

Resources of the Senate and the Committee on Natural Resources of the House of Representatives, a compilation of Federal statutes and programs providing authority for the planning, funding, or operation of transportation projects which might be utilized by the Secretary to carry out the purpose of this chapter. The Secretary shall revise the compilation thereafter as he deems necessary.

(Pub. L. 95-344, title III, §303, Aug. 15, 1978, 92 Stat. 479; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsec. (a) pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

§ 2304. Procedures applicable to formulation and implementation of transportation plans and projects developed pursuant to plans

(a) Public notice and meeting

The Secretary shall, during the formulation of any transportation plan authorized pursuant to section 2302 of this title—

- (1) give public notice of intention to formulate such a plan by publication in the Federal Register and in a newspaper or periodical having general circulation in the vicinity of the affected unit of the national park system;¹
- (2) following such notice hold a public meeting at a location or locations convenient to the affected unit of the National Park System.

(b) Notice and opportunity to comment given to State and local governments; report to Congressional committees

Prior to the implementation of any project developed pursuant to the transportation plan formulated pursuant to subsection (a) of this section, the Secretary shall—

- (1) establish procedures, including but not limited to public meetings, to give State and local governments and the public adequate notice and an opportunity to comment on the proposed transportation project; and
- (2) submit, when the proposed project would involve an expenditure in excess of \$100,000 in any fiscal year, a detailed report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives. The Secretary may proceed with the implementation of such plan only after sixty days (not counting days on which the Senate or House of Representatives has adjourned for more than three consecutive days) have elapsed following submission of the plan.

(Pub. L. 95-344, title III, §304, Aug. 15, 1978, 92 Stat. 479; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584.)

¹ So in original. Probably should be followed by “and”.

AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 2305. Report to Congress; contents

The Secretary shall submit a report to the Congress within three years of August 15, 1978. The report shall include, but not be limited to, his findings and recommendations regarding—

- (a) preservation of natural resource values within units of the National Park System through access alternatives;
- (b) effects of transportation projects on communities in close proximity to the units of the National Park System; and
- (c) future transportation projects formulated pursuant to this chapter.

(Pub. L. 95-344, title III, §305, Aug. 15, 1978, 92 Stat. 479.)

§ 2306. Authorization of appropriations; availability of amounts

In carrying out the purposes of this chapter, there is hereby authorized to be appropriated \$1,000,000 for fiscal year 1979; \$2,000,000 for fiscal year 1980; and \$3,000,000 for fiscal year 1981, which shall remain available until expended. In a fiscal year when the amounts actually appropriated are less than the amounts listed above, the authorized but unappropriated amount shall continue to be available for appropriation in succeeding fiscal years.

(Pub. L. 95-344, title III, §306, Aug. 15, 1978, 92 Stat. 480.)

CHAPTER 44—ANTARCTIC CONSERVATION

Sec.	
2401.	Congressional findings and declaration of purpose.
2402.	Definitions.
2403.	Prohibited acts.
2403a.	Environmental impact assessment.
2404.	Permits.
2405.	Regulations.
2406.	Notification of travel to Antarctica.
2407.	Civil penalties.
2408.	Criminal offenses.
2409.	Enforcement.
2410.	Jurisdiction of district courts.
2411.	Federal agency cooperation.
2412.	Relationship to existing treaties.
2413.	Saving provisions.

§ 2401. Congressional findings and declaration of purpose

(a) Findings

The Congress finds that—

- (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;

(4) the Antarctic Treaty and the Protocol establish a firm foundation for the conservation of Antarctic resources, for the continuation of international cooperation and the freedom of scientific investigation in Antarctica; and

(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

The purpose of this chapter is to provide for the conservation and protection of the fauna and flora of Antarctica, and of the ecosystem upon which such fauna and flora depend, consistent with the Antarctic Treaty and the Protocol.

(Pub. L. 95-541, §2, Oct. 28, 1978, 92 Stat. 2048; Pub. L. 104-227, title I, §101, Oct. 2, 1996, 110 Stat. 3034.)

AMENDMENTS

1996—Subsec. (a)(1) to (3). Pub. L. 104-227, §101(a)(1), added pars. (1) to (3). Former pars. (1) and (2) redesignated (4) and (5), respectively.

Subsec. (a)(4). Pub. L. 104-227, §101(a)(1), (2), redesignated par. (1) as (4) and substituted “the Protocol establish a firm foundation for the conservation of Antarctic resources,” for “the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted at the Third Antarctic Treaty Consultative Meeting, have established a firm foundation”.

Subsec. (a)(5). Pub. L. 104-227, §101(a)(1), (3), redesignated par. (2) as (5) and substituted “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.” for “the study of Antarctic fauna and flora, their adaptation to their rigorous environment, and their interrelationships with that environment has special scientific importance for all mankind.”

Subsec. (b). Pub. L. 104-227, §101(b), substituted “Treaty and the Protocol” for “Treaty, the Agreed Measures for the Conservation of Antarctic Fauna and Flora, and Recommendation VII-3 of the Eighth Antarctic Treaty Consultative Meeting”.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-227, §1, Oct. 2, 1996, 110 Stat. 3034, provided that: “This Act [enacting sections 2403a and 2413 of this title, amending this section, sections 2402 to 2405, and 2463 of this title, and sections 1901 to 1903, 1905, 1907, and 1908 of Title 33, Navigation and Navigable Waters, and repealing sections 2464 and 2466 of this title] may be cited as the ‘Antarctic Science, Tourism, and Conservation Act of 1996’.”

SHORT TITLE

Pub. L. 95-541, §1, Oct. 28, 1978, 92 Stat. 2048, provided: “That this Act [enacting this chapter, amending section 1971 of Title 22, Foreign Relations and Intercourse, and enacting a provision set out as a note under section 1971 of Title 22] may be cited as the ‘Antarctic Conservation Act of 1978’.”

§ 2402. Definitions

For purposes of this chapter—

(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 a 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 and includes any person subject to the jurisdiction of the United States and any department,