

Calendar No. 445

104TH CONGRESS
2^D Session

H. R. 3060

AN ACT

To implement the Protocol on Environmental
Protection to the Antarctic Treaty.

JUNE 19, 1996

Read twice and ordered to be placed on the calendar

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104TH CONGRESS
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IN THE SENATE OF THE UNITED STATES

JUNE 11, 1996

Received

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AN ACT

To implement the Protocol on Environmental Protection to
the Antarctic Treaty.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Antarctic Environ-
3 mental Protection Act of 1996”.

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

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

8 Section 2 of the Antarctic Conservation Act of 1978
9 (16 U.S.C. 2401) is amended to read as follows:

10 **“SEC. 2. FINDINGS AND PURPOSE.**

11 “(a) **FINDINGS.**—The Congress finds that the Ant-
12 arctic Treaty and the Protocol on Environmental Protec-
13 tion to the Antarctic Treaty establish a firm foundation
14 for the comprehensive protection of the Antarctic environ-
15 ment, the continuation of international cooperation, and
16 the freedom of scientific investigation in Antarctica.

17 “(b) **PURPOSE.**—The purpose of this Act is to pro-
18 vide legislative authority to implement, with respect to the
19 United States, the Protocol on Environmental Protection
20 to the Antarctic Treaty.”.

21 **SEC. 102. DEFINITIONS.**

22 Section 3 of the Antarctic Conservation Act of 1978
23 (16 U.S.C. 2402) is amended to read as follows:

24 **“SEC. 3. DEFINITIONS.**

25 “For purposes of this Act—

1 “(1) the term ‘Administrator’ means the Ad-
2 ministratoꝛ of the Environmental Protection Agency;

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

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

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

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

11 “(A) flying or landing helicopters or other
12 aircraft in a manner that disturbs concentra-
13 tions of birds or seals;

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

17 “(C) using explosives or firearms in a
18 manner that disturbs concentrations of birds or
19 seals;

20 “(D) willfully disturbing breeding or
21 molting birds or concentrations of birds or seals
22 by persons on foot;

23 “(E) significantly damaging concentrations
24 of native terrestrial plants by landing aircraft,

1 driving vehicles, or walking on them, or by
2 other means; and

3 “(F) any activity that results in the signifi-
4 cant adverse modification of habitats of any
5 species or population of native mammal, native
6 bird, native plant, or native invertebrate;

7 “(6) the term ‘historic site or monument’
8 means any site or monument listed as a historic site
9 or monument pursuant to Annex V to the Protocol;

10 “(7) the term ‘impact’ means impact on the
11 Antarctic environment and dependent and associated
12 ecosystems;

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

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

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

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

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

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

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

1 “(15) the term ‘prohibited product’ means any
2 substance banned from introduction onto land or ice
3 shelves or into water in Antarctica pursuant to
4 Annex III to the Protocol;

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

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

15 “(18) the term ‘Secretary’ means the Secretary
16 of Commerce;

17 “(19) the term ‘Specially Protected Species’
18 means any native species designated as a Specially
19 Protected Species pursuant to Annex II to the Pro-
20 tocol;

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

1 “(21) the term ‘Treaty’ means the Antarctic
2 Treaty signed in Washington, DC, on December 1,
3 1959;

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

11 “(23) the term ‘vessel subject to the jurisdiction
12 of the United States’ includes any ‘vessel of the
13 United States’ and any ‘vessel subject to the juris-
14 diction of the United States’ as those terms are de-
15 fined in section 303 of the Antarctic Marine Living
16 Resources Convention Act of 1984 (16 U.S.C.
17 2432).”.

18 **SEC. 103. PROHIBITED ACTS.**

19 Section 4 of the Antarctic Conservation Act of 1978
20 (16 U.S.C. 2403) is amended to read as follows:

21 **“SEC. 4. PROHIBITED ACTS.**

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

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

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

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

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

6 “(5) to transport passengers to, from, or within
7 Antarctica by any seagoing vessel not required to
8 comply with the Act to Prevent Pollution from Ships
9 (33 U.S.C. 1901 et seq.), unless the person has an
10 agreement with the vessel owner or operator under
11 which the owner or operator is required to comply
12 with Annex IV to the Protocol;

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

20 “(7) to damage, remove, or destroy a historic
21 site or monument;

22 “(8) to refuse permission to any authorized offi-
23 cer or employee of the United States to board a ves-
24 sel, vehicle, or aircraft of the United States, or sub-
25 ject to the jurisdiction of the United States, for the

1 purpose of conducting any search or inspection in
2 connection with the enforcement of this Act or any
3 regulation promulgated or permit issued under this
4 Act;

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

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

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

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

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

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

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

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

3 “(B) incinerating any waste on land or ice
4 shelves in Antarctica, or on board vessels at
5 points of embarkation or disembarkation, other
6 than through the use at remote field sites of in-
7 cinerator toilets for human waste;

8 “(2) to introduce into Antarctica any member
9 of a nonnative species;

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

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

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

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

1 or facilities of high value, or the protection of the environ-
2 ment.”.

3 **SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.**

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

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

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

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

24 “(2)(A) Unless an agency which proposes to conduct
25 a Federal activity in Antarctica determines that the activ-

1 ity will have less than a minor or transitory impact, or
2 unless a comprehensive environmental evaluation is being
3 prepared in accordance with subparagraph (C), the agency
4 shall prepare an initial environmental evaluation in ac-
5 cordance with Article 2 of Annex I to the Protocol.

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

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

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

1 siderations which the agency, in the exercise of its discre-
2 tion, considers relevant.

3 “(4) For the purposes of this section, the term ‘Fed-
4 eral activity’ includes all activities conducted under a Fed-
5 eral agency research program in Antarctica, whether or
6 not conducted by a Federal agency.

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

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

18 “(A) the major part of the joint activity is
19 being contributed by a government or governments
20 other than the United States;

21 “(B) one such government is coordinating the
22 implementation of environmental impact assessment
23 procedures for that activity; and

24 “(C) such government has signed, ratified, or
25 acceded to the Protocol,

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

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

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

11 “(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Ad-
12 ministrator shall, within 2 years after the date of the en-
13 actment of the Antarctic Environmental Protection Act of
14 1996, promulgate regulations to provide for—

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

20 “(B) coordination of the review of information
21 regarding environmental impact assessment received
22 from other Parties under the Protocol.

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

1 “(d) DECISION TO PROCEED.—(1) No decision shall
2 be taken to proceed with an activity for which a com-
3 prehensive environmental evaluation is prepared under
4 this section unless there has been an opportunity for con-
5 sideration of the draft comprehensive environmental eval-
6 uation at an Antarctic Treaty Consultative Meeting, ex-
7 cept that no decision to proceed with a proposed activity
8 shall be delayed through the operation of this paragraph
9 for more than 15 months from the date of circulation of
10 the draft comprehensive environmental evaluation pursu-
11 ant to Article 3(3) of Annex I to the Protocol.

12 “(2) The Secretary of State shall circulate the final
13 comprehensive environmental evaluation, in accordance
14 with Article 3(6) of Annex I to the Protocol, at least 60
15 days before the commencement of the activity in Antarc-
16 tica.

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

24 “(f) EXCLUSIVE MECHANISM.—Notwithstanding any
25 other provision of law, the requirements of this section

1 shall constitute the sole and exclusive statutory obligations
2 of the Federal agencies with regard to assessing the envi-
3 ronmental impacts of proposed Federal activities occur-
4 ring in Antarctica.

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

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

18 **SEC. 105. PERMITS.**

19 Section 5 of the Antarctic Conservation Act of 1978
20 (16 U.S.C. 2404) is amended—

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

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

25 (3) in subsection (e)—

1 (A) by striking “or native plants to which
2 the permit applies,” in paragraph (1)(A)(i) and
3 inserting in lieu thereof “native plants, or na-
4 tive invertebrates to which the permit applies,
5 and”;

6 (B) by striking paragraph (1)(A) (ii) and
7 (iii) and inserting in lieu thereof the following
8 new clause:

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

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

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

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

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

3 “(III) for unavoidable consequences of
4 scientific activities or the construction and
5 operation of scientific support facilities;
6 and”;

7 (G) by striking “with Antarctica and” in
8 paragraph (2)(A)(ii)(II) and inserting in lieu
9 thereof “within Antarctica are”; and

10 (H) by striking subparagraphs (C) and (D)
11 of paragraph (2) and inserting in lieu thereof
12 the following new subparagraph:

13 “(C) A permit authorizing the entry into an
14 Antarctic Specially Protected Area shall be issued
15 only—

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

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

20 “(I) there is a compelling purpose for
21 such entry which cannot be served else-
22 where, and

23 “(II) the actions allowed under the
24 permit will not jeopardize the natural eco-
25 logical system existing in such area.”.

1 **SEC. 106. REGULATIONS.**

2 Section 6 of the Antarctic Conservation Act of 1978
3 (16 U.S.C. 2405) is amended to read as follows:

4 **“SEC. 6. REGULATIONS.**

5 “(a) REGULATIONS TO BE ISSUED BY THE DIREC-
6 TOR.—(1) The Director shall issue such regulations as are
7 necessary and appropriate to implement Annex II and
8 Annex V to the Protocol and the provisions of this Act
9 which implement those annexes, including section 4(b) (2),
10 (3), (4), and (5) of this Act. The Director shall designate
11 as native species—

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

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

14 “(C) each species of plant,

15 which is indigenous to Antarctica or which occurs there
16 seasonally through natural migrations.

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

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

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

4 “(b) REGULATIONS TO BE ISSUED BY THE SEC-
5 RETARY OF THE DEPARTMENT IN WHICH THE COAST
6 GUARD IS OPERATING.—The Secretary of the Depart-
7 ment in which the Coast Guard is operating shall issue
8 such regulations as are necessary and appropriate, in ad-
9 dition to regulations issued under the Act to Prevent Pol-
10 lution from Ships (33 U.S.C. 1901 et seq.), to implement
11 Annex IV to the Protocol and the provisions of this Act
12 which implement that Annex, and, with the concurrence
13 of the Director, such regulations as are necessary and ap-
14 propriate to implement Article 15 of the Protocol with re-
15 spect to vessels.

16 “(c) TIME PERIOD FOR REGULATIONS.—The regula-
17 tions to be issued under subsection (a) (1) and (2) of this
18 section shall be issued within 2 years after the date of
19 the enactment of the Antarctic Environmental Protection
20 Act of 1996. The regulations to be issued under subsection
21 (a)(3) of this section shall be issued within 3 years after
22 the date of the enactment of the Antarctic Environmental
23 Protection Act of 1996.”.

1 **SEC. 107. SAVING PROVISIONS.**

2 Section 14 of the Antarctic Conservation Act of 1978
3 is amended to read as follows:

4 **“SEC. 14. SAVING PROVISIONS.**

5 “(a) REGULATIONS.—All regulations promulgated
6 under this Act prior to the date of the enactment of the
7 Antarctic Environmental Protection Act of 1996 shall re-
8 main in effect until superseding regulations are promul-
9 gated under section 6.

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

13 **TITLE II—AMENDMENTS TO ANT-**
14 **ARCTIC PROTECTION ACT OF**
15 **1990**

16 **SEC. 201. FINDING AND PURPOSE.**

17 Section 2 of the Antarctic Protection Act of 1990 (16
18 U.S.C. 2461) is amended to read as follows:

19 **“SEC. 2. FINDING AND PURPOSE.**

20 “(a) FINDING.—The Congress finds that the Protocol
21 on Environmental Protection to the Antarctic Treaty pro-
22 hibits indefinitely Antarctic mineral resource activities.

23 “(b) PURPOSE.—The purpose of this Act is to pro-
24 vide legislative authority to implement, with respect to the
25 United States, Article 7 of the Protocol on Environmental
26 Protection to the Antarctic Treaty.”.

1 **SEC. 202. PROHIBITION OF ANTARCTIC MINERAL RE-**
2 **SOURCE ACTIVITIES.**

3 Section 4 of the Antarctic Protection Act of 1990 (16
4 U.S.C. 2463) is amended by striking “Pending a new
5 agreement among the Antarctic Treaty Consultative Par-
6 ties in force for the United States, to which the Senate
7 has given advice and consent or which is authorized by
8 further legislation by the Congress, which provides an in-
9 definite ban on Antarctic mineral resource activities, it”
10 and inserting in lieu thereof “It”.

11 **SEC. 203. ADDITIONAL AMENDMENTS.**

12 (a) REPEALS.—Sections 5 and 7 of the Antarctic
13 Protection Act of 1990 (16 U.S.C. 2464 and 2466) are
14 repealed.

15 (b) REDESIGNATION.—Section 6 of the Antarctic
16 Protection Act of 1990 (16 U.S.C. 2465) is redesignated
17 as section 5.

18 **TITLE III—AMENDMENTS TO**
19 **THE ACT TO PREVENT POLLU-**
20 **TION FROM SHIPS**

21 **SEC. 301. AMENDMENTS.**

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

24 (1) by redesignating paragraphs (1) through
25 (10) of subsection (a) as paragraphs (3) through
26 (12), respectively;

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

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

6 “(2) ‘Antarctic Protocol’ means the Protocol on
7 Environmental Protection to the Antarctic Treaty,
8 signed October 4, 1991, in Madrid, and all annexes
9 thereto, and includes any future amendments thereto
10 which have entered into force;” and

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

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

17 (b) APPLICATION OF ACT.—Section 3(b)(1)(B) of the
18 Act to Prevent Pollution from Ships (33 U.S.C.
19 1902(b)(1)(B)) is amended by inserting “or the Antarctic
20 Protocol” after “MARPOL Protocol”.

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

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

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

4 (3) in subsection (b)(2)(A) by striking “within
5 1 year after the effective date of this paragraph,”;
6 and

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

10 (d) POLLUTION RECEPTION FACILITIES.—Section 6
11 of the Act to Prevent Pollution from Ships (33 U.S.C.
12 1905) is amended—

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

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

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

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

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

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

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

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

7 (B) by inserting “and Annex IV to the
8 Antarctic Protocol” after “of the MARPOL
9 Protocol”;

10 (3) in subsection (b) by inserting “or the Ant-
11 arctic Protocol” after “MARPOL Protocol” both
12 places it appears;

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

16 (5) in subsection (c)(2) by inserting “or the
17 Antarctic Protocol” after “which the MARPOL Pro-
18 tocol”;

19 (6) in subsection (c)(2)(A) by inserting “,
20 Annex IV to the Antarctic Protocol,” after
21 “MARPOL Protocol”;

22 (7) in subsection (c)(2)(B)—

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

1 (B) by inserting “or Annex IV to the Ant-
2 arctic Protocol” after “of the MARPOL Proto-
3 col”;

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

7 (9) in subsection (e)(1)—

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

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

12 (10) in subsection (e)(2) by inserting “, of
13 Annex IV to the Antarctic Protocol,” after
14 “MARPOL Protocol”.

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

17 (1) in subsection (a) by inserting “Annex IV to
18 the Antarctic Protocol,” after “MARPOL Proto-
19 col,”;

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

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

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

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

7 (6) in subsection (f) by inserting “or the Ant-
8 arctic Protocol” after “MARPOL Protocol” both
9 places it appears.

Passed the House of Representatives June 10, 1996.

Attest:

ROBIN H. CARLE,

Clerk.

By LINDA NAVE,

Deputy Clerk.