

Calendar No. 513

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1645**

[Report No. 104-332]

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## **A BILL**

To regulate United States scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes.

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JULY 24, 1996

Reported without amendment

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## IN THE SENATE OF THE UNITED STATES

MARCH 26, 1996

Mr. KERRY (for himself, Mr. HOLLINGS, Ms. SNOWE, and Mr. ABRAHAM) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 24, 1996

Reported by Mr. PRESSLER, without amendment

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**A BILL**

To regulate United States scientific and tourist activities in Antarctica, to conserve Antarctic resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antarctic Science,  
5 Tourism, and Conservation Act of 1996”.

1 **TITLE I—AMENDMENTS TO THE**  
2 **ANTARCTIC CONSERVATION**  
3 **ACT OF 1978**

4 **SEC. 101. FINDINGS AND PURPOSE.**

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

7 (1) by redesignating paragraphs (1) and (2) as  
8 paragraphs (4) and (5) respectively, and inserting  
9 before paragraph (4), as redesignated, the following:

10 “(1) for well over a quarter of a century, sci-  
11 entific investigation has been the principal activity of  
12 the Federal Government and United States nationals  
13 in Antarctica;

14 “(2) more recently, interest of American tour-  
15 ists in Antarctica has increased;

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

22 (2) by striking “the Agreed Measures for the  
23 Conservation of Antarctic Fauna and Flora, adopted  
24 at the Third Antarctic Treaty Consultative Meeting,  
25 have established a firm foundation” in paragraph

1 (4), as redesignated, and inserting “the Protocol es-  
2 tablish a firm foundation for the conservation of  
3 Antarctic resources,”;

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

6 “(5) the Antarctic Treaty and the Protocol es-  
7 tablish international mechanisms and create legal  
8 obligations necessary for the maintenance of Antarc-  
9 tica as a natural reserve devoted to peace and  
10 science.”.

11 (b) PURPOSE.—Section 2(b) of such Act (16 U.S.C.  
12 2401(b)) is amended by striking “Treaty, the Agreed  
13 Measures for the Conservation of Antarctic Fauna and  
14 Flora, and Recommendation VII-3 of the Eighth Antarctic  
15 Treaty Consultative Meeting” and inserting “Treaty and  
16 the Protocol”.

17 **SEC. 102. DEFINITIONS.**

18 Section 3 of the Antarctic Conservation Act of 1978  
19 (16 U.S.C. 2402) is amended to read as follows:

20 **“SEC. 3. DEFINITIONS.**

21 “For purposes of this Act—

22 “(1) the term ‘Administrator’ means the Ad-  
23 ministrator of the Environmental Protection Agency;

24 “(2) the term ‘Antarctica’ means the area south  
25 of 60 degrees south latitude;

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

4           “(4) the term ‘Director’ means the Director of  
5 the National Science Foundation;

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

7               “(A) flying or landing helicopters or other  
8 aircraft in a manner that disturbs concentra-  
9 tions of birds or seals;

10              “(B) using vehicles or vessels, including  
11 hovercraft and small boats, in a manner that  
12 disturbs concentrations of birds or seals;

13              “(C) using explosives or firearms in a  
14 manner that disturbs concentrations of birds or  
15 seals;

16              “(D) willfully disturbing breeding or  
17 molting birds or concentrations of birds or seals  
18 by persons on foot;

19              “(E) significantly damaging concentrations  
20 of native terrestrial plants by landing aircraft,  
21 driving vehicles, or walking on them, or by  
22 other means; and

23              “(F) any activity that results in the signifi-  
24 cant adverse modification of habitats of any

1 species or population of native mammal, native  
2 bird, native plant, or native invertebrate;

3 “(6) the term ‘historic site or monument’  
4 means any site or monument listed as an historic  
5 site or monument pursuant to Annex V to the Proto-  
6 col;

7 “(7) the term ‘impact’ means impact on the  
8 Antarctic environment and dependent and associated  
9 ecosystems;

10 “(8) the term ‘import’ means to land on, bring  
11 into, or introduce into, or attempt to land on, bring  
12 into or introduce into, any place subject to the juris-  
13 diction of the United States, including the 12-mile  
14 territorial sea of the United States, whether or not  
15 such act constitutes an importation within the mean-  
16 ing of the customs laws of the United States;

17 “(9) the term ‘native bird’ means any member,  
18 at any stage of its life cycle (including eggs), of any  
19 species of the class Aves which is indigenous to Ant-  
20 arctica or occurs there seasonally through natural  
21 migrations, and includes any part of such member;

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

1           “(11) the term ‘native mammal’ means any  
2 member, at any stage of its life cycle, of any species  
3 of the class Mammalia, which is indigenous to Ant-  
4 arctica or occurs there seasonally through natural  
5 migrations, and includes any part of such member;

6           “(12) the term ‘native plant’ means any terres-  
7 trial or freshwater vegetation, including bryophytes,  
8 lichens, fungi, and algae, at any stage of its life  
9 cycle (including seeds and other propagules), which  
10 is indigenous to Antarctica, and includes any part of  
11 such vegetation;

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

16           “(14) the term ‘person’ has the meaning given  
17 that term in section 1 of title 1, United States Code,  
18 and includes any person subject to the jurisdiction  
19 of the United States and any department, agency, or  
20 other instrumentality of the Federal Government or  
21 of any State or local government;

22           “(15) the term ‘prohibited product’ means any  
23 substance banned from introduction onto land or ice  
24 shelves or into water in Antarctica pursuant to  
25 Annex III to the Protocol;

1           “(16) the term ‘prohibited waste’ means any  
2 substance which must be removed from Antarctica  
3 pursuant to Annex III to the Protocol, but does not  
4 include materials used for balloon envelopes required  
5 for scientific research and weather forecasting;

6           “(17) the term ‘Protocol’ means the Protocol on  
7 Environmental Protection to the Antarctic Treaty,  
8 signed October 4, 1991, in Madrid, and all annexes  
9 thereto, including any future amendments thereto to  
10 which the United States is a party;

11           “(18) the term ‘Secretary’ means the Secretary  
12 of Commerce;

13           “(19) the term ‘Specially Protected Species’  
14 means any native species designated as a Specially  
15 Protected Species pursuant to Annex II to the Pro-  
16 tocol;

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

22           “(21) the term ‘Treaty’ means the Antarctic  
23 Treaty signed in Washington, DC, on December 1,  
24 1959;

1           “(22) the term ‘United States’ means the sev-  
2           eral States of the Union, the District of Columbia,  
3           the Commonwealth of Puerto Rico, American  
4           Samoa, the Virgin Islands, Guam, the Common-  
5           wealth of the Northern Mariana Islands, and any  
6           other commonwealth, territory, or possession of the  
7           United States; and

8           “(23) the term ‘vessel subject to the jurisdiction  
9           of the United States’ includes any ‘vessel of the  
10          United States’ and any ‘vessel subject to the juris-  
11          diction of the United States’ as those terms are de-  
12          fined in section 303 of the Antarctic Marine Living  
13          Resources Convention Act of 1984 (16 U.S.C.  
14          2432).”.

15 **SEC. 103. PROHIBITED ACTS.**

16          Section 4 of the Antarctic Conservation Act of 1978  
17 (16 U.S.C. 2403) is amended to read as follows:

18 **“SEC. 4. PROHIBITED ACTS.**

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

20                 “(1) to introduce any prohibited product onto  
21                 land or ice shelves or into water in Antarctica;

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

24                 “(3) to dispose of any prohibited waste in Ant-  
25                 arctica;

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

2           “(5) to transport passengers to, from, or within  
3           Antarctica by any seagoing vessel not required to  
4           comply with the Act to Prevent Pollution from Ships  
5           (33 U.S.C. 1901 et seq.), unless the person has an  
6           agreement with the vessel owner or operator under  
7           which the owner or operator is required to comply  
8           with Annex IV to the Protocol;

9           “(6) who organizes, sponsors, operates, or pro-  
10          motes a nongovernmental expedition to Antarctica,  
11          and who does business in the United States, to fail  
12          to notify all members of the expedition of the envi-  
13          ronmental protection obligations of this Act, and of  
14          actions which members must take, or not take, in  
15          order to comply with those obligations;

16          “(7) to damage, remove, or destroy a historic  
17          site or monument;

18          “(8) to refuse permission to any authorized offi-  
19          cer or employee of the United States to board a ves-  
20          sel, vehicle, or aircraft of the United States, or sub-  
21          ject to the jurisdiction of the United States, for the  
22          purpose of conducting any search or inspection in  
23          connection with the enforcement of this Act or any  
24          regulation promulgated or permit issued under this  
25          Act;

1           “(9) to forcibly assault, resist, oppose, impede,  
2           intimidate, or interfere with any authorized officer  
3           or employee of the United States in the conduct of  
4           any search or inspection described in paragraph (8);

5           “(10) to resist a lawful arrest or detention for  
6           any act prohibited by this section;

7           “(11) to interfere with, delay, or prevent, by  
8           any means, the apprehension, arrest, or detention of  
9           another person, knowing that such other person has  
10          committed any act prohibited by this section;

11          “(12) to violate any regulation issued under  
12          this Act, or any term or condition of any permit is-  
13          sued to that person under this Act; or

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

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

19                 “(1) to dispose of any waste in Antarctica (ex-  
20                 cept as otherwise authorized by the Act to Prevent  
21                 Pollution from Ships) including—

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

24                         “(B) incinerating any waste on land or ice  
25                         shelves in Antarctica, or on board vessels at

1 points of embarkation or debarcation, other  
2 than through the use at remote field sites of in-  
3 cinerator toilets for human waste;

4 “(2) to introduce into Antarctica any member  
5 of a nonnative species;

6 “(3) to enter or engage in activities within any  
7 Antarctic Specially Protected Area;

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

10 “(5) to receive, acquire, transport, offer for  
11 sale, sell, purchase, import, export, or have custody,  
12 control, or possession of, any native bird, native  
13 mammal, or native plant which the person knows, or  
14 in the exercise of due care should have known, was  
15 taken in violation of this Act.

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

1 **SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.**

2 The Antarctic Conservation Act of 1978 is amended  
3 by inserting after section 4 the following new section:

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

5 “(a) FEDERAL ACTIVITIES.—(1)(A) The obligations  
6 of the United States under Article 8 of and Annex I to  
7 the Protocol shall be implemented by applying the Na-  
8 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
9 et seq.) to proposals for Federal agency activities in Ant-  
10 arctica, as specified in this section.

11 “(B) The obligations contained in section 102(2)(C)  
12 of the National Environmental Policy Act of 1969 (42  
13 U.S.C. 4332(2)(C)) shall apply to all proposals for Federal  
14 agency activities occurring in Antarctica and affecting the  
15 quality of the human environment in Antarctica or de-  
16 pendent or associated ecosystems, only as specified in this  
17 section. For purposes of the application of such section  
18 102(2)(C) under this subsection, the term “significantly  
19 affecting the quality of the human environment” shall  
20 have the same meaning as the term “more than a minor  
21 or transitory impact”.

22 “(2)(A) Unless an agency which proposes to conduct  
23 a Federal activity in Antarctica determines that the activ-  
24 ity will have less than a minor or transitory impact, or  
25 unless a comprehensive environmental evaluation is being  
26 prepared in accordance with subparagraph (C), the agency

1 shall prepare an initial environmental evaluation in ac-  
2 cordance with Article 2 of Annex I to the Protocol.

3 “(B) If the agency determines, through the prepara-  
4 tion of the initial environmental evaluation, that the pro-  
5 posed Federal activity is likely to have no more than a  
6 minor or transitory impact, the activity may proceed if ap-  
7 propriate procedures are put in place to assess and verify  
8 the impact of the activity.

9 “(C) If the agency determines, through the prepara-  
10 tion of the initial environmental evaluation or otherwise,  
11 that a proposed Federal activity is likely to have more  
12 than a minor or transitory impact, the agency shall pre-  
13 pare and circulate a comprehensive environmental evalua-  
14 tion in accordance with Article 3 of Annex I to the Proto-  
15 col, and shall make such comprehensive environmental  
16 evaluation publicly available for comment.

17 “(3) Any agency decision under this section on  
18 whether a proposed Federal activity, to which paragraph  
19 (2)(C) applies, should proceed, and, if so, whether in its  
20 original or in a modified form, shall be based on the com-  
21 prehensive environmental evaluation as well as other con-  
22 siderations which the agency, in the exercise of its discre-  
23 tion, considers relevant.

24 “(4) For the purposes of this section, the term ‘Fed-  
25 eral activity’ includes all activities conducted under a Fed-

1 eral agency research program in Antarctica, whether or  
2 not conducted by a Federal agency.

3 “(b) FEDERAL ACTIVITIES CARRIED OUT JOINTLY  
4 WITH FOREIGN GOVERNMENTS.—(1) For the purposes of  
5 this subsection, the term ‘Antarctic joint activity’ means  
6 any Federal activity in Antarctica which is proposed to  
7 be conducted, or which is conducted, jointly or in coopera-  
8 tion with one or more foreign governments. Such term  
9 shall be defined in regulations promulgated by such agen-  
10 cies as the President may designate.

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

14 “(A) the major part of the joint activity is  
15 being contributed by a government or governments  
16 other than the United States;

17 (B) one such government is coordinating the  
18 implementation of environmental impact assessment  
19 procedures for that activity; and

20 (C) such government has signed, ratified, or ac-  
21 ceded to the Protocol,

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

24 “(3) In all cases of Antarctic joint activity other than  
25 those described in paragraph (2), the requirements of sub-

1 section (a) of this section shall apply with respect to that  
2 activity, except as provided in paragraph (4).

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

7 “(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Ad-  
8 ministrator shall, within 2 years after the date of the en-  
9 actment of the Antarctic Science, Tourism, and Conserva-  
10 tion Act of 1996, promulgate regulations to provide for—

11 “(A) the environmental impact assessment of  
12 nongovernmental activities, including tourism, for  
13 which the United States is required to give advance  
14 notice under paragraph 5 of Article VII of the Trea-  
15 ty; and

16 “(B) coordination of the review of information  
17 regarding environmental impact assessment received  
18 from other Parties under the Protocol.

19 “(2) Such regulations shall be consistent with Annex  
20 I to the Protocol.

21 “(d) DECISION TO PROCEED.—(1) No decision shall  
22 be taken to proceed with an activity for which a com-  
23 prehensive environmental evaluation is prepared under  
24 this section unless there has been an opportunity for con-  
25 sideration of the draft comprehensive environmental eval-

1 uation at an Antarctic Treaty Consultative Meeting, ex-  
2 cept that no decision to proceed with a proposed activity  
3 shall be delayed through the operation of this paragraph  
4 for more than 15 months from the date of circulation of  
5 the draft comprehensive environmental evaluation pursu-  
6 ant to Article 3(3) of Annex I to the Protocol.

7       “(2) The Secretary of State shall circulate the final  
8 comprehensive environmental evaluation, in accordance  
9 with Article 3(6) of Annex I to the Protocol, at least 60  
10 days before the commencement of the activity in Antarc-  
11 tica.

12       “(e) CASES OF EMERGENCY.—The requirements of  
13 this section, and of regulations promulgated under this  
14 section, shall not apply in cases of emergency relating to  
15 the safety of human life or of ships, aircraft, or equipment  
16 and facilities of high value, or the protection of the envi-  
17 ronment, which require an activity to be undertaken with-  
18 out fulfilling those requirements.

19       “(f) EXCLUSIVE MECHANISM.—Notwithstanding any  
20 other provision of law, the requirements of this section  
21 shall constitute the sole and exclusive statutory obligations  
22 of the Federal agencies with regard to assessing the envi-  
23 ronmental impacts of proposed Federal activities occur-  
24 ring in Antarctica.

1       “(g) DECISIONS ON PERMIT APPLICATIONS.—The  
 2 provisions of this section requiring environmental impact  
 3 assessments (including initial environmental evaluations  
 4 and comprehensive environmental evaluations) shall not  
 5 apply to Federal actions with respect to issuing permits  
 6 under section 5.

7       “(h) PUBLICATION OF NOTICES.—Whenever the Sec-  
 8 retary of State makes a determination under paragraph  
 9 (2) of subsection (b) of this section, or receives a draft  
 10 comprehensive environmental evaluation in accordance  
 11 with Annex I, Article 3(3) to the Protocol, the Secretary  
 12 of State shall cause timely notice thereof to be published  
 13 in the Federal Register.”.

14 **SEC. 105. PERMITS.**

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

17           (1) in subsection (a) by striking “section 4(a)”  
 18       and inserting in lieu thereof “section 4(b)”;

19           (2) in subsection (c)(1)(B) by striking “Spe-  
 20       cial” and inserting in lieu thereof “Species”; and

21           (3) in subsection (e)—

22                   (A) by striking “or native plants to which  
 23       the permit applies,” in paragraph (1)(A)(i) and  
 24       inserting in lieu thereof “native plants, or na-

1           tive invertebrates to which the permit applies,  
2           and”;

3           (B) by striking paragraph (1)(A)(ii) and  
4           (iii) and inserting in lieu thereof the following  
5           new clause:

6           “(ii) the manner in which the taking or  
7           harmful interference shall be conducted (which  
8           manner shall be determined by the Director to  
9           be humane) and the area in which it will be  
10          conducted;”;

11          (C) by striking “within Antarctica (other  
12          than within any specially protected area)” in  
13          paragraph (2)(A) and inserting in lieu thereof  
14          “or harmful interference within Antarctica”;

15          (D) by striking “specially protected spe-  
16          cies” in paragraph (2)(A) and (B) and insert-  
17          ing in lieu thereof “Specially Protected Spe-  
18          cies”;

19          (E) by striking “; and” at the end of para-  
20          graph (2)(A)(i)(II) and inserting in lieu thereof  
21          “; or”;

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

24                  “(III) for unavoidable consequences of  
25                  scientific activities or the construction and

1 operation of scientific support facilities;  
2 and”;

3 (G) by striking “with Antarctica and” in  
4 paragraph (2)(A)(ii)(II) and inserting in lieu  
5 thereof “within Antarctica are”; and

6 (H) by striking subparagraphs (C) and (D)  
7 of paragraph (2) and inserting in lieu thereof  
8 the following new subparagraph:

9 “(C) A permit authorizing the entry into an  
10 Antarctic Specially Protected Area shall be issued  
11 only—

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

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

16 “(I) there is a compelling purpose for  
17 such entry which cannot be served else-  
18 where, and

19 “(II) the actions allowed under the  
20 permit will not jeopardize the natural eco-  
21 logical system existing in such area.”.

22 **SEC. 106. REGULATIONS.**

23 Section 6 of the Antarctic Conservation Act of 1978  
24 (16 U.S.C. 2405) is amended to read as follows:

1 **“SEC. 6. REGULATIONS.**

2       “(a) REGULATIONS TO BE ISSUED BY THE DIREC-  
3 TOR.—(1) The Director shall issue such regulations as are  
4 necessary and appropriate to implement Annex II and  
5 Annex V to the Protocol and the provisions of this Act  
6 which implement those annexes, including section 4(b)(2),  
7 (3), (4), and (5) of this Act. The Director shall designate  
8 as native species—

9               “(A) each species of the class Aves;

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

11              “(C) each species of plant,

12 which is indigenous to Antarctica or which occurs there  
13 seasonally through natural migrations.

14       “(2) The Director, with the concurrence of the Ad-  
15 ministrator, shall issue such regulations as are necessary  
16 and appropriate to implement Annex III to the Protocol  
17 and the provisions of this Act which implement that  
18 Annex, including section 4(a)(1), (2), (3), and (4), and  
19 section 4(b)(1) of this Act.

20       “(3) The Director shall issue such regulations as are  
21 necessary and appropriate to implement Article 15 of the  
22 Protocol with respect to land areas and ice shelves in Ant-  
23 arctica.

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

1       “(b) REGULATIONS TO BE ISSUED BY THE SEC-  
2 RETARY OF THE DEPARTMENT IN WHICH THE COAST  
3 GUARD IS OPERATING.—The Secretary of the Department  
4 in which the Coast Guard is operating shall issue such  
5 regulations as are necessary and appropriate, in addition  
6 to regulations issued under the Act to Prevent Pollution  
7 from Ships (33 U.S.C. 1901 et seq.), to implement Annex  
8 IV to the Protocol and the provisions of this Act which  
9 implement that Annex, and, with the concurrence of the  
10 Director, such regulations as are necessary and appro-  
11 priate to implement Article 15 of the Protocol with respect  
12 to vessels.

13       “(c) TIME PERIOD FOR REGULATIONS.—The regula-  
14 tions to be issued under subsection (a)(1) and (2) of this  
15 section shall be issued within 2 years after the date of  
16 the enactment of the Antarctic Science, Tourism, and  
17 Conservation Act of 1996. The regulations to be issued  
18 under subsection (a)(3) of this section shall be issued  
19 within 3 years after the date of the enactment of the Ant-  
20 arctic Science, Tourism, and Conservation Act of 1996.”.

21 **SEC. 107. SAVING PROVISIONS.**

22       Section 14 of the Antarctic Conservation Act of 1978  
23 is amended to read as follows:

1 **“SEC. 14. SAVING PROVISIONS.**

2       “(a) REGULATIONS.—All regulations promulgated  
3 under this Act prior to the date of the enactment of the  
4 Antarctic Science, Tourism, and Conservation Act of 1996  
5 shall remain in effect until superseding regulations are  
6 promulgated under section 6.

7       “(b) PERMITS.—All permits issued under this Act  
8 shall remain in effect until they expire in accordance with  
9 the terms of those permits.”.

10                   **TITLE II—CONFORMING**  
11                   **AMENDMENTS TO OTHER LAWS**

12 **SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION**  
13                   **FROM SHIPS.**

14       (a) DEFINITIONS.—Section 2 of the Act to Prevent  
15 Pollution from Ships (33 U.S.C. 1901) is amended—

16               (1) by redesignating paragraphs (1) through  
17               (9) of subsection (a) as paragraphs (3) through  
18               (11), respectively;

19               (2) by inserting before paragraph (3), as so re-  
20               designated by paragraph (1) of this subsection, the  
21               following new paragraphs:

22                   “(1) ‘Antarctica’ means the area south of 60  
23                   degrees south latitude;

24                   “(2) ‘Antarctic Protocol’ means the Protocol on  
25                   Environmental Protection to the Antarctic Treaty,  
26                   signed October 4, 1991, in Madrid, and all annexes

1 thereto, and includes any future amendments thereto  
2 which have entered into force;” and

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

5 “(c) For the purposes of this Act, the requirements  
6 of Annex IV to the Antarctic Protocol shall apply in Ant-  
7 arctica to all vessels over which the United States has ju-  
8 risdiction.”.

9 (b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the  
10 Act to Prevent Pollution from Ships (33 U.S.C.  
11 1902(b)(1)(B)) is amended by inserting “or the Antarctic  
12 Protocol” after “MARPOL Protocol”.

13 (c) ADMINISTRATION.—Section 4 of the Act to Pre-  
14 vent Pollution from Ships (33 U.S.C. 1903) is amended—

15 (1) by inserting “, Annex IV to the Antarctic  
16 Protocol,” after “the MARPOL Protocol” in the  
17 first sentence of subsection (a);

18 (2) in subsection (b)(1) by inserting “, Annex  
19 IV to the Antarctic Protocol,” after “the MARPOL  
20 Protocol”;

21 (3) in subsection (b)(2)(A) by striking “within  
22 1 year after the effective date of this paragraph;”  
23 and

1           (4) in subsection (b)(2)(A)(i) by inserting “and  
2           of Annex IV to the Antarctic Protocol” after “the  
3           Convention”.

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

7           (1) in subsection (b) by inserting “or the Ant-  
8           arctic Protocol” after “the MARPOL Protocol”;

9           (2) in subsection (e)(1) by inserting “or the  
10          Antarctic Protocol” after “the Convention”;

11          (3) in subsection (e)(1)(A) by inserting “or Ar-  
12          ticle 9 of Annex IV to the Antarctic Protocol” after  
13          “the Convention”; and

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

16          (e) VIOLATIONS.—Section 8 of the Act to Prevent  
17          Pollution from Ships (33 U.S.C. 1907) is amended—

18          (1) in the first sentence of subsection (a) by in-  
19          serting “Annex IV to the Antarctic Protocol,” after  
20          “MARPOL Protocol”;

21          (2) in the second sentence of subsection (a)—

22                  (A) by inserting “or to the Antarctic Pro-  
23          tocol” after “to the MARPOL Protocol”; and

1 (B) by inserting “and Annex IV to the  
2 Antarctic Protocol” after “of the MARPOL  
3 Protocol”;

4 (3) in subsection (b) by inserting “or the Ant-  
5 arctic Protocol” after “MARPOL Protocol” both  
6 places it appears;

7 (4) in subsection (c)(1) by inserting “, of Arti-  
8 cle 3 or Article 4 of Annex IV to the Antarctic Pro-  
9 tocol,” after “to the Convention”;

10 (5) in subsection (c)(2) by inserting “or the  
11 Antarctic Protocol” after “which the MARPOL Pro-  
12 tocol”;

13 (6) in subsection (c)(2)(A) by inserting “,  
14 Annex IV to the Antarctic Protocol,” after  
15 “MARPOL Protocol”;

16 (7) in subsection (c)(2)(B)—

17 (A) by inserting “or the Antarctic Proto-  
18 col” after “to the MARPOL Protocol”; and

19 (B) by inserting “or Annex IV to the Ant-  
20 arctic Protocol” after “of the MARPOL Proto-  
21 col”;

22 (8) in subsection (d)(1) by inserting “, Article  
23 5 of Annex IV to the Antarctic Protocol,” after  
24 “Convention”;

25 (9) in subsection (e)(1)—

1 (A) by inserting “or the Antarctic Proto-  
2 col” after “MARPOL Protocol”; and

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

5 (10) in subsection (e)(2) by inserting “, of  
6 Annex IV to the Antarctic Protocol,” after  
7 “MARPOL Protocol”.

8 (f) PENALTIES.—Section 9 of the Act to Prevent Pol-  
9 lution from Ships (33 U.S.C. 1908) is amended—

10 (1) in subsection (a) by inserting “, Annex IV  
11 to the Antarctic Protocol,” after “MARPOL Proto-  
12 col,”;

13 (2) in subsection (b)(1) by inserting “, Annex  
14 IV to the Antarctic Protocol,” after “MARPOL Pro-  
15 tocol,”;

16 (3) in subsection (b)(2) by inserting “, Annex  
17 IV to the Antarctic Protocol,” after “MARPOL Pro-  
18 tocol,”;

19 (4) in subsection (d) by inserting “, Annex IV  
20 to the Antarctic Protocol,” after “MARPOL Proto-  
21 col,”;

22 (5) in subsection (e) by inserting “, Annex IV  
23 to the Antarctic Protocol,” after “MARPOL Proto-  
24 col”; and

1           (6) in subsection (f) by inserting “or the Ant-  
2           arctic Protocol” after “MARPOL Protocol” both  
3           places it appears.

4 **SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RE-**  
5 **SOURCE ACTIVITIES.**

6           (a) **AGREEMENT OR LEGISLATION REQUIRED.**—Sec-  
7           tion 4 of the Antarctic Protection Act of 1990 (16 U.S.C.  
8           2463) is amended by striking “Pending a new agreement  
9           among the Antarctic Treaty Consultative Parties in force  
10          for the United States, to which the Senate has given ad-  
11          vice and consent or which is authorized by further legisla-  
12          tion by the Congress, which provides an indefinite ban on  
13          Antarctic mineral resource activities, it” and inserting in  
14          lieu thereof “It”.

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

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