

**CHAPTER 44B—ANTARCTIC MINERAL
RESOURCES PROTECTION**

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| Sec. | |
| 2461. | Findings and purpose. |
| 2462. | Definitions. |
| 2463. | Prohibition of Antarctic mineral resource activities. |
| 2464. | Repealed. |
| 2465. | Enforcement. |
| 2466. | Repealed. |

§ 2461. Findings and purpose

(a) Findings

Congress finds that—

(1) the Antarctic continent with its associated and dependent ecosystems is a distinctive environment providing a habitat for many unique species and offering a natural laboratory from which to monitor critical aspects of stratospheric ozone depletion and global climate change;

(2) Antarctica is protected by a series of international agreements, including the Antarctic Treaty and associated recommendations, the Convention on the Conservation of Antarctic Seals, and the Convention on the Conservation of Antarctic Marine Living Resources, which are intended to conserve the renewable natural resources of Antarctica and to recognize the importance of Antarctica for the conduct of scientific research;

(3) recurring and recent developments in Antarctica, including increased siting of scientific stations, poor waste disposal practices, oil spills, increased tourism, and the over-exploitation of marine living resources, have raised serious questions about the adequacy and implementation of existing agreements and domestic law to protect the Antarctic environment and its living marine resources;

(4) the parties to the Antarctic Treaty have negotiated a Convention on the Regulation of Antarctic Mineral Resources Activities which the United States has signed but not yet ratified;

(5) the Convention on the Regulation of Antarctic Mineral Resources Activities does not guarantee the preservation of the fragile environment of Antarctica and could actually stimulate movement toward Antarctic mineral resource activity;

(6) the exploitation of mineral resources in Antarctica could lead to additional degradation of the Antarctic environment, including increased risk of oil spills;

(7) the Antarctic Treaty Consultative Parties have agreed to a voluntary ban on Antarctic mineral resource activities which needs to be made legally binding;

(8) the level of scientific study, including necessary support facilities, has increased to the point that some scientific programs may be degrading the Antarctic environment; and

(9) the planned special consultative meeting of parties to the Antarctic Treaty and the imminence of the thirtieth anniversary of the Antarctic Treaty provide opportunities for the United States to exercise leadership toward protection and sound management of Antarctica.

(b) Purpose

The purpose of this chapter is to—

(1) strengthen substantially overall environmental protection of Antarctica;

(2) prohibit prospecting, exploration, and development of Antarctic mineral resources by United States citizens and other persons subject to the jurisdiction of the United States;

(3) urge other nations to join the United States in immediately negotiating one or more new agreements to provide an indefinite ban on all Antarctic mineral resource activities and comprehensive protection for Antarctica and its associated and dependent ecosystems; and

(4) urge all nations to consider a permanent ban on Antarctic mineral resource activities.

(Pub. L. 101-594, § 2, Nov. 16, 1990, 104 Stat. 2975.)

SHORT TITLE

Pub. L. 101-594, § 1, Nov. 16, 1990, 104 Stat. 2975, provided that: "This Act [enacting this chapter] may be cited as the 'Antarctic Protection Act of 1990'."

§ 2462. Definitions

For the purposes of this chapter:

(1) The term "Antarctica" means the area south of the Antarctic Convergence as defined in section 2432(1) of this title.

(2) The term "Antarctic mineral resource activity" means prospecting, exploration, or development in Antarctica of mineral resources, but does not include scientific research within the meaning of article III of the Antarctic Treaty, done at Washington on December 1, 1959.

(3) The term "development" means any activity, including logistic support, which takes place following exploration, the purpose of which is the exploitation of specific mineral resource deposits, including processing, storage, and transport activities.

(4) The term "exploration" means any activity, including logistic support, the purpose of which is the identification or evaluation of specific mineral resource deposits. The term includes exploratory drilling, dredging, and other surface or subsurface excavations required to determine the nature and size of mineral resource deposits and the feasibility of their development.

(5) The term "mineral resources" means all nonliving natural nonrenewable resources, including fossil fuels, minerals, whether metallic or nonmetallic, but does not include ice, water, or snow.

(6) The term "person" means any individual, corporation, partnership, trust, association, or any other entity existing or organized under the laws of the United States, or any officer, employee, agent, department, or other instrumentality of the Federal Government or of any State or political subdivision thereof.

(7) The term "prospecting" means any activity, including logistic support, the purpose of which is the identification of mineral resource potential for possible exploration and development.

(8) The term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

(Pub. L. 101-594, § 3, Nov. 16, 1990, 104 Stat. 2976.)

§ 2463. Prohibition of Antarctic mineral resource activities

It is unlawful for any person to engage in, finance, or otherwise knowingly provide assistance to any Antarctic mineral resource activity.

(Pub. L. 101-594, § 4, Nov. 16, 1990, 104 Stat. 2977; Pub. L. 104-227, title II, § 202(a), Oct. 2, 1996, 110 Stat. 3044.)

AMENDMENTS

1996—Pub. L. 104-227 substituted “It” for “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”.

§ 2464. Repealed. Pub. L. 104-227, title II, § 202(b), Oct. 2, 1996, 110 Stat. 3044

Section, Pub. L. 101-594, § 5, Nov. 16, 1990, 104 Stat. 2977, declared the sense of Congress that Secretary of State should negotiate international agreements relating to protection of Antarctic environment and that any such international agreement be consistent with purpose and provisions of this chapter.

§ 2465. Enforcement

(a) In general

A violation of this chapter or any regulation promulgated under this chapter is deemed to be a violation of the Antarctic Marine Living Resources Convention Act (16 U.S.C. 2431-2444) and shall be enforced under that Act by the Under Secretary or another Federal official to whom the Under Secretary has delegated this responsibility.

(b) Penalty

If the Under Secretary determines that a person has violated section 2463 of this title—

(1) that person shall be ineligible to locate a mining claim under the mining laws of the United States; and

(2) the Secretary of the Interior shall refuse to issue a patent under the mining laws of the United States, or a lease under the laws of the United States related to mineral or geothermal leasing, to any such person who attempts to perfect such patent or lease application after the Under Secretary has made such determination.

(Pub. L. 101-594, § 5, formerly § 6, Nov. 16, 1990, 104 Stat. 2977; renumbered § 5, Pub. L. 104-227, title II, § 202(c), Oct. 2, 1996, 110 Stat. 3044.)

REFERENCES IN TEXT

The Antarctic Marine Living Resources Convention Act, referred to in subsec. (a), probably means the Antarctic Marine Living Resources Convention Act of 1984, title III of Pub. L. 98-623, Nov. 8, 1984, 98 Stat. 3398, which is classified generally to chapter 44A (§ 2431 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2431 of this title and Tables.

PRIOR PROVISIONS

A prior section 5 of Pub. L. 101-594 was classified to section 2464 of this title prior to repeal by Pub. L. 104-227.

§ 2466. Repealed. Pub. L. 104-227, title II, § 202(b), Oct. 2, 1996, 110 Stat. 3044

Section, Pub. L. 101-594, § 7, Nov. 16, 1990, 104 Stat. 2978, authorized appropriations for fiscal years 1991 and 1992 to carry out this chapter.

CHAPTER 45—URBAN PARK AND RECREATION RECOVERY PROGRAM

Sec.

2501 to 2514. Omitted, Transferred, or Repealed.

§ 2501. Omitted

CODIFICATION

Section, Pub. L. 95-625, title X, § 1002, Nov. 10, 1978, 92 Stat. 3538, which related to congressional findings, was omitted from the Code following the enactment of Title 54, National Park Service and Related Programs, by Pub. L. 113-287.

§ 2502. Transferred

Section, Pub. L. 95-625, title X, § 1003, Nov. 10, 1978, 92 Stat. 3539; Pub. L. 103-322, title III, §§ 31501, 31505(b), Sept. 13, 1994, 108 Stat. 1888, 1890, which related to congressional statement of purpose regarding establishment of urban park and recreation recovery program, was transferred and is set out as a note under section 200501 of Title 54, National Park Service and Related Programs.

§ 2503. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-625, title X, § 1004, Nov. 10, 1978, 92 Stat. 3539; Pub. L. 103-322, title III, § 31502, Sept. 13, 1994, 108 Stat. 1888, provided definitions for this chapter. See section 200501 of Title 54, National Park Service and Related Programs.

§ 2504. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-625, title X, § 1005, Nov. 10, 1978, 92 Stat. 3540; Pub. L. 103-322, title III, § 31503, Sept. 13, 1994, 108 Stat. 1889, related to Federal assistance grants. See section 200502 of Title 54, National Park Service and Related Programs.

§ 2505. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-625, title X, § 1006, Nov. 10, 1978, 92 Stat. 3541, related to rehabilitation and innovation grants. See section 200503 of Title 54, National Park Service and Related Programs.

§ 2506. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-625, title X, § 1007, Nov. 10, 1978, 92 Stat. 3541; Pub. L. 103-322, title III, § 31504, Sept. 13, 1994, 108 Stat. 1889, related to local commitments to system recovery and maintenance. See section 200504 of Title 54, National Park Service and Related Programs.

§ 2507. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-625, title X, § 1008, Nov. 10, 1978, 92 Stat. 3542, related to State action incentive; Federal implementation grants, increase. See section 200505 of Title 54, National Park Service and Related Programs.

§ 2508. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-625, title X, § 1009, Nov. 10, 1978, 92 Stat. 3543, related to matching requirements; non-Fed-