

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1987, see section 310 of Pub. L. 99-659, set out as a note under section 4101 of this title.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 4107. Authorization of appropriations**(a) General appropriations**

There are authorized to be appropriated to the Secretary of Commerce for apportionment to carry out the purposes of this chapter \$5,000,000 for each of fiscal years 2007 through 2010, and \$2,500,000 for each of fiscal years 2011 and 2012.

(b) Additional appropriations

In addition to the amounts authorized in subsection (a), there are authorized to be appropriated to the Department of Commerce \$65,000,000 for each of the fiscal years 1994 and 1995, which shall be available in such amounts as the Secretary may determine appropriate for the purposes of this chapter; except that—

(1) in providing funds to States under this subsection, the Secretary shall give a preference to those States regarding which the Secretary determines there is a commercial fishery failure or serious disruption affecting future production due to a fishery resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such a failure or to prevent a similar failure in the future;

(2) the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels; and

(3) the Federal share of the cost of any activity carried out with an amount appropriated under the authority of this subsection shall be 75 percent of the cost of that activity.

Amounts appropriated under this subsection shall remain available until expended.

(c) Development of management plans

In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Department of Commerce \$900,000 for each of fiscal years 2007 through 2012,

to support the efforts of the following interstate commissions to develop interstate fishery management plans for interjurisdictional fishery resources:

(1) The commission established by the Atlantic States Marine Fisheries Compact, as consented to and approved by Public Law 77-539 (56 Stat. 267), approved May 4, 1942.

(2) The commission established by the Pacific Marine Fisheries Compact, as consented to and approved by Public Law 80-232 (61 Stat. 419), approved July 24, 1947.

(3) The commission established by the Gulf States Marine Fisheries Compact, as consented to and approved by Public Law 81-66 (63 Stat. 70), approved May 19, 1949.

(d) Assistance to commercial fishermen

(1) In addition to the amounts authorized under subsections (a), (b), and (c), there are authorized to be appropriated to the Department of Commerce \$65,000,000 for fiscal year 1992 to enable the Secretary to help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and nonprofit organizations, for projects or other measures to alleviate harm determined by the Secretary to have been incurred as a direct result of a fishery resource disaster arising from Hurricane Hugo, Hurricane Andrew, Hurricane Iniki, or any other natural disaster. Amounts appropriated under this subsection shall remain available until expended.

(2) The Secretary shall determine the extent, and the beginning and ending dates, of any fishery resource disaster under this subsection.

(3) Eligibility for direct assistance to a person under this subsection shall be limited to any person that has less than \$2,000,000 in net revenues annually from commercial fishing, as determined by the Secretary.

(4)(A) Assistance may not be provided under this subsection as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in that fishery.

(B) As a condition of awarding assistance with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

(i) prohibit the vessel from being used for fishing; and

(ii) require that the vessel be—

(I) scrapped or otherwise disposed of in a manner approved by the Secretary; or

(II) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

(III) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery.

(C) A vessel that is prohibited from fishing under subparagraph (B) shall not be eligible for a fishery endorsement under section 12113(a) of title 46 and any such endorsement for the vessel shall not be effective.

(5) The Secretary shall establish, after notice and opportunity for public comment, appropriate limitations, terms, and conditions for receiving assistance under this subsection.

(6) As used in this subsection, the term “person” means any individual or any corporation, partnership, trust, association, or other non-governmental entity.

(7) With respect to funds available for the New England region, the Secretary shall submit to the Congress by January 1, 1997, with annual updates thereafter as appropriate, a report on the New England fishing capacity reduction initiative which provides—

(A) the total number of Northeast multispecies permits in each permit category and calculates the maximum potential fishing capacity of vessels holding such permits based on the principal gear, gross registered tonnage, engine horsepower, length, age, and other relevant characteristics;

(B) the total number of days at sea available to the permitted Northeast multispecies fishing fleet and the total days at sea weighted by the maximum potential fishing capacity of the fleet;

(C) an analysis of the extent to which the weighted days at sea are used by the active participants in the fishery and of the reduction in such days as a result of the fishing capacity reduction program; and

(D) an estimate of conservation benefits (such as reduction in fishing mortality) directly attributable to the fishing capacity reduction program.

(Pub. L. 99-659, title III, §308, Nov. 14, 1986, 100 Stat. 3736; Pub. L. 101-627, title V, §§502, 503, Nov. 28, 1990, 104 Stat. 4463; Pub. L. 102-396, title IX, §9135, Oct. 6, 1992, 106 Stat. 1937; Pub. L. 103-206, title VIII, §811, Dec. 20, 1993, 107 Stat. 2454; Pub. L. 103-238, §21, Apr. 30, 1994, 108 Stat. 561; Pub. L. 104-134, title I, §101[(a)] [title II, §211], Apr. 26, 1996, 110 Stat. 1321, 1321-31; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 104-297, title IV, §402, Oct. 11, 1996, 110 Stat. 3618; Pub. L. 107-372, title III, §302(a), Dec. 19, 2002, 116 Stat. 3094; Pub. L. 109-479, title III, §302(g), Jan. 12, 2007, 120 Stat. 3624; Pub. L. 111-348, title I, §104, Jan. 4, 2011, 124 Stat. 3671.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subssecs. (a) and (b), was in the original “this title”, meaning title III of Pub. L. 99-659, Nov. 14, 1986, 100 Stat. 3731, which is classified principally to this chapter. For complete classification of title III to the Code, see Short Title note set out under section 4101 of this title and Tables.

Public Law 77-539, referred to in subsec. (c)(1), is act May 4, 1942, ch. 283, 56 Stat. 267, which is not classified to the Code.

Public Law 80-232, referred to in subsec. (c)(2), is act July 24, 1947, ch. 316, 61 Stat. 419, which is not classified to the Code.

Public Law 81-66, referred to in subsec. (c)(3), is act May 19, 1949, ch. 128, 63 Stat. 70, which is not classified to the Code.

CODIFICATION

In subsec. (d)(4)(C), “section 12113(a) of title 46” substituted for “section 12108(a) of title 46, United States Code,” on authority of Pub. L. 109-304, §18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 12113 of Title 46, Shipping.

Section 104 of Pub. L. 111-348, cited as a credit to this section, was repealed, and a new section 104, set out as

a note under section 1826i of this title, was enacted by Pub. L. 115-228, §2(1), Aug. 2, 2018, 132 Stat. 1628.

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-348, §104, which substituted “2010, and \$2,500,000 for each of fiscal years 2011 and 2012.” for “2012.”, was repealed by Pub. L. 115-228, §2(1), Aug. 2, 2018, 132 Stat. 1628. See Codification note above.

2007—Subsec. (a). Pub. L. 109-479, §302(g)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this chapter—

“(1) \$5,400,000 for each of fiscal years 2003 and 2004; and

“(2) \$5,900,000 for each of fiscal years 2005 and 2006.”

Subsec. (c). Pub. L. 109-479, §302(g)(2), substituted “\$900,000 for each of fiscal years 2007 through 2012” for “\$850,000 for each of fiscal years 2003 and 2004, and \$900,000 for each of fiscal years 2005 and 2006” in introductory provisions.

2002—Subsec. (a). Pub. L. 107-372, §302(a)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this chapter—

“(1) \$3,400,000 for fiscal year 1996;

“(2) \$3,900,000 for fiscal year 1997;

“(3) \$4,400,000 for each of the fiscal years 1998, 1999, and 2000.”

Subsec. (c). Pub. L. 107-372, §302(a)(2), substituted “\$850,000 for each of fiscal years 2003 and 2004, and \$900,000 for each of fiscal years 2005 and 2006” for “\$700,000 for fiscal year 1997, and \$750,000 for each of the fiscal years 1998, 1999, and 2000” in introductory provisions.

1996—Subsec. (a). Pub. L. 104-297, §402(a)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this chapter \$5,000,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995.”

Subsec. (c). Pub. L. 104-297, §402(a)(2), substituted “\$700,000 for fiscal year 1997, and \$750,000 for each of the fiscal years 1998, 1999, and 2000,” for “\$350,000 for each of the fiscal years 1989, 1990, 1991, 1992, and 1993, and \$600,000 for each of the fiscal years 1994 and 1995.”

Subsec. (d). Pub. L. 104-134, §101[(a)] [title II, §211(1)], substituted “Assistance” for “Grants” in heading.

Subsec. (d)(1). Pub. L. 104-134, §101[(a)] [title II, §211(2)], substituted “help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and non-profit organizations, for projects or other measures to alleviate harm determined by the Secretary to have been incurred” for “award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered”.

Subsec. (d)(3). Pub. L. 104-134, §101[(a)] [title II, §211(3), (4)], substituted “direct assistance to a person” for “a grant” and “net revenues annually from commercial fishing,” for “gross revenues annually.”

Subsec. (d)(4). Pub. L. 104-134, §101[(a)] [title II, §211(5)], added par. (4) and struck former par. (4) which read as follows: “A person may receive a grant under this subsection for up to 75 percent of any uninsured commercial fishery loss resulting from such a fishery resource disaster (to the extent that such losses have not been compensated by other Federal and State programs), but shall receive no more than \$100,000 in the aggregate for all such losses suffered as a result of any particular fishery resource disaster.”

Subsec. (d)(5). Pub. L. 104-134, §101[(a)] [title II, §211(6)], substituted “for receiving assistance under this subsection” for “for awarding grants under this subsection, including provisions specifying the means

by which applicants must demonstrate claimed losses and limiting the aggregate amounts that may be paid to persons that are affiliated with each other or under common ownership.”

Subsec. (d)(7). Pub. L. 104-297, § 402(b), added par. (7).
1994—Subsec. (b). Pub. L. 103-238 substituted “\$65,000,000 for each of the fiscal years 1994 and 1995” for “\$2,500,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995”.

1993—Subsec. (c). Pub. L. 103-206 inserted “; and \$600,000 for each of the fiscal years 1994 and 1995,” after “and 1993”.

1992—Subsec. (d). Pub. L. 102-396 added subsec. (d).

1990—Subsec. (a). Pub. L. 101-627, § 503(1), substituted “the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995” for “fiscal years 1987, 1988, and 1989”.

Subsec. (b). Pub. L. 101-627, §§ 502, 503(2), in introductory provisions substituted “the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995” for “fiscal years 1988 and 1989” and added par. (3).

Subsec. (c). Pub. L. 101-627, § 503(3), substituted “the fiscal years 1989, 1990, 1991, 1992, and 1993” for “fiscal years 1988 and 1989”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1987, see section 310 of Pub. L. 99-659, set out as a note under section 4101 of this title.

CHAPTER 62—AFRICAN ELEPHANT CONSERVATION

Sec.

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- 4202. Findings.
- 4203. Statement of policy.

SUBCHAPTER I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

- 4211. Provision of assistance.
- 4212. Acceptance and use of donations.
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- 4221. Review of African elephant conservation programs.
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- 4223. Prohibited acts.
- 4224. Penalties and enforcement.
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- 4241. Relationship to Endangered Species Act of 1973.
- 4242. Certification under Pelly amendment.
- 4243. Repealed.
- 4244. Definitions.
- 4245. Authorization of appropriations.
- 4246. Multinational Species Conservation Fund.

§ 4201. Statement of purpose

The purpose of this chapter is to perpetuate healthy populations of African elephants.

(Pub. L. 100-478, title II, § 2002, Oct. 7, 1988, 102 Stat. 2315.)

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SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-132, § 1, Dec. 6, 2007, 121 Stat. 1360, provided that: “This Act [amending sections 4211, 4245, 5304, and 5306 of this title] may be cited as the ‘Multinational Species Conservation Funds Reauthorization Act of 2007.’”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-111, § 1, Jan. 8, 2002, 115 Stat. 2095, provided that: “This Act [enacting section 4214 of this title, amending sections 4211, 4212, and 4244 to 4246 of this title, and repealing section 4243 of this title] may be cited as the ‘African Elephant Conservation Reauthorization Act of 2001.’”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-217, § 1, Aug. 5, 1998, 112 Stat. 911, provided that: “This Act [amending section 4245 of this title] may be cited as the ‘African Elephant Conservation Reauthorization Act of 1998.’”

SHORT TITLE

Pub. L. 100-478, title II, § 2001, Oct. 7, 1988, 102 Stat. 2315, provided that: “This title [enacting this chapter and amending section 1538 of this title] may be cited as the ‘African Elephant Conservation Act.’”

§ 4202. Findings

The Congress finds the following:

(1) Elephant populations in Africa have declined at an alarming rate since the mid-1970’s.

(2) The large illegal trade in African elephant ivory is the major cause of this decline and threatens the continued existence of the African elephant.

(3) The African elephant is listed as threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and its continued existence will be further jeopardized if this decline is not reversed.

(4) Because African elephant ivory is indistinguishable from Asian elephant ivory, there is a need to ensure that the trade in African elephant ivory does not further endanger the Asian elephant, which is listed as endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of CITES.

(5) In response to the significant illegal trade in African elephant ivory, the parties to CITES established the CITES Ivory Control System to curtail the illegal trade and to encourage African countries to manage, conserve, and protect their African elephant populations.

(6) The CITES Ivory Control System entered into force recently and should be allowed to continue in force for a reasonable period of time to assess its effectiveness in curtailing the illegal trade in African elephant ivory.

(7) Although some African countries have effective African elephant conservation programs, many do not have sufficient resources to properly manage, conserve, and protect their elephant populations.

(8) The United States, as a party to CITES and a large market for worked ivory, shares responsibility for supporting and implementing measures to stop the illegal trade in African elephant ivory and to provide for the conservation of the African elephant.

(9) There is no evidence that sport hunting is part of the poaching that contributes to the illegal trade in African elephant ivory, and there is evidence that the proper utilization of well-managed elephant populations provides an important source of funding for African elephant conservation programs.