

Although I continue to object to the privatization section of this legislation, I will be supporting the bill because it includes authorization for needed Federal expenditures. In addition, I am extremely pleased that the bill also includes, at my request, language eliminating the dual mandate of the FAA. This new language will clearly direct the FAA to promote the safety of air travel, not promote the airline industry. I have long sought this change in the FAA's authorizing statute and I thank the committee for including this in the bill we are considering today.

Mr. SHUSTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Ms. GREENE of Utah). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER], that the House suspend the rules and pass the bill, H.R. 3539, as amended.

The question was taken.

Mr. CANADY of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1545

#### GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3539, the bill just considered.

The SPEAKER pro tempore. (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Antarctic Science, Tourism, and Conservation Act of 1996".

##### TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

##### SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Section 2(a) of the Antarctic Conservation Act of 1978 (16 U.S.C. 2401(a)) is amended—

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

"(1) for well over a quarter of a century, scientific investigation has been the principal activity of the Federal Government and United States nationals in Antarctica;

"(2) more recently, interest of American tourists in Antarctica has increased;

"(3) as the lead civilian agency in Antarctica, the National Science Foundation has long had responsibility for ensuring that United States scientific activities and tourism, and their supporting logistics operations, are conducted with an eye to preserving the unique values of the Antarctic region;";

(2) by striking "the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation" in paragraph (4), as redesignated, and inserting "the Protocol establish a firm foundation for the conservation of Antarctic resources";

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

"(5) the Antarctic Treaty and the Protocol establish international mechanisms and create legal obligations necessary for the maintenance of Antarctica as a natural reserve devoted to peace and science.".

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

##### SEC. 102. DEFINITIONS.

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

##### "SEC. 3. DEFINITIONS.

"For purposes of this Act—

"(1) the term 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) the term 'Antarctica' means the area south of 60 degrees south latitude;

"(3) the term 'Antarctic Specially Protected Area' means an area identified as such pursuant to Annex V to the Protocol;

"(4) the term 'Director' means the Director of the National Science Foundation;

"(5) the term 'harmful interference' means—

"(A) flying or landing helicopters or other aircraft in a manner that disturbs concentrations of birds or seals;

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

"(C) using explosives or firearms in a manner that disturbs concentrations of birds or seals;

"(D) willfully disturbing breeding or molting birds or concentrations of birds or seals by persons on foot;

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

"(F) any activity that results in the significant adverse modification of habitats of any species or population of native mammal, native bird, native plant, or native invertebrate;

"(6) the term 'historic site or monument' means any site or monument listed as an historic site or monument pursuant to Annex V to the Protocol;

"(7) the term 'impact' means impact on the Antarctic environment and dependent and associated ecosystems;

"(8) the term 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into or introduce into, any place subject to the jurisdiction of the United States, including the 12-mile territorial sea of the United States, whether or not such act constitutes an importation within the meaning of the customs laws of the United States;

"(9) the term 'native bird' means any member, at any stage of its life cycle (including eggs), of any species of the class Aves which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(10) the term 'native invertebrate' means any terrestrial or freshwater invertebrate, at any stage of its life cycle, which is indigenous to Antarctica, and includes any part of such invertebrate;

"(11) the term 'native mammal' means any member, at any stage of its life cycle, of any species of the class Mammalia, which is indigenous to Antarctica or occurs there seasonally through natural migrations, and includes any part of such member;

"(12) the term 'native plant' means any terrestrial or freshwater vegetation, including bryophytes, lichens, fungi, and algae, at any stage of its life cycle (including seeds and other propagules), which is indigenous to Antarctica, and includes any part of such vegetation;

"(13) the term 'non-native species' means any species of animal or plant which is not indigenous to Antarctica and does not occur there seasonally through natural migrations;

"(14) the term 'person' has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States and any department, agency, or other instrumentality of the Federal Government or of any State or local government;

"(15) the term 'prohibited product' means any substance banned from introduction onto land or ice shelves or into water in Antarctica pursuant to Annex III to the Protocol;

"(16) the term 'prohibited waste' means any substance which must be removed from Antarctica pursuant to Annex III to the Protocol, but does not include materials used for balloon envelopes required for scientific research and weather forecasting;

"(17) the term 'Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, including any future amendments thereto to which the United States is a party;

"(18) the term 'Secretary' means the Secretary of Commerce;

"(19) the term 'Specially Protected Species' means any native species designated as a Specially Protected Species pursuant to Annex II to the Protocol;

"(20) the term 'take' means to kill, injure, capture, handle, or molest a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected;

"(21) the term 'Treaty' means the Antarctic Treaty signed in Washington, DC, on December 1, 1959;

"(22) the term 'United States' means the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

"(23) the term 'vessel subject to the jurisdiction of the United States' includes any 'vessel of the United States' and any 'vessel subject to the jurisdiction of the United States' as those terms are defined in section 303 of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2432)."

##### SEC. 103. PROHIBITED ACTS.

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

##### "SEC. 4. PROHIBITED ACTS.

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

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

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

"(3) to dispose of any prohibited waste in Antarctica;

"(4) to engage in open burning of waste;

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

“(6) who organizes, sponsors, operates, or promotes a nongovernmental expedition to Antarctica, and who does business in the United States, to fail to notify all members of the expedition of the environmental protection obligations of this Act, and of actions which members must take, or not take, in order to comply with those obligations;

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

“(8) to refuse permission to any authorized officer or employee of the United States to board a vessel, vehicle, or aircraft of the United States, or subject to the jurisdiction of the United States, for the purpose of conducting any search or inspection in connection with the enforcement of this Act or any regulation promulgated or permit issued under this Act;

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

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

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

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

“(13) to attempt to commit or cause to be committed any act prohibited by this section.

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

“(1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships) including—

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

“(B) incinerating any waste on land or ice shelves in Antarctica, or on board vessels at points of embarkation or debarkation, other than through the use at remote field sites of incinerator toilets for human waste;

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

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

“(4) to engage in any taking or harmful interference in Antarctica; or

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

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

#### SEC. 104. ENVIRONMENTAL IMPACT ASSESSMENT.

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

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

“(a) FEDERAL ACTIVITIES.—(1)(A) The obligations of the United States under Article 8 of and Annex I to the Protocol shall be implemented by applying the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to proposals for

Federal agency activities in Antarctica, as specified in this section.

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

“(2)(A) Unless an agency which proposes to conduct a Federal activity in Antarctica determines that the activity will have less than a minor or transitory impact, or unless a comprehensive environmental evaluation is being prepared in accordance with subparagraph (C), the agency shall prepare an initial environmental evaluation in accordance with Article 2 of Annex I to the Protocol.

“(B) If the agency determines, through the preparation of the initial environmental evaluation, that the proposed Federal activity is likely to have no more than a minor or transitory impact, the activity may proceed if appropriate procedures are put in place to assess and verify the impact of the activity.

“(C) If the agency determines, through the preparation of the initial environmental evaluation or otherwise, that a proposed Federal activity is likely to have more than a minor or transitory impact, the agency shall prepare and circulate a comprehensive environmental evaluation in accordance with Article 3 of Annex I to the Protocol, and shall make such comprehensive environmental evaluation publicly available for comment.

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

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

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

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

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

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

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

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

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

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

“(c) NONGOVERNMENTAL ACTIVITIES.—(1) The Administrator shall, within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996, promulgate regulations to provide for—

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

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

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

“(d) DECISION TO PROCEED.—(1) No decision shall be taken to proceed with an activity for which a comprehensive environmental evaluation is prepared under this section unless there has been an opportunity for consideration of the draft comprehensive environmental evaluation at an Antarctic Treaty Consultative Meeting, except that no decision to proceed with a proposed activity shall be delayed through the operation of this paragraph for more than 15 months from the date of circulation of the draft comprehensive environmental evaluation pursuant to Article 3(3) of Annex I to the Protocol.

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

“(e) CASES OF EMERGENCY.—The requirements of this section, and of regulations promulgated under this section, shall not apply in cases of emergency relating to the safety of human life or of ships, aircraft, or equipment and facilities of high value, or the protection of the environment, which require an activity to be undertaken without fulfilling those requirements.

“(f) EXCLUSIVE MECHANISM.—Notwithstanding any other provision of law, the requirements of this section shall constitute the sole and exclusive statutory obligations of the Federal agencies with regard to assessing the environmental impacts of proposed Federal activities occurring in Antarctica.

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

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

#### SEC. 105. PERMITS.

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

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

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

and

(3) in subsection (e)—

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

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

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

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

(D) by striking "specially protected species" in paragraph (2)(A) and (B) and inserting in lieu thereof "Specially Protected Species";

(E) by striking ";" and" at the end of paragraph (2)(A)(i)(II) and inserting in lieu thereof "; or";

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

"(III) for unavoidable consequences of scientific activities or the construction and operation of scientific support facilities; and";

(G) by striking "with Antarctica and" in paragraph (2)(A)(ii)(II) and inserting in lieu thereof "within Antarctica are"; and

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

"(C) A permit authorizing the entry into an Antarctic Specially Protected Area shall be issued only—

"(i) if the entry is consistent with an approved management plan, or

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

"(I) there is a compelling purpose for such entry which cannot be served elsewhere, and

"(II) the actions allowed under the permit will not jeopardize the natural ecological system existing in such area."

#### SEC. 106. REGULATIONS.

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

##### "SEC. 6. REGULATIONS.

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

"(A) each species of the class Aves;

"(B) each species of the class Mammalia; and

"(C) each species of plant,

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

"(2) The Director, with the concurrence of the Administrator, shall issue such regulations as are necessary and appropriate to implement Annex III to the Protocol and the provisions of this Act which implement that Annex, including section 4(a)(1), (2), (3), and (4), and section 4(b)(1) of this Act.

"(3) The Director shall issue such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to land areas and ice shelves in Antarctica.

"(4) The Director shall issue such additional regulations as are necessary and appropriate to implement the Protocol and this Act, except as provided in subsection (b).

"(b) REGULATIONS TO BE ISSUED BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING.—The Secretary of the Department in which the Coast Guard is operating shall issue such regulations as are necessary and appropriate, in addition to regulations issued under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), to implement Annex IV to the Protocol and the provisions of this Act which implement that Annex, and, with the concurrence of the Director, such regulations as are necessary and appropriate to implement Article 15 of the Protocol with respect to vessels.

"(c) TIME PERIOD FOR REGULATIONS.—The regulations to be issued under subsection (a)(1) and (2) of this section shall be issued within 2 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996. The regulations to be issued under subsection (a)(3) of this section shall be issued within 3 years after the date of the enactment of the Antarctic Science, Tourism, and Conservation Act of 1996."

#### SEC. 107. SAVING PROVISIONS.

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

##### "SEC. 14. SAVING PROVISIONS.

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

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

#### TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS

##### SEC. 201. AMENDMENTS TO ACT TO PREVENT POLLUTION FROM SHIPS.

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

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

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

"(1) 'Antarctica' means the area south of 60 degrees south latitude;

"(2) 'Antarctic Protocol' means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force"; and

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

"(c) For the purposes of this Act, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction."

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

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

(1) by inserting "; Annex IV to the Antarctic Protocol," after "the MARPOL Protocol" in the first sentence of subsection (a);

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

(3) in subsection (b)(2)(A) by striking "within 1 year after the effective date of this paragraph,"; and

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

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

(1) in subsection (b) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol";

(2) in subsection (e)(1) by inserting "or the Antarctic Protocol" after "the Convention";

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

(4) in subsection (f) by inserting "or the Antarctic Protocol" after "the MARPOL Protocol".

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

(1) in the first sentence of subsection (a) by inserting "Annex IV to the Antarctic Protocol," after "MARPOL Protocol";

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

(A) by inserting "or to the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "and Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

(3) in subsection (b) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears;

(4) in subsection (c)(1) by inserting "; of Article 3 or Article 4 of Annex IV to the Antarctic Protocol," after "to the Convention";

(5) in subsection (c)(2) by inserting "or the Antarctic Protocol" after "which the MARPOL Protocol";

(6) in subsection (c)(2)(A) by inserting "; Annex IV to the Antarctic Protocol," after "MARPOL Protocol";

(7) in subsection (c)(2)(B)—

(A) by inserting "or the Antarctic Protocol" after "to the MARPOL Protocol"; and

(B) by inserting "or Annex IV to the Antarctic Protocol" after "of the MARPOL Protocol";

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

(9) in subsection (e)(1)—

(A) by inserting "or the Antarctic Protocol" after "MARPOL Protocol"; and

(B) by striking "that Protocol" and inserting in lieu thereof "those Protocols"; and

(10) in subsection (e)(2) by inserting "; of Annex IV to the Antarctic Protocol," after "MARPOL Protocol".

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

(1) in subsection (a) by inserting "; Annex IV to the Antarctic Protocol," after "MARPOL Protocol";

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

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

(4) in subsection (d) by inserting "; Annex IV to the Antarctic Protocol," after "MARPOL Protocol";

(5) in subsection (e) by inserting "; Annex IV to the Antarctic Protocol," after "MARPOL Protocol"; and

(6) in subsection (f) by inserting "or the Antarctic Protocol" after "MARPOL Protocol" both places it appears.

#### SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking "Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it" and inserting in lieu thereof "It".

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

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

#### TITLE III—POLAR RESEARCH AND POLICY STUDY

##### SEC. 301. POLAR RESEARCH AND POLICY STUDY.

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

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

(2) all of the Federal programs relating to Arctic and Antarctic research and the total amount of funds expended annually for each such program, including—

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

(B) a comparison of the funding for research in the Arctic and Antarctic;

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to bring before the House of Representatives H.R. 3060, the Antarctic Environmental Protection Act. I, along with the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Virginia [Mr. DAVIS], the gentleman from California [Mr. BROWN], and 16 other members from the Committee on Science, introduced H.R. 3060 on March 12, 1996 to enable the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty.

Madam Speaker, the House passed H.R. 3060 on June 10, 1996 by a vote of 352 to 4. Yesterday the Senate sent back to us by unanimous consent the bill with a minor addition, a provision calling for a study of the amount of money the National Science Foundation spends on Arctic and Antarctic research. The Senate provision is non-controversial and in no way impacts the provisions of the underlying bill.

H.R. 3060 enjoys universal support. The League of Conservation Voters, the Antarctic Project, the World Wildlife Fund, Greenpeace, the Sierra Club, and the Antarctic and Southern Ocean Coalition have all endorsed the bill. The National Science Foundation and the Department of State have also testified in support of enactment of H.R. 3060. In fact the Sierra Club calls this legislation a "tremendous achievement."

Madam Speaker, H.R. 3060 provides the legislative authority necessary for the United States to implement the 1991 Protocol on Environmental Protection to the Antarctic Treaty. The protocol represents an important addition to the uniquely successful system of peaceful cooperation and scientific research that has evolved under the Antarctic Treaty of 1959.

In 1991 the consultative parties agreed to strengthen the Antarctic's environment protections through a Protocol on Environmental Protection. The protocol builds on the Antarctic Treaty in an effort to improve the treaty's protections for the Antarctic environment. The protocol reaffirms the treaty's use of Antarctica specifically for peaceful purposes and accords priority to scientific research among the permitted activities.

The 1991 protocol is not self-executing. It requires each of the consultative parties to enact instruments of ratification to codify the terms of the protocol before it can enter into force. Two previous Congresses failed to pass the needed instruments of ratification for the 1991 Environmental Protocol to the Antarctic Treaty to take effect.

As with the safe drinking water reauthorization, the House has a historic

opportunity to pass long overdue environmental legislation. I urge my colleagues to join me in voting to send H.R. 3060 to the President for his signature.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of California. Madam Speaker, I yield myself such time as I may consume.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Madam Speaker, I rise also in strong support of H.R. 3060. Passage of this bill, as the gentleman from Pennsylvania [Mr. WALKER] indicated, will allow the United States to implement the Protocol on Environmental Protection to the Antarctic treaty.

The Antarctic Environmental Protection Act passed the House last June with strong bipartisan support. The bill before the House today is a slightly modified version of that bill, which was recently approved by the other body. Final passage of H.R. 3060 today will help ensure the preservation of one of the last pristine regions of the Earth and will ensure that Antarctica's enormous value as a scientific laboratory is not degraded.

I want to congratulate the chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], for his efforts to develop this bill and to bring it to final passage today. I have been pleased to work cooperatively with him on what has truly been a bipartisan effort. The culmination of this process is a bill that enjoys the support of Antarctic scientists, environmentalists and the Federal agencies responsible for administering the U.S. national program in Antarctica.

The proponents of H.R. 3060 all recognize the importance of protecting Antarctica as a unique world resource while allowing the valuable research carried on there to go forward. The Environmental Protocol designates Antarctica as a natural preserve devoted to peace and science and sets forth environmental protection principles and specific rules applicable to all human activities on the continent. Final ratification of the protocol by the United States, which becomes possible with passage of H.R. 3060, will help spur action by the remaining nations which have not completed ratification.

Madam Speaker, H.R. 3060 is a bipartisan bill that will ensure that a sensible and comprehensive environmental protection regime is instituted to govern all international activities conducted in Antarctica. The bill has been enthusiastically endorsed by those most affected by its provisions and closest to the issues involved. I urge my colleagues to support passage of the measure.

Madam Speaker, I reserve the balance of my time.

Mr. WALKER. Madam Speaker, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me the time, I thank him for his leadership on this issue and for the leadership of the gentleman from California [Mr. BROWN], ranking member, on this issue.

Madam Speaker, this is truly a landmark day for those of us who are seeking protection of the antarctic environment.

For the past 5 years, those of us who have been ardent longtime supporters for the preservation of the Antarctic Continent and its surrounding seas, have been working diligently toward this day.

Now with the passage of this bill today, and the President's subsequent signature into law, we will have finally achieved our objective since the United States began consideration of the implementation of the 1991 Protocol on Environmental Protection of the Antarctic Treaty.

While the United States is taking one small environmental step today, it is the Antarctic Continent and the nations with antarctic settlements which will be on the verge of taking one giant collective leap forward to protect the antarctic environment from the adverse effects of human activities.

After U.S. ratification of the Antarctic Treaty is enacted, and its eventual passage in the remaining 5 of 26 countries, the treaty will become fully enforceable.

Having had the opportunity to personally visit and participate in studies in Antarctica, under the guidance of the National Science Foundation, I clearly understand the need to reinforce the status of Antarctica as a natural reserve devoted to peace and science.

Antarctica provides the world with an unmatched natural laboratory for scientific research.

This international research is making invaluable contributions to our insights into the history of the Earth, the evolution of our universe, world climate change, global ocean circulation, ozone depletion, and astronomy, among many other very important planetary issues.

There are, however, pressures on the antarctic environment from the effect of human activity, which has risen fairly dramatically since research activities have intensified over the past few decades.

Today, there are more scientific stations on the continent, housing more scientists and support personnel, than ever.

Coupled with an increasing rise in antarctic tourism, additional pressures are made daily to this very unique and delicate environment.

The need to move forward on implementing the protocol is pressing and is never more compelling than now.

As world leaders in environmental stewardship, it is paramount that the United States join the other 20 current signatory parties that have enacted

ratification of the protocol in their nation's legislative bodies.

It should also be noted, ironically however, that although the protocol is not yet in force on the U.S. settlements, we, for the most part, already adhere to the protocol tenants.

For example, NSF already conducts its antarctic activities in a manner consistent with the protocol's requirements and already issues environmental assessment regulations in compliance with the protocol.

Madam Speaker, I am a proud original cosponsor and a strong supporter of H.R. 3060, the Antarctic Environmental Protection Act.

H.R. 3060 comprehensively and effectively implements the Antarctic Treaty.

It achieves the appropriate balance between sound environmental practices and the promotion of antarctic scientific research.

It certainly deserves our support today and has already received the support of many others.

Not only is there a strong bipartisan congressional support for the bill, but it is also supported by a wide coalition of major environmental groups, the administration, and the antarctic research community.

I commend the chairman of the Science Committee, the gentleman from Pennsylvania, for his leadership in this effort.

The committee has played a crucial role in negotiating the language in this bill with such disparate groups as the State Department, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Antarctica Project, the World Wildlife Fund, and Greenpeace, among others.

Madam Speaker, I urge all of my colleagues to support this important legislation to implement the Antarctic Environmental Protocol.

In doing so, we will preserve this fragile and still-developing glacier ecosystem for generations to come.

□ 1600

Mr. BROWN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, today the House is considering the Senate amendments to H.R. 3060, the Antarctic Science, Tourism and Conservation Act of 1996. This bill brings U.S. law in line with the international agreement covering Antarctic environmental protection. The bill was referred to the House Resources Committee which I chair. In an effort to cooperate with the Science Committee, the Resources Committee agreed to let the measure be considered by the full House without amending the bill.

In the Senate, my Alaska colleague, Senator TED STEVENS, added an important amendment which I support. The Stevens amendment requires that the National Science Foundation provide Congress with a Polar Research and Policy Study by March 1, 1997. It will provide Congress with a status report on the implementation of the Arctic Environmental

Protection Strategy; a comparison of Federal Arctic and Antarctic research efforts; and an assessment of what needs to be done to implement the Arctic Research Commission's recommendations for Arctic research.

The Antarctic environment is, of course, very important and I am pleased that we are acting on this bill to improve our understanding of that continent and its surrounding waters. However, the Arctic also faces many difficult resource management issues. These issues include how to fairly manage wildlife to meet the needs of native people in the Arctic, and how to deal with the massive pollution problems created by Soviet industrial and military use of Arctic land and water. The study called for in this bill will give us the information we need to properly allocate Federal logistical and financial resources in order to make sure that the Arctic and those that live there get a fair share of Federal research dollars.

I am glad that the House is acting to clear this bill today, and I urge an "aye" vote.

Mr. SCHIFF. Madam Speaker, the Subcommittee on Basic Research, which I chair, has responsibility for the National Science Foundation [NSF]. NSF is responsible, in part, for conducting research in Antarctica and the protection of the environment in this pristine and unique part of the world. The subcommittee has recently completed hearings on the future of the South Pole Station and the role of NSF in Antarctic research.

I believe it is important to recognize the uniqueness of Antarctica; a place where the temperature in winter can exceed  $-45^{\circ}$  F and winds can reach 180 miles per hour; a place  $1\frac{1}{2}$  times the size of the United States. Antarctica's associated seas represent nearly 6 percent of the world's oceans and its ice, 70 percent of the Earth's fresh water. Lately, there have been news articles of the discovery of a large underground freshwater lake in Antarctica, Lake Vostok, 140 miles long, 30 miles wide, buried under 9,000 feet of ice and heated by the earth's core. And, most recently in the headline news, the meteorite that is credited with evidence of life on Mars was discovered in Antarctica.

We have much to learn from this area. The United States has important foreign policy, national security, scientific, and environmental interests in this vast region. With respect to international involvement in the Antarctic, there are seven countries which have territorial claims on Antarctica. The United States does not recognize these claims and there are 26 consultative parties to the Antarctic Treaty. Therefore, as we look to the future, the responsibilities of the United States and our commitment to the Antarctic and our role at the South Pole Station raises many questions.

This is one reason why the passage of H.R. 3060 is so important. The U.S. Senate gave its advice and consent to ratification of the Antarctic protocol in 1992. All that remains for the United States to become a party to the protocol is to enact the necessary implementing legislation. The protocol will activate when all 26 of the Antarctic Treaty consultative parties implement it. So far, 20 of the consultative parties have done so. The United States' ratification will provide impetus for the remaining five to join, as well.

I am proud to have been an original cosponsor of this bill. I want to commend Chairman WALKER for his leadership on this issue. I also want to point out that this has been a biparti-

san issue. Mr. BROWN and Mr. CRAMER have been very supportive in our efforts to protect, understand, and research the continent of Antarctica.

I urge my colleagues to support this legislation.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3060.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and concur in the Senate amendment to H.R. 3060.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTION IN ENROLLMENT OF H.R. 3060, ANTARCTIC ENVIRONMENTAL PROTECTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the concurrent resolution (H. Con. Res. 211), directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 211

*Resolved by the House of Representatives (the Senate concurring).* That in the enrollment of the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty, the Clerk of the House of Representatives shall make the following technical correction: In section 201(a)(1) strike "paragraphs (1) through (9) of subsection (a) as paragraphs (3) through (11)" and insert in lieu thereof "paragraphs (1) through (10) of subsection (a) as paragraphs (3) through (12)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALIFORNIA INDIAN LAND TRANSFER ACT

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3642) to provide for the transfer of public lands to certain California Indian Tribes.