

retary a proposal for a project which includes full plans, specifications, and cost estimates for such project. The total cost of all items included for engineering, planning, inspection, and unforeseen contingencies in connection with any works to be constructed as part of such a proposed project shall not exceed 10 percent of the total cost of such works, and shall be paid by the State as a part of its contribution to the total cost of the works.

(2) No part of any funds appropriated under any authorization contained in section 4107¹ of this title may be obligated with respect to any project until the proposal for such project has been submitted under paragraph (1) and approved by the Secretary. The Secretary, before approving any proposal for a project, must evaluate the proposal as to—

(A) the soundness of design;

(B) the possibilities of securing productive results;

(C) the minimization of duplication with other research projects in support of the management of interjurisdictional fishery resources and carried out under this chapter or under any other law or regulation;

(D) the organization and management of the project;

(E) the methods proposed for monitoring and evaluating the success or failure of the project;

(F) the consistency of the project with the purposes of this chapter specified in section 4101 of this title; and

(G) such other criteria as the Secretary may prescribe.

(3) The Federal share of the cost of any project conducted under this chapter shall not exceed 75 percent of the total estimated cost of the project, unless—

(A) the State has adopted an interstate fishery management plan for the resource to which the project applies; or

(B) the State has adopted fishery regulations which the Secretary has determined are consistent with any Federal fishery management plan for the species to which the project applies;

in which case the Federal share shall not exceed 90 percent of the total estimated cost of the project.

(4)(A) If the Secretary approves or disapproves a proposal for a project, the Secretary shall promptly give written notification, including, if disapproved, a detailed explanation of the reasons for the disapproval, to the State agency submitting the proposal or, if the proposal is submitted through an interstate commission, such commission and the State.

(B) For the purposes of this chapter, funds apportioned under this section to any State shall be treated as having been obligated with respect to a project during the fiscal year in which the written notification of approval required under subparagraph (A) for the project proposal is made.

(b) Restriction

The expenditure of funds under this chapter shall be applied only to projects for which a pro-

posal has been approved under subsection (a), except that up to \$25,000 each fiscal year may be obligated for a State to carry out an agreement with the Secretary or the Secretary of the Interior under which the personnel, services and equipment of the State and the Federal agency concerned will be made mutually available for the enforcement of Federal and State laws pertaining to the protection of fishery resources. If otherwise applied, such funds shall be replaced by the State before the State may receive any additional funds under this chapter.

(c) Payment

When the Secretary determines that a project carried out under a proposal approved by the Secretary has been completed, or where the Secretary otherwise deems it appropriate, the Secretary shall cause to be paid to the proper authority of the State, or to the official or depository designated by the interstate commission if the State agency specifies that payment is to be made to the interstate commission, the Federal share of the project. Any payment made to an interstate commission shall be charged against the apportionment of the State concerned.

(Pub. L. 99-659, title III, §305, Nov. 14, 1986, 100 Stat. 3734.)

Editorial Notes

REFERENCES IN TEXT

Section 4107 of this title, referred to in subsec. (a)(2), was repealed by Pub. L. 117-328, div. S, title II, §204(a), Dec. 29, 2022, 136 Stat. 5270.

This chapter, referred to in subsecs. (a)(2)(C), (F), (3), (4)(B) 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.

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.

§ 4105. Property

(a) Application of Federal and State laws

All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe.

(b) Title

Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary vests in the State.

(c) Disposal

If a State disposes of any real or personal property acquired under this chapter, the State shall pay into the Treasury of the United States the amount of any proceeds resulting from the property disposed to the extent of and in the

¹ See References in Text note below.

same ratio that funds provided under this chapter were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this chapter for the acquisition of the property involved. (Pub. L. 99-659, title III, §306, Nov. 14, 1986, 100 Stat. 3735.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), 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.

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.

§ 4106. Reports to Congress

After consultation with the States receiving funds under this chapter and with any interstate commission involved in carrying out a project under this chapter, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 90 days after the end of the fiscal year 1988, and each second fiscal year occurring after that fiscal year, a report which contains—

(1) a description of each project and law enforcement effort receiving funds under this chapter during the last 2 fiscal years ending before such report is submitted;

(2) a specification of the total amount of funds from the Federal Government and the total amount of funds from each State spent on each project and a law enforcement effort receiving funds under this chapter during the last 2 fiscal years ending before such report is submitted;

(3) an assessment of each project and law enforcement effort receiving funds under this chapter during the last 2 fiscal years ending before such report is submitted to determine whether such project is furthering the purposes of this chapter; and

(4) a statement specifying all funds which have been apportioned pursuant to section 4104(a) of this title and are available for obligation by a State or the Secretary but which have not been obligated.

(Pub. L. 99-659, title III, §307, Nov. 14, 1986, 100 Stat. 3735.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, 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.

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. Repealed. Pub. L. 117-328, div. S, title II, § 204(a), Dec. 29, 2022, 136 Stat. 5270

Section, 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, authorized appropriations, with certain conditions, to the Secretary of Commerce for fiscal years 2007 through 2012.

CHAPTER 62—AFRICAN ELEPHANT CONSERVATION

Sec. 4201.	Statement of purpose.
4202.	Findings.
4203.	Statement of policy.

SUBCHAPTER I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

4211.	Provision of assistance.
4212.	Acceptance and use of donations.
4213.	Omitted.
4214.	Advisory group.

SUBCHAPTER II—MORATORIA AND PROHIBITED ACTS

4221.	Review of African elephant conservation programs.
4222.	Moratoria.
4223.	Prohibited acts.
4224.	Penalties and enforcement.
4225.	Rewards.

SUBCHAPTER III—MISCELLANEOUS

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.