of children with disabilities. I understand and support this policy objective. The proposed formula is more rational and meritorious than allowing local schools to identify disabled students.

I was concerned, however, that this formula would hurt States that legitimately had higher rates of disability. Fortunately, the Committee on Economic and Educational Opportunities recognized the importance of protecting States, including small States like Delaware. The formula has been modified to prevent States from facing significant funding reductions which could have hampered their ability to provide a free and appropriate public education to disabled children.

The committee had an important opportunity to improve IDEA and build on its previous successes, and it worked in a bipartisan manner to achieve this goal. I want to commend the committee leadership and staff for its excellent work in drafting this bill, and I urge my colleagues to give this bill their support.

Mr. SAWYER. Madam Speaker, I would like to begin by thanking Chairman GOODLING and Chairman CUNNINGHAM for their thoughtful work on this bill. IDEA is one law where common ground has always been possible, but never easy. Today, we are closer to that common ground than many thought probable a month ago. All of those who have had a hand in bringing us to this point deserve to be commended.

When the markup of this bill was originally scheduled in our committee, I was concerned that we would have come away with a bill that no one was happy with, and I hoped that a postponement would give us time to reach bipartisan consensus. I sent a letter to Chairman GOODLING explaining my concern. Chairman GOODLING did postpone the markup from its originally scheduled time and today, after many hours of productive negotiations among the various groups with an interest in this bill as well as among those of us on the committee, we have a bill which is in many ways better than some thought possible.

I am particularly pleased that the chairman decided to continue the authorization for a discretionary grant program for professional development as well as the requirement that States establish a comprehensive system of professional development. Although there are a few specific points that I hope we can clarify in conference negotiations with the Senate, it is important that we have included these two provisions.

I have always believed that a strong system of professional development will fortify this bill. With changing technologies, methods of teaching, and the emerging and changing needs of today's children, a strong system of professional development is essential. We need to focus on developing and maintaining a force of qualified personnel to teach children with a wide range of special needs. Especially recognizing the considerable shortages of qualified special education teachers in some areas of this country, it is crucial that we take the lead at the national level by placing a high priority on providing for quality systems of professional teacher development.

But professional development is not only important to maintaining a quality special education teaching force. Training and retraining is also necessary for teachers whose classroom management problems are complicated. Teachers in today's classrooms are addressing situations that they were never educated to deal with. I have every confidence that today's teachers can deal with these situations, but we need to recognize that they need and want the proper training to do so.

I am confident that classrooms can be better life-learning environments when they contain many different children with many unique qualities and talents. However, a solid system of professional skills development is the key to making these classrooms good learning and teaching environments for everyone involved.

This kind of comprehensive professional development is important on many levels. Our committee has had to balance questions of how to discipline children with disabilities in this bill, but I believe that this would not be such a prevalent issue if we had the resources to train teachers appropriately. Children whose needs are understood and accounted for, and teachers who are trained to manage special difficulties that arise, will need for the discipline provisions of this bill. I think we would all like to see that happen.

Along with professional development, another key to making this bill work well is the ability to assess children's needs properly. I offered an amendment at the full committee level that was designed to add to the definition of evaluation in this bill to ensure that children's needs are properly assessed with technically sound instruments in all areas of their suspected disability before any decisions are made about how and where they can learn best. I am grateful that with a small amount of rewording, the chairman and I were able to come to an agreement on this amendment. It is now a part of the bill before us today. This was a fine example of bipartisanship and a willingness to find common ground.

I know that this bill is not perfect in everyone's eyes, and I know that many of us have deep reservations about the Federal Government sanctioning cessation of educational services for any child. However, I think most of us now agree that it is a strong piece of legislation that will go far to improve and enhance education for disabled children and learning environments for all children.

Thank you again to everyone who worked to make certain that the good that this law has done for disabled children over the past 20 years will continue.

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

Mr. GOODLING. Madam Speaker, I have no further requests for time, and 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. GOODLING] that the House suspend the rules and pass the bill, H.R. 3268, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3268, IDEA Improvement Act of 1996.

The SPEAKER pro tempore. 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 pass the bill (H.R. 3060) to implement the Protocol on Environmental Protection to the Antarctic Treaty.

The Clerk read as follows:

H.R. 3060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Antarctic Environmental Protection Act of 1996''.

TITLE I—AMENDMENTS TO THE ANTARCTIC CONSERVATION ACT OF 1978

SEC. 101. FINDINGS AND PURPOSE.

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

''SEC. 2. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds that the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty establish a firm foundation for the comprehensive protection of the Antarctic environment, the continuation of international cooperation, and the freedom of scientific investigation in Antarctica.

''(b) PURPOSE.—The purpose of this Act is to provide legislative authority to implement, with respect to the United States, the Protocol on Environmental Protection to the Antarctic Treaty.''.

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 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, 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 embarcation or debarcation, 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, 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 Environmental Protection 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 Environmental Protection 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 Environmental Protection 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 Environmental Protection 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—AMENDMENTS TO ANTARCTIC PROTECTION ACT OF 1990

SEC. 201. FINDING AND PURPOSE.

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

''SEC. 2. FINDING AND PURPOSE.

''(a) FINDING.—The Congress finds that the Protocol on Environmental Protection to the Antarctic Treaty prohibits indefinitely Antarctic mineral resource activities.

''(b) PURPOSE.—The purpose of this Act is to provide legislative authority to implement, with respect to the United States, Article 7 of the Protocol on Environmental Protection to the Antarctic Treaty.''.

SEC. 202. PROHIBITION OF ANTARCTIC MINERAL RESOURCE ACTIVITIES.

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''.

SEC. 203. ADDITIONAL AMENDMENTS.

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

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

TITLE III—AMENDMENTS TO THE ACT TO PREVENT POLLUTION FROM SHIPS

SEC. 301. AMENDMENTS.

(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 (10) of subsection (a) as paragraphs (3) through (12), 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will be recognized for 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 of 1996. I, along with Congresswoman CONNIE MORELLA, Congressman TOM DAVIS, Congressman GEORGE BROWN, and 16 other members from the Science Committee, 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, Antarctica is a true environmental and scientific treasure. It is a wilderness of vast proportions, accounting for 10 percent of the total land mass of the world, more than the United States and Mexico combined. From penguins to killer whales, Antarctica is also home to an abundance of fish and wildlife. Equally important, Antarctica's mile-deep sheet of ice and snow stores an estimated 90 percent of the Earth's fresh water. This vast frozen glacier influences sea level, global tides, and atmospheric processes.

Antarctica is not just a natural wonder but an almost boundless scientific laboratory which has already yielded great insights on the nature of the world we inhabit. Antarctica is the ideal platform for scientific research on complex questions of atmospheric chemistry and thermodynamics which will increase our understanding of global environmental phenomena such as climate change, ocean circulation, and stratospheric ozone depletion. Antarctica also can increase our understanding of the forces of evolution and produce commercialization opportunities in the field of biochemistry through biological breakthroughs such as the discovery of fish containing antifreeze proteins hundreds of times more effective than their synthetic chemical counterparts.

There is little question that the scientific value of Antarctica is directly tied to the pristine nature of its environment. Conversely, much of the research done in the Antarctic is vital to the understanding of our global environment. If we impose too onerous restrictions on American researchers, our ability to understand the world's environment will suffer. H.R. 3060 charts a middle course, one that I am confident will preserve Antarctica as the Earth's best environmental laboratory.

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. Originally, 12 nations including the United States and the Soviet Union signed the landmark treaty, which entered into force June 23, 1961, preserving Antarctica as a peaceful haven for scientific research at the height of the cold war. Since that time, 14 additional nations have acceded to the treaty, making up the current list of 26 consultative parties.

In 1991 the consultative parties agreed to strengthen the Antarctic's environmental protections through a Protocol on Environmental Protection. The protocol builds upon 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 exclusively for peaceful purposes and accords priority to scientific research among the permitted activities.

The protocol prohibits mineral resource activities, other than for scientific research, in Antarctica. Its annexes, which form an integral part of the protocol, set out specific rules on environmental impact assessment, conservation of Antarctic fauna and flora, waste disposal and management, the prevention of marine pollution, and area protection and management.

The protocol, however, 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.

To date, 20 of the 26 consultative parties have ratified the protocol. The six nations which have yet to take action are: Belgium, Finland, India, Japan, Russia, and of course the United States. The United States took its first step to ratifying the protocol in 1992 when the U.S. Senate gave its advice and consent to ratification of the protocol. Now, the United States must enact the Antarctic Environmental Protection Act of 1996 to become a party to the protocol. Passage of H.R. 3060 will be a powerful incentive to Belgium, Finland, India, Japan, and Russia to expeditiously ratify the protocol.

Madam Speaker, the two previous Congresses failed to ratify the 1991 Environmental Protocol to the Antarctic Treaty. Time is running out. The 104th Congress has a historic opportunity to protect the Earth's largest remaining wilderness. The rest of the world is waiting to see if the United States is serious about protecting Antarctica.

H.R. 3060 now has over 28 cosponsors, I want to thank, in particular, Congresswoman MORELLA and Congressman BROWN for their tireless support of this bill. This legislation has been a truly bipartisan effort and is a testament to what can be accomplished when rhetoric is replaced by reason.

Madam Speaker, I am proud to say that H.R. 3060 enjoys universal support. Today, all Members should have received in their offices a letter from the League of Conservation Votes, the Antarctic Project, World Wildlife Fund, Greenpeace, Sierra Club, and the Antarctic and the Southern Ocean Coalition, urging them to support the bill. The National Science Foundation and the Department of State have also testified in support of enactment of H.R. 3060.

Madam Speaker, if you care about environmental research, environmental conservation or simply support living up to U.S. international commitments, you should support H.R. 3060. I urge all my colleagues to join me in voting for H.R. 3060.

□ 1600

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of H.R. 3060, which will allow the United States to implement the Protocol on Environmental Protection to the Antarctic Treaty.

I am pleased that the Science Committee has acted on a bipartisan basis to help preserve one of the last pristine regions of the globe and to ensure that Antarctica's enormous value as a scientific laboratory is not degraded. I congratulate Chairman WALKER for moving the bill expeditiously in committee and for his efforts in working with the other committees of jurisdiction in order to bring the bill before the House with dispatch.

The Antarctic Treaty has been a noteworthy success for more than 35 years in providing a framework for international collaboration in scientific research. The Environmental Protocol builds on the Antarctic Treaty to extend and improve the treaty's effectiveness for ensuring the protection of the Antarctic environment. It designates Antarctica as a natural reserve, devoted to peace and science, and sets forth environmental protection principles and specific rules applicable to all human activities on the continent.

The need to protect the Antarctic environment is fully understood by the scientists from many nations who conduct research there in a broad range of areas in the physical and biological sciences. Antarctica is especially important as a research platform for studies of world climate and global environmental change. But it is also a unique laboratory for research in specialized areas of astronomy and astrophysics and in biology for studying such effects as adaptation of organisms under environmental extremes. Failure to ratify the protocol could impair much of this research.

The Antarctic Treaty parties have devised the Environmental Protocol to provide a set of principles and procedures that will ensure that all nations institute effective environmental safeguards. The protocol has received broad support because it was developed through consultation with the research community and with the nongovernmental organizations that are advocates for the environment.

The protocol was signed in 1991 and was approved by the Senate well over 3 years ago. It is time—it is past time for the United States to move forward to final ratification.

The remaining hurdle to ratification is the requirement to provide new legislative authority to enable enforcement by Federal agencies of all provisions of the protocol. There has been disagreement in the past about how best to ensure that the provisions of the Environmental Protocol are enforced, while avoiding excessive disruption to the Antarctic research program. But as was confirmed by a hearing before the Science Committee this past April, we now have in H.R. 3060 a bill which finds an acceptable compromise for balancing environmental protection concerns against the value of the scientific research program.

H.R. 3060 has been endorsed by scientists, by environmentalists, and by the Federal agencies responsible for administering the U.S. national program in Antarctica. All recognize the importance of protecting this unique world resource, while allowing the valuable research carried out there to go forward. Passage of H.R. 3060 today by the House will move the United States closer to final ratification of the protocol and 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 this 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. I thank the gentleman for yielding me the time.

Madam Speaker, as an ardent longtime supporter for the protection of the Antarctic Continent and its surrounding seas, I am proud to be a very strong original cosponsor of H.R. 3060, the Antarctic Environmental Protection Act.

It is now 4½ years since the United States signed the Antarctic Treaty and the Antarctic Treaty consultative parties opened for signature and protocol on environmental protection. This protocol, which was initiated by the United States, has been under consideration by Congress during both the Bush administration and the early years of the Clinton administration, but has not been ratified by Congress. This bill would do that.

I am extremely grateful for the encouragement, prompt response and the leadership shown by Chairman, BOB WALKER. I also want to thank the ranking member, GEORGE BROWN, and the other cosponsors of this bill.

The bill reflect diligent work with the National Science Foundation, the State Department and a group of four environmental organizations which monitor Antarctic activities to produce a bill which succinctly lays out the specifics for guaranteeing environmental protection of the Antarctic and its reservation for purely scientific research. It has truly been a cooperative effort among all interested parties.

I think that the most spectacular benefit has been that the bill that we see before us represents a no-reservations consensus. I want to personally thank Chairman WALKER, who has been so positive in leading this process forward. it does show we can work together on a bipartisan basis.

Madam Speaker, many of us feel that Antarctica is very, very far away. I visited there 2 years ago. After the long flight to New Zealand, a brief stop to suit up at Christchurch, and then a 2,400 mile flight to McMurdo Station, I too, felt it was a long way from Washington. However, the Antarctic symbolize the essence of basic science research in which the United States as clearly established a leadership role.

Presently, 20 countries out of the 26 of the Antarctic Treaty consultative parties have signed the protocol. Most of these countries signed the treaty at Madrid on October 4, 1991. With passage of H.R. 3060 today and, hopefully, swift agreement with the Senate bill that passed the Commerce Committee last week, America will act as a beacon to guide the remaining countries, Russia, Japan, India, Belgium and Finland, to complete the action.

This protocol reaffirms the treaty's reservation of the Antarctic as an area set aside for peaceful purposes and specifically for scientific research. It will protect fauna and flora from the effects of human activities, impose strict limits on the discharge of pollutants, and require environmental impact assessments of all planned governmental and nongovernmental activities. It also protects the Antarctic from all activities except scientific research relating to mineral resources for at least 50 years, unless the there is unanimous agreement of the treaty parties.

Let me just briefly highlight a few of the 136 exciting and unique scientific experiments currently going on in Antarctica or dependent on it. These are activity supported by the National Science Foundation. For example, there is research by an Augustana College geologist involving a hunt for dinosaurs and other animal remains from as early as the Triassic period.

Equally intriguing is research led by the University of Wisconsin and the University of California at Berkeley and Irvine, with others, using the largest neutrino detector on earth to look for those high energy subatomic particles that are spawned by supernovas or other sources beyond our galaxy.

The West Antarctic ice cover is being studied by the University of Texas at Austin, again with others, for its rapid and dramatic changes that can lend insight into our effort to learn about the potential rise in sea level across the globe.

Then, too, studies led by Johns Hopkins University involve the launch of one of the world's largest solar telescopes beneath a huge balloon to help understand magnetic fields at the sun's surface.

On a more commercial note, a Coast Guard ship is now being built in a partnership with the National Science Foundation. This is an unusual cooperative adventure, and construction is now underway.

I urge the House to pass H.R. 3060 as a major step toward carrying out our treaty obligations agreed to in 1991. With support from the House Committee on Science, the Department of State, the National Science Foundation, and representatives from the Antarctica Project, Greenpeace U.S., Greenpeace International, and the World Wildlife Fund, this legislation will establish and codify the work of many nations in the Antarctic.

Madam Speaker, I urge support of this House for the legislation.

GENERAL LEAVE

Mr. BROWN of California. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in connection with the bill before us.

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

There was no objection.

Mr. SCHIFF. Madam Speaker, the bill before us today is H.R. 3060, the Antarctic Environmental Protection Act of 1996. As chairman of the Basic Research Subcommittee, our committee has jurisdiction over the National Science Foundation, the agency who will be most impacted by this bill. They strongly support this bill and my compliments to both sides of the aisle for all their hard work on crafting this legislation.

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, which resulted from a United States initiative, represents an important addition to the uniquely successful system of peaceful cooperation and scientific research that has evolved under the Antarctic Treaty.

The U.S. Senate gave its advice and consent to ratification of the protocol in 1992. All that remains for the United States to become a party to the protocol is to enact the necessary implementing legislation.

Implementation of the protocol has been a priority of both Republicans and Democrats since the protocol was negotiated in 1991. The protocol builds upon the Antarctic Treaty to improve the treaty's effectiveness for ensuring the protection of the Antarctic environment.

I feel this bill reflects America's continued commitment to the protection of the Antarctic environment. I urge my colleagues to support the bill.

Mr. PORTER. Madam Speaker, I rise in strong support of H.R. 3060. This bill will implement the Protocol on Environmental Protection to the Antarctic Treaty that the United States and 25 other countries agreed to in 1991. The protocol builds upon the Antarctic Treaty to extend and improve the treaty's effectiveness as a means for protecting the Antarctic environment.

The Antarctic Continent is larger than the United States and Mexico combined and represents 10 percent of the Earth's land mass. Antarctica has a central role in regulating the Earth's environmental processes and possesses an abundance of fish and wildlife. The unique nature of the region also provides a research environment that is crucial to understanding and monitoring global warming, ozone depletion and atmospheric pollution.

The protocol reaffirms the status of the Antarctica as an area reserved exclusively for peaceful purposes, including in particular scientific research, and sets forth a comprehensive, legally binding system of environmental protection applicable to all human activities in Antarctica. In addition, by ratifying this protocol, the United States is providing international leadership. Of the 26 nations that signed the protocol, only 22 have ratified it. With the U.S. commitment, it is believed that the remaining three countries will soon become parties to the protocol.

I urge all Members to support this importance legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. WALKER) that the House suspend the rules and pass the bill, H.R. 3060.

The question was taken.

Mr. WALKER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 14 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the chair will not put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3364, by the yeas and nays; H.R. 3400, by the yeas and nays; and H.R. 3060, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

WILLIAM J. NEALON UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3364, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 3364, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 340, nays 0, answered ''present'' 1, not voting 93, as follows: