product’ means any*
14 *substance banned from introduction onto land or ice*
15 *shelves or into water in Antarctica pursuant to*
16 *Annex III to the Protocol;*

17 “(16) *the term ‘prohibited waste’ means any sub-*
18 *stance which must be removed from Antarctica pursu-*
19 *ant to Annex III to the Protocol, but does not include*
20 *materials used for balloon envelopes required for sci-*
21 *entific research and weather forecasting;*

22 “(17) *the term ‘Protocol’ means the Protocol on*
23 *Environmental Protection to the Antarctic Treaty,*
24 *signed October 4, 1991, in Madrid, and all annexes*

1 *thereto, including any future amendments thereto to*
2 *which the United States is a party;*

3 *“(18) the term ‘Secretary’ means the Secretary of*
4 *Commerce;*

5 *“(19) the term ‘Specially Protected Species’*
6 *means any native species designated as a Specially*
7 *Protected Species pursuant to Annex II to the Proto-*
8 *col;*

9 *“(20) the term ‘take’ means to kill, injure, cap-*
10 *ture, handle, or molest a native mammal or bird, or*
11 *to remove or damage such quantities of native plants*
12 *that their local distribution or abundance would be*
13 *significantly affected;*

14 *“(21) the term ‘Treaty’ means the Antarctic*
15 *Treaty signed in Washington, DC, on December 1,*
16 *1959;*

17 *“(22) the term ‘United States’ means the several*
18 *States of the Union, the District of Columbia, the*
19 *Commonwealth of Puerto Rico, American Samoa, the*
20 *Virgin Islands, Guam, the Commonwealth of the*
21 *Northern Mariana Islands, and any other common-*
22 *wealth, territory, or possession of the United States;*
23 *and*

24 *“(23) the term ‘vessel subject to the jurisdiction*
25 *of the United States’ includes any ‘vessel of the Unit-*

1 *ed States’ and any ‘vessel subject to the jurisdiction*
2 *of the United States’ as those terms are defined in sec-*
3 *tion 303 of the Antarctic Marine Living Resources*
4 *Convention Act of 1984 (16 U.S.C. 2432).”.*

5 **SEC. 103. PROHIBITED ACTS.**

6 *Section 4 of the Antarctic Conservation Act of 1978*
7 *(16 U.S.C. 2403) is amended to read as follows:*

8 **“SEC. 4. PROHIBITED ACTS.**

9 *“(a) IN GENERAL.—It is unlawful for any person—*

10 *“(1) to introduce any prohibited product onto*
11 *land or ice shelves or into water in Antarctica;*

12 *“(2) to dispose of any waste onto ice-free land*
13 *areas or into fresh water systems in Antarctica;*

14 *“(3) to dispose of any prohibited waste in Ant-*
15 *arctica;*

16 *“(4) to engage in open burning of waste;*

17 *“(5) to transport passengers to, from, or within*
18 *Antarctica by any seagoing vessel not required to*
19 *comply with the Act to Prevent Pollution from Ships*
20 *(33 U.S.C. 1901 et seq.), unless the person has an*
21 *agreement with the vessel owner or operator under*
22 *which the owner or operator is required to comply*
23 *with Annex IV to the Protocol;*

24 *“(6) who organizes, sponsors, operates, or pro-*
25 *motes a nongovernmental expedition to Antarctica,*

1 *and who does business in the United States, to fail*
2 *to notify all members of the expedition of the environ-*
3 *mental protection obligations of this Act, and of ac-*
4 *tions which members must take, or not take, in order*
5 *to comply with those obligations;*

6 *“(7) to damage, remove, or destroy a historic site*
7 *or monument;*

8 *“(8) to refuse permission to any authorized offi-*
9 *cer or employee of the United States to board a vessel,*
10 *vehicle, or aircraft of the United States, or subject to*
11 *the jurisdiction of the United States, for the purpose*
12 *of conducting any search or inspection in connection*
13 *with the enforcement of this Act or any regulation*
14 *promulgated or permit issued under this Act;*

15 *“(9) to forcibly assault, resist, oppose, impede,*
16 *intimidate, or interfere with any authorized officer or*
17 *employee of the United States in the conduct of any*
18 *search or inspection described in paragraph (8);*

19 *“(10) to resist a lawful arrest or detention for*
20 *any act prohibited by this section;*

21 *“(11) to interfere with, delay, or prevent, by any*
22 *means, the apprehension, arrest, or detention of an-*
23 *other person, knowing that such other person has com-*
24 *mitted any act prohibited by this section;*

1 “(12) to violate any regulation issued under this
2 *Act*, or any term or condition of any permit issued
3 to that person under this *Act*; or

4 “(13) to attempt to commit or cause to be com-
5 mitted any act prohibited by this section.

6 “(b) *ACTS PROHIBITED UNLESS AUTHORIZED BY*
7 *PERMIT.—It is unlawful for any person, unless authorized*
8 *by a permit issued under this Act—*

9 “(1) to dispose of any waste in Antarctica (ex-
10 cept as otherwise authorized by the *Act to Prevent*
11 *Pollution from Ships*) including—

12 “(A) disposing of any waste from land into
13 the sea in Antarctica; and

14 “(B) incinerating any waste on land or ice
15 shelves in Antarctica, or on board vessels at
16 points of embarkation or debarcation, other than
17 through the use at remote field sites of inciner-
18 ator toilets for human waste;

19 “(2) to introduce into Antarctica any member of
20 a nonnative species;

21 “(3) to enter or engage in activities within any
22 *Antarctic Specially Protected Area*;

23 “(4) to engage in any taking or harmful inter-
24 ference in Antarctica; or

1 “(5) to receive, acquire, transport, offer for sale,
2 sell, purchase, import, export, or have custody, con-
3 trol, or possession of, any native bird, native mam-
4 mal, or native plant which the person knows, or in
5 the exercise of due care should have known, was taken
6 in violation of this Act.

7 “(c) *EXCEPTION FOR EMERGENCIES.*—No act de-
8 scribed in subsection (a)(1), (2), (3), (4), (5), (7), (12), or
9 (13) or in subsection (b) shall be unlawful if the person
10 committing the act reasonably believed that the act was
11 committed under emergency circumstances involving the
12 safety of human life or of ships, aircraft, or equipment or
13 facilities of high value, or the protection of the environ-
14 ment.”.

15 **SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.**

16 *The Antarctic Conservation Act of 1978 is amended*
17 *by inserting after section 4 the following new section:*

18 **“SEC. 4A. ENVIRONMENTAL IMPACT ASSESSMENT.**

19 “(a) *FEDERAL ACTIVITIES.*—(1)(A) *The obligations of*
20 *the United States under Article 8 of and Annex I to the*
21 *Protocol shall be implemented by applying the National*
22 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
23 *to proposals for Federal agency activities in Antarctica, as*
24 *specified in this section.*

1 “(B) *The obligations contained in section 102(2)(C) of*
2 *the National Environmental Policy Act of 1969 (42 U.S.C.*
3 *4332(2)(C)) shall apply to all proposals for Federal agency*
4 *activities occurring in Antarctica and affecting the quality*
5 *of the human environment in Antarctica or dependent or*
6 *associated ecosystems, only as specified in this section. For*
7 *purposes of the application of such section 102(2)(C) under*
8 *this subsection, the term “significantly affecting the quality*
9 *of the human environment” shall have the same meaning*
10 *as the term “more than a minor or transitory impact”.*

11 “(2)(A) *Unless an agency which proposes to conduct*
12 *a Federal activity in Antarctica determines that the activ-*
13 *ity will have less than a minor or transitory impact, or*
14 *unless a comprehensive environmental evaluation is being*
15 *prepared in accordance with subparagraph (C), the agency*
16 *shall prepare an initial environmental evaluation in ac-*
17 *cordance with Article 2 of Annex I to the Protocol.*

18 “(B) *If the agency determines, through the preparation*
19 *of the initial environmental evaluation, that the proposed*
20 *Federal activity is likely to have no more than a minor*
21 *or transitory impact, the activity may proceed if appro-*
22 *priate procedures are put in place to assess and verify the*
23 *impact of the activity.*

24 “(C) *If the agency determines, through the preparation*
25 *of the initial environmental evaluation or otherwise, that*

1 *a proposed Federal activity is likely to have more than a*
2 *minor or transitory impact, the agency shall prepare and*
3 *circulate a comprehensive environmental evaluation in ac-*
4 *cordance with Article 3 of Annex I to the Protocol, and shall*
5 *make such comprehensive environmental evaluation pub-*
6 *licly available for comment.*

7 “(3) *Any agency decision under this section on whether*
8 *a proposed Federal activity, to which paragraph (2)(C) ap-*
9 *plies, should proceed, and, if so, whether in its original or*
10 *in a modified form, shall be based on the comprehensive*
11 *environmental evaluation as well as other considerations*
12 *which the agency, in the exercise of its discretion, considers*
13 *relevant.*

14 “(4) *For the purposes of this section, the term ‘Federal*
15 *activity’ includes all activities conducted under a Federal*
16 *agency research program in Antarctica, whether or not con-*
17 *ducted by a Federal agency.*

18 “(b) *FEDERAL ACTIVITIES CARRIED OUT JOINTLY*
19 *WITH FOREIGN GOVERNMENTS.—(1) For the purposes of*
20 *this subsection, the term ‘Antarctic joint activity’ means*
21 *any Federal activity in Antarctica which is proposed to*
22 *be conducted, or which is conducted, jointly or in coopera-*
23 *tion with one or more foreign governments. Such term shall*
24 *be defined in regulations promulgated by such agencies as*
25 *the President may designate.*

1 “(2) Where the Secretary of State, in cooperation with
2 the lead United States agency planning an Antarctic joint
3 activity, determines that—

4 “(A) the major part of the joint activity is being
5 contributed by a government or governments other
6 than the United States;

7 “(B) one such government is coordinating the im-
8 plementation of environmental impact assessment
9 procedures for that activity; and

10 “(C) such government has signed, ratified, or ac-
11 ceded to the Protocol,

12 the requirements of subsection (a) of this section shall not
13 apply with respect to that activity.

14 “(3) In all cases of Antarctic joint activity other than
15 those described in paragraph (2), the requirements of sub-
16 section (a) of this section shall apply with respect to that
17 activity, except as provided in paragraph (4).

18 “(4) Determinations described in paragraph (2), and
19 agency actions and decisions in connection with assess-
20 ments of impacts of Antarctic joint activities, shall not be
21 subject to judicial review.

22 “(c) *NONGOVERNMENTAL ACTIVITIES.*—(1) The Ad-
23 ministrator shall, within 2 years after the date of the enact-
24 ment of the Antarctic Science, Tourism, and Conservation
25 Act of 1996, promulgate regulations to provide for—

1 “(A) *the environmental impact assessment of*
2 *nongovernmental activities, including tourism, for*
3 *which the United States is required to give advance*
4 *notice under paragraph 5 of Article VII of the Treaty;*
5 *and*

6 “(B) *coordination of the review of information*
7 *regarding environmental impact assessment received*
8 *from other Parties under the Protocol.*

9 “(2) *Such regulations shall be consistent with Annex*
10 *I to the Protocol.*

11 “(d) *DECISION TO PROCEED.—(1) No decision shall*
12 *be taken to proceed with an activity for which a comprehen-*
13 *sive environmental evaluation is prepared under this sec-*
14 *tion unless there has been an opportunity for consideration*
15 *of the draft comprehensive environmental evaluation at an*
16 *Antarctic Treaty Consultative Meeting, except that no deci-*
17 *sion to proceed with a proposed activity shall be delayed*
18 *through the operation of this paragraph for more than 15*
19 *months from the date of circulation of the draft comprehen-*
20 *sive environmental evaluation pursuant to Article 3(3) of*
21 *Annex I to the Protocol.*

22 “(2) *The Secretary of State shall circulate the final*
23 *comprehensive environmental evaluation, in accordance*
24 *with Article 3(6) of Annex I to the Protocol, at least 60*
25 *days before the commencement of the activity in Antarctica.*

1 “(e) *CASES OF EMERGENCY.*—*The requirements of this*
2 *section, and of regulations promulgated under this section,*
3 *shall not apply in cases of emergency relating to the safety*
4 *of human life or of ships, aircraft, or equipment and facili-*
5 *ties of high value, or the protection of the environment,*
6 *which require an activity to be undertaken without fulfill-*
7 *ing those requirements.*

8 “(f) *EXCLUSIVE MECHANISM.*—*Notwithstanding any*
9 *other provision of law, the requirements of this section shall*
10 *constitute the sole and exclusive statutory obligations of the*
11 *Federal agencies with regard to assessing the environmental*
12 *impacts of proposed Federal activities occurring in Antarc-*
13 *tica.*

14 “(g) *DECISIONS ON PERMIT APPLICATIONS.*—*The pro-*
15 *visions of this section requiring environmental impact as-*
16 *sessments (including initial environmental evaluations and*
17 *comprehensive environmental evaluations) shall not apply*
18 *to Federal actions with respect to issuing permits under*
19 *section 5.*

20 “(h) *PUBLICATION OF NOTICES.*—*Whenever the Sec-*
21 *retary of State makes a determination under paragraph (2)*
22 *of subsection (b) of this section, or receives a draft com-*
23 *prehensive environmental evaluation in accordance with*
24 *Annex I, Article 3(3) to the Protocol, the Secretary of State*

1 *shall cause timely notice thereof to be published in the Fed-*
2 *eral Register.”.*

3 **SEC. 105. PERMITS.**

4 *Section 5 of the Antarctic Conservation Act of 1978*
5 *(16 U.S.C. 2404) is amended—*

6 *(1) in subsection (a) by striking “section 4(a)”*
7 *and inserting in lieu thereof “section 4(b)”;*

8 *(2) in subsection (c)(1)(B) by striking “Special”*
9 *and inserting in lieu thereof “Species”; and*

10 *(3) in subsection (e)—*

11 *(A) by striking “or native plants to which*
12 *the permit applies,” in paragraph (1)(A)(i) and*
13 *inserting in lieu thereof “native plants, or native*
14 *invertebrates to which the permit applies, and”;*

15 *(B) by striking paragraph (1)(A)(ii) and*
16 *(iii) and inserting in lieu thereof the following*
17 *new clause:*

18 *“(ii) the manner in which the taking or*
19 *harmful interference shall be conducted (which*
20 *manner shall be determined by the Director to be*
21 *humane) and the area in which it will be con-*
22 *ducted;”;*

23 *(C) by striking “within Antarctica (other*
24 *than within any specially protected area)” in*

1 paragraph (2)(A) and inserting in lieu thereof
2 “or harmful interference within Antarctica”;

3 (D) by striking “specially protected species”
4 in paragraph (2)(A) and (B) and inserting in
5 lieu thereof “Specially Protected Species”;

6 (E) by striking “; and” at the end of para-
7 graph (2)(A)(i)(II) and inserting in lieu thereof
8 “, or”;

9 (F) by adding after paragraph (2)(A)(i)(II)
10 the following new subclause:

11 “(III) for unavoidable consequences of
12 scientific activities or the construction and
13 operation of scientific support facilities;
14 and”;

15 (G) by striking “with Antarctica and” in
16 paragraph (2)(A)(ii)(II) and inserting in lieu
17 thereof “within Antarctica are”; and

18 (H) by striking subparagraphs (C) and (D)
19 of paragraph (2) and inserting in lieu thereof
20 the following new subparagraph:

21 “(C) A permit authorizing the entry into an
22 Antarctic Specially Protected Area shall be issued
23 only—

24 “(i) if the entry is consistent with an ap-
25 proved management plan, or

1 “(ii) if a management plan relating to the
2 area has not been approved but—

3 “(I) there is a compelling purpose for
4 such entry which cannot be served elsewhere,
5 and

6 “(II) the actions allowed under the
7 permit will not jeopardize the natural eco-
8 logical system existing in such area.”.

9 **SEC. 106. REGULATIONS.**

10 Section 6 of the Antarctic Conservation Act of 1978
11 (16 U.S.C. 2405) is amended to read as follows:

12 **“SEC. 6. REGULATIONS.**

13 “(a) *REGULATIONS TO BE ISSUED BY THE DIREC-*
14 *TOR.—(1) The Director shall issue such regulations as are*
15 *necessary and appropriate to implement Annex II and*
16 *Annex V to the Protocol and the provisions of this Act which*
17 *implement those annexes, including section 4(b)(2), (3), (4),*
18 *and (5) of this Act. The Director shall designate as native*
19 *species—*

20 “(A) each species of the class *Aves*;

21 “(B) each species of the class *Mammalia*; and

22 “(C) each species of plant,

23 *which is indigenous to Antarctica or which occurs there sea-*
24 *sonally through natural migrations.*

1 “(2) *The Director, with the concurrence of the Admin-*
2 *istrator, shall issue such regulations as are necessary and*
3 *appropriate to implement Annex III to the Protocol and*
4 *the provisions of this Act which implement that Annex, in-*
5 *cluding section 4(a)(1), (2), (3), and (4), and section*
6 *4(b)(1) of this Act.*

7 “(3) *The Director shall issue such regulations as are*
8 *necessary and appropriate to implement Article 15 of the*
9 *Protocol with respect to land areas and ice shelves in Ant-*
10 *arctica.*

11 “(4) *The Director shall issue such additional regula-*
12 *tions as are necessary and appropriate to implement the*
13 *Protocol and this Act, except as provided in subsection (b).*

14 “(b) *REGULATIONS TO BE ISSUED BY THE SEC-*
15 *RETARY OF THE DEPARTMENT IN WHICH THE COAST*
16 *GUARD IS OPERATING.—The Secretary of the Department*
17 *in which the Coast Guard is operating shall issue such regu-*
18 *lations as are necessary and appropriate, in addition to*
19 *regulations issued under the Act to Prevent Pollution from*
20 *Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to*
21 *the Protocol and the provisions of this Act which implement*
22 *that Annex, and, with the concurrence of the Director, such*
23 *regulations as are necessary and appropriate to implement*
24 *Article 15 of the Protocol with respect to vessels.*

1 “(c) *TIME PERIOD FOR REGULATIONS.*—The regula-
2 tions to be issued under subsection (a)(1) and (2) of this
3 section shall be issued within 2 years after the date of the
4 enactment of the Antarctic Science, Tourism, and Conserva-
5 tion Act of 1996. The regulations to be issued under sub-
6 section (a)(3) of this section shall be issued within 3 years
7 after the date of the enactment of the Antarctic Science,
8 Tourism, and Conservation Act of 1996.”

9 **SEC. 107. SAVING PROVISIONS.**

10 Section 14 of the Antarctic Conservation Act of 1978
11 is amended to read as follows:

12 **“SEC. 14. SAVING PROVISIONS.**

13 “(a) *REGULATIONS.*—All regulations promulgated
14 under this Act prior to the date of the enactment of the
15 Antarctic Science, Tourism, and Conservation Act of 1996
16 shall remain in effect until superseding regulations are pro-
17 mulgated under section 6.

18 “(b) *PERMITS.*—All permits issued under this Act
19 shall remain in effect until they expire in accordance with
20 the terms of those permits.”

1 **TITLE II—CONFORMING**
2 **AMENDMENTS TO OTHER LAWS**

3 **SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION**
4 **FROM SHIPS.**

5 (a) *DEFINITIONS.*—Section 2 of the Act to Prevent Pol-
6 lution from Ships (33 U.S.C. 1901) is amended—

7 (1) by redesignating paragraphs (1) through (9)
8 of subsection (a) as paragraphs (3) through (11), re-
9 spectively;

10 (2) by inserting before paragraph (3), as so re-
11 designated by paragraph (1) of this subsection, the
12 following new paragraphs:

13 “(1) ‘Antarctica’ means the area south of 60 de-
14 grees south latitude;

15 “(2) ‘Antarctic Protocol’ means the Protocol on
16 Environmental Protection to the Antarctic Treaty,
17 signed October 4, 1991, in Madrid, and all annexes
18 thereto, and includes any future amendments thereto
19 which have entered into force;” and

20 (3) by adding at the end the following new sub-
21 section:

22 “(c) For the purposes of this Act, the requirements of
23 Annex IV to the Antarctic Protocol shall apply in Antarc-
24 tica to all vessels over which the United States has jurisdic-
25 tion.”.

1 (b) *APPLICATION OF ACT.*—Section 3(b)(1)(B) of the
2 *Act to Prevent Pollution from Ships (33 U.S.C.*
3 *1902(b)(1)(B)) is amended by inserting “or the Antarctic*
4 *Protocol” after “MARPOL Protocol”.*

5 (c) *ADMINISTRATION.*—Section 4 of the *Act to Prevent*
6 *Pollution from Ships (33 U.S.C. 1903) is amended—*

7 (1) *by inserting “, Annex IV to the Antarctic*
8 *Protocol,” after “the MARPOL Protocol” in the first*
9 *sentence of subsection (a);*

10 (2) *in subsection (b)(1) by inserting “, Annex IV*
11 *to the Antarctic Protocol,” after “the MARPOL Pro-*
12 *tol”;*

13 (3) *in subsection (b)(2)(A) by striking “within 1*
14 *year after the effective date of this paragraph,”; and*

15 (4) *in subsection (b)(2)(A)(i) by inserting “and*
16 *of Annex IV to the Antarctic Protocol” after “the Con-*
17 *vention”.*

18 (d) *POLLUTION RECEPTION FACILITIES.*—Section 6 of
19 *the Act to Prevent Pollution from Ships (33 U.S.C. 1905)*
20 *is amended—*

21 (1) *in subsection (b) by inserting “or the Ant-*
22 *arctic Protocol” after “the MARPOL Protocol”;*

23 (2) *in subsection (e)(1) by inserting “or the Ant-*
24 *arctic Protocol” after “the Convention”;*

1 (3) *in subsection (e)(1)(A) by inserting “or Article*
2 *9 of Annex IV to the Antarctic Protocol” after “the*
3 *Convention”*; and

4 (4) *in subsection (f) by inserting “or the Ant-*
5 *arctic Protocol” after “the MARPOL Protocol”*.

6 (e) *VIOLATIONS.—Section 8 of the Act to Prevent Pol-*
7 *lution from Ships (33 U.S.C. 1907) is amended—*

8 (1) *in the first sentence of subsection (a) by in-*
9 *serting “Annex IV to the Antarctic Protocol,” after*
10 *“MARPOL Protocol,”*;

11 (2) *in the second sentence of subsection (a)—*

12 (A) *by inserting “or to the Antarctic Proto-*
13 *col” after “to the MARPOL Protocol”*; and

14 (B) *by inserting “and Annex IV to the Ant-*
15 *arctic Protocol” after “of the MARPOL Proto-*
16 *col”*;

17 (3) *in subsection (b) by inserting “or the Ant-*
18 *arctic Protocol” after “MARPOL Protocol” both*
19 *places it appears*;

20 (4) *in subsection (c)(1) by inserting “, of Article*
21 *3 or Article 4 of Annex IV to the Antarctic Protocol,”*
22 *after “to the Convention”*;

23 (5) *in subsection (c)(2) by inserting “or the Ant-*
24 *arctic Protocol” after “which the MARPOL Protocol”*;

1 (6) in subsection (c)(2)(A) by inserting “, Annex
2 IV to the Antarctic Protocol,” after “MARPOL Proto-
3 col”;

4 (7) in subsection (c)(2)(B)—

5 (A) by inserting “or the Antarctic Protocol”
6 after “to the MARPOL Protocol”; and

7 (B) by inserting “or Annex IV to the Ant-
8 arctic Protocol” after “of the MARPOL Proto-
9 col”;

10 (8) in subsection (d)(1) by inserting “, Article 5
11 of Annex IV to the Antarctic Protocol,” after “Con-
12 vention”;

13 (9) in subsection (e)(1)—

14 (A) by inserting “or the Antarctic Protocol”
15 after “MARPOL Protocol”; and

16 (B) by striking “that Protocol” and insert-
17 ing in lieu thereof “those Protocols”; and

18 (10) in subsection (e)(2) by inserting “, of Annex
19 IV to the Antarctic Protocol,” after “MARPOL Proto-
20 col”.

21 (f) *PENALTIES*.—Section 9 of the Act to Prevent Pollu-
22 tion from Ships (33 U.S.C. 1908) is amended—

23 (1) in subsection (a) by inserting “, Annex IV to
24 the Antarctic Protocol,” after “MARPOL Protocol”;

1 (2) in subsection (b)(1) by inserting “, Annex IV
2 to the Antarctic Protocol,” after “MARPOL Proto-
3 col,”;

4 (3) in subsection (b)(2) by inserting “, Annex IV
5 to the Antarctic Protocol,” after “MARPOL Proto-
6 col,”;

7 (4) in subsection (d) by inserting “, Annex IV to
8 the Antarctic Protocol,” after “MARPOL Protocol,”;

9 (5) in subsection (e) by inserting “, Annex IV to
10 the Antarctic Protocol,” after “MARPOL Protocol”;
11 and

12 (6) in subsection (f) by inserting “or the Ant-
13 arctic Protocol” after “MARPOL Protocol” both
14 places it appears.

15 **SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE**
16 **ACTIVITIES.**

17 (a) *AGREEMENT OR LEGISLATION REQUIRED.*—Sec-
18 *tion 4 of the Antarctic Protection Act of 1990 (16 U.S.C.*
19 *2463) is amended by striking “Pending a new agreement*
20 *among the Antarctic Treaty Consultative Parties in force*
21 *for the United States, to which the Senate has given advice*
22 *and consent or which is authorized by further legislation*
23 *by the Congress, which provides an indefinite ban on Ant-*
24 *arctic mineral resource activities, it” and inserting in lieu*
25 *thereof “It”.*

1 (b) *REPEALS.*—Sections 5 and 7 of such Act (16
2 U.S.C. 2464 and 2466) are repealed.

3 (c) *REDESIGNATION.*—Section 6 of such Act (16 U.S.C.
4 2465) is redesignated as section 5.

5 **TITLE III—POLAR RESEARCH**
6 **AND POLICY STUDY**

7 **SEC. 301. POLAR RESEARCH AND POLICY STUDY.**

8 *Not later than March 1, 1997, the National Science*
9 *Foundation shall provide a detailed report to the Congress*
10 *on—*

11 (1) *the status of the implementation of the Arctic*
12 *Environmental Protection Strategy and Federal*
13 *funds being used for that purpose;*

14 (2) *all of the Federal programs relating to Arctic*
15 *and Antarctic research and the total amount of funds*
16 *expended annually for each such program, includ-*
17 *ing—*

18 (A) *a comparison of the funding for*
19 *logistical support in the Arctic and Antarctic;*

20 (B) *a comparison of the funding for re-*
21 *search in the Arctic and Antarctic;*

22 (C) *a comparison of any other amounts*
23 *being spent on Arctic and Antarctic programs;*
24 *and*

1 *(D) an assessment of the actions taken to*
2 *implement the recommendations of the Arctic*
3 *Research Commission with respect to the use of*
4 *such funds for research and logistical support in*
5 *the Arctic.*

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 3060

AMENDMENT

HR 3060 EAS—2

HR 3060 EAS—3

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HR 3060 EAS—5