

TITLE 16 - CONSERVATION

CHAPTER 44 - ANTARCTIC CONSERVATION

§ 2403. 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 chapter, 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 chapter or any regulation promulgated or permit issued under this chapter;
- (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 chapter, or any term or condition of any permit issued to that person under this chapter; 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 chapter—

- (1) to dispose of any waste in Antarctica (except as otherwise authorized by the Act to Prevent Pollution from Ships [33 U.S.C. 1901 et seq.]) 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 disembarkation, 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 chapter.

(c) Exception for emergencies

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

No act described in subsection (a)(1), (2), (3), (4), (5), (7), (12), or (13) of this section or in subsection (b) of this section 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.

(Pub. L. 95–541, § 4, Oct. 28, 1978, 92 Stat. 2049; Pub. L. 104–227, title I, § 103, Oct. 2, 1996, 110 Stat. 3036.)

References in Text

The Act to Prevent Pollution from Ships, referred to in subsecs. (a)(5) and (b)(1), is Pub. L. 96–478, Oct. 21, 1980, 94 Stat. 2297, as amended, which is classified principally to chapter 33 (§ 1901 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 33 and Tables.

Amendments

1996—Pub. L. 104–227 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subsec. (a) “In General”, which set forth unlawful acts in pars. (1) to (4) and provided that such acts would not be unlawful if committed under emergency circumstances to prevent the loss of human life, and subsec. (b) “Exception”, which provided that subsec. (a) would not apply with respect to any native mammal, native bird, or native plant held in captivity or to any offspring of such mammal, bird, or plant.