

(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

- (i) would impair or endanger the natural resources on the land; and
- (ii) would materially affect future use of the land; and

(B) would restore forest health and forest-related resources on the land.

(2) Natural disaster

The term “natural disaster” includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

(3) Nonindustrial private forest land

The term “nonindustrial private forest land” means rural land, as determined by the Secretary, that—

- (A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and
- (B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

(b) Availability of assistance

The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

(c) Eligibility

To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

(d) Cost share requirement

Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

(e) Authorization of appropriations

There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section. Amounts so appropriated shall remain available until expended.

(Pub. L. 95-334, title IV, §407, as added Pub. L. 110-234, title VIII, §8203(a), May 22, 2008, 122 Stat. 1290, and Pub. L. 110-246, §4(a), title VIII, §8203(a), June 18, 2008, 122 Stat. 1664, 2051; amended Pub. L. 115-334, title II, §2403(a)(2)(B), Dec. 20, 2018, 132 Stat. 4571.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2018—Subsec. (a)(4). Pub. L. 115-334 struck out par. (4). Text read as follows: “The term ‘Secretary’ means the Secretary of Agriculture.”

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

REGULATIONS

Pub. L. 110-234, title VIII, §8203(b), May 22, 2008, 122 Stat. 1291, and Pub. L. 110-246, §4(a), title VIII, §8203(b), June 18, 2008, 122 Stat. 1664, 2052, provided that: “Not later than one year after the date of the enactment of this Act [June 18, 2008], the Secretary of Agriculture shall issue regulations to carry out section 407 of the Agricultural Credit Act of 1978 [16 U.S.C. 2206], as added by subsection (a).”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

CHAPTER 43—PUBLIC TRANSPORTATION PROGRAMS FOR NATIONAL PARK SYSTEM AREAS

Sec.

2301 to 2306. Omitted, Transferred, or Repealed.

§ 2301. Omitted or Transferred

CODIFICATION

Section, Pub. L. 95-344, title III, §301, Aug. 15, 1978, 92 Stat. 477, which related to congressional statement of findings and purpose, was omitted in part and transferred in part. Subsec. (a), which related to findings, was omitted from the Code following the enactment of Title 54, National Park Service and Related Programs, by Pub. L. 113-287. Subsec. (b), which related to purpose of former chapter 43 of this title, was transferred and is set out as a note under section 101521 of Title 54.

§ 2302. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-344, title III, §302, Aug. 15, 1978, 92 Stat. 478; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(A), Nov. 12, 1996, 110 Stat. 4195, related to transportation service and facility programs. See section 101521 of Title 54, National Park Service and Related Programs.

§ 2303. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, 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, related to transportation projects. See section 101522 of Title 54, National Park Service and Related Programs.

§ 2304. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, 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, related to procedures applicable to formulation and implementation of transportation plans and projects developed pursuant to plans. See section 101523 of Title 54, National Park Service and Related Programs.

§ 2305. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-344, title III, §305, Aug. 15, 1978, 92 Stat. 479, required a report to Congress within 3 years of Aug. 15, 1978.

§ 2306. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-344, title III, § 306, Aug. 15, 1978, 92 Stat. 480, related to authorizations of appropriations for fiscal years 1979 to 1981 and availability of amounts.

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 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;