

106TH CONGRESS
2D SESSION

H. R. 4320

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. GEORGE MILLER of California (for himself, Mr. HOLT, Mr. UDALL of Colorado, Mr. FARR of California, Mr. VENTO, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on Resources

A BILL

To assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Ape Conserva-
5 tion Act of 2000”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) great ape populations have declined to the
4 point that the long-term survival of the species in
5 the wild is in serious jeopardy;

6 (2) the chimpanzee, gorilla, bonobo, and orang-
7 utan are listed as endangered species under section
8 4 of the Endangered Species Act of 1973 (16 U.S.C.
9 1533) and under Appendix I of the Convention on
10 International Trade in Endangered Species of Wild
11 Fauna and Flora (27 UST 1087; TIAS 8249);

12 (3) because the challenges facing the conserva-
13 tion of great apes are so immense, the resources
14 available to date have not been sufficient to cope
15 with the continued loss of habitat due to human en-
16 croachment and logging and the consequent diminu-
17 tion of great ape populations;

18 (4) because great apes are flagship species for
19 the conservation of the tropical forest habitats in
20 which they are found, conservation of great apes
21 provides benefits to numerous other species of wild-
22 life, including many other endangered species;

23 (5) among the threats to great apes, in addition
24 to habitat loss, are population fragmentation, hunt-
25 ing for the bushmeat trade, and live capture;

1 (6) great apes are important components of the
2 ecosystems they inhabit, and studies of their wild
3 populations have provided important biological in-
4 sights; and

5 (7) the reduction, removal, or other effective
6 addressing of the threats to the long-term viability
7 of populations of great apes in the wild will require
8 the joint commitment and effort of countries that
9 have within their boundaries any part of the range
10 of great apes, the United States and other countries,
11 and the private sector.

12 (b) PURPOSES.—The purposes of this Act are—

13 (1) to perpetuate viable populations of great
14 apes in the wild; and

15 (2) to assist in the conservation and protection
16 of great apes by supporting conservation programs
17 of countries in which populations of great apes are
18 located and by supporting the CITES Secretariat.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) CITES.—The term “CITES” means the
22 Convention on International Trade in Endangered
23 Species of Wild Fauna and Flora, done at Wash-
24 ington March 3, 1973 (27 UST 1087; TIAS 8249),
25 including its appendices.

1 (2) CONSERVATION.—The term
2 “conservation”—

3 (A) means the use of methods and proce-
4 dures necessary to prevent the diminution of
5 wild populations of a species; and

6 (B) includes all activities associated with
7 wildlife management, such as—

8 (i) conservation, protection, restora-
9 tion, acquisition, and management of habi-
10 tat;

11 (ii) in-situ research and monitoring of
12 populations and habitats;

13 (iii) assistance in the development, im-
14 plementation, and improvement of manage-
15 ment plans for managed habitat ranges;

16 (iv) enforcement and implementation
17 of CITES;

18 (v) enforcement and implementation
19 of domestic laws relating to resource man-
20 agement;

21 (vi) development and operation of
22 sanctuaries for members of a species res-
23 cued from the illegal trade in live animals;

1 (vii) programs for the rehabilitation of
2 members of a species and release of the
3 members into the wild;

4 (viii) conflict resolution initiatives;
5 and

6 (ix) community outreach and edu-
7 cation.

8 (3) FUND.—The term “Fund” means the Great
9 Ape Conservation Fund established by section 5.

10 (4) GREAT APE.—The term “great ape” means
11 a chimpanzee, gorilla, bonobo, or orangutan.

12 (5) MULTINATIONAL SPECIES CONSERVATION
13 FUND.—The term “Multinational Species Conserva-
14 tion Fund” means such fund as established in title
15 I of the Department of the Interior and Related
16 Agencies Appropriations Act, 1999, under the head-
17 ing “MULTINATIONAL SPECIES CONSERVATION
18 FUND”.

19 (6) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 **SEC. 4. GREAT APE CONSERVATION ASSISTANCE.**

22 (a) IN GENERAL.—Subject to the availability of
23 funds and in consultation with other appropriate Federal
24 officials, the Secretary shall use amounts in the Fund to
25 provide financial assistance for projects for the conserva-

1 tion of great apes for which project proposals are approved
2 by the Secretary in accordance with this section.

3 (b) PROJECT PROPOSALS.—

4 (1) ELIGIBLE APPLICANTS.—A proposal for a
5 project for the conservation of great apes may be
6 submitted to the Secretary by—

7 (A) any wildlife management authority of
8 a country that has within its boundaries any
9 part of the range of a great ape if the activities
10 of the authority directly or indirectly affect a
11 great ape population;

12 (B) the CITES Secretariat; or

13 (C) any person or group with the dem-
14 onstrated expertise required for the conserva-
15 tion of great apes.

16 (2) REQUIRED ELEMENTS.—A project proposal
17 shall include—

18 (A) a concise statement of the purposes of
19 the project;

20 (B) the name of the individual responsible
21 for conducting the project;

22 (C) a description of the qualifications of
23 the individuals who will conduct the project;

24 (D) a concise description of—

1 (i) methods for project implementa-
2 tion and outcome assessment;

3 (ii) staff and community management
4 for the project; and

5 (iii) the logistics of the project;

6 (E) an estimate of the funds and time re-
7 quired to complete the project;

8 (F) evidence of support for the project by
9 appropriate governmental entities of the coun-
10 tries in which the project will be conducted, if
11 the Secretary determines that such support is
12 required for the success of the project;

13 (G) information regarding the source and
14 amount of matching funding available for the
15 project; and

16 (H) any other information that the Sec-
17 retary considers to be necessary for evaluating
18 the eligibility of the project for funding under
19 this Act.

20 (c) PROJECT REVIEW AND APPROVAL.—

21 (1) IN GENERAL.—The Secretary shall—

22 (A) not later than 30 days after receiving
23 a project proposal, provide a copy of the pro-
24 posal to other appropriate Federal officials; and

1 (B) review each project proposal to deter-
2 mine if the proposal meets the criteria specified
3 in subsection (d).

4 (2) CONSULTATION; APPROVAL OR DIS-
5 APPROVAL.—Not later than 180 days after receiving
6 a project proposal, and subject to the availability of
7 funds, the Secretary, after consulting with other ap-
8 propriate Federal officials, shall—

9 (A) request written comments on the pro-
10 posal from the government of each country in
11 which the project is to be conducted;

12 (B) after taking into consideration any
13 comments submitted in response to the request,
14 approve or disapprove the proposal; and

15 (C) provide written notification of the ap-
16 proval or disapproval to the person who sub-
17 mitted the proposal, other appropriate Federal
18 officials, and each country described in sub-
19 paragraph (A).

20 (d) CRITERIA FOR APPROVAL.—The Secretary may
21 approve a project proposal under this section if the project
22 will enhance programs for conservation of great apes by
23 assisting efforts to—

24 (1) implement conservation programs;

1 (2) address the conflicts between humans and
2 great apes that arise from competition for the same
3 habitat;

4 (3) enhance compliance with CITES and other
5 applicable laws that prohibit or regulate the taking
6 or trade of great apes or regulate the use and man-
7 agement of great ape habitat;

8 (4) develop sound scientific information on, or
9 methods for monitoring—

10 (A) the condition and health of great ape
11 habitat;

12 (B) great ape population numbers and
13 trends; or

14 (C) the current and projected threats to
15 the habitat, current and projected numbers, or
16 current and projected trends; or

17 (5) promote cooperative projects on the issues
18 described in paragraph (4) among government enti-
19 ties, affected local communities, nongovernmental or-
20 ganizations, or other persons in the private sector.

21 (e) PROJECT SUSTAINABILITY.—To the maximum
22 extent practicable, in determining whether to approve
23 project proposals under this section, the Secretary shall
24 give preference to conservation projects that are designed

1 to ensure effective, long-term conservation of great apes
2 and their habitats.

3 (f) MATCHING FUNDS.—In determining whether to
4 approve project proposals under this section, the Secretary
5 shall give preference to projects for which matching funds
6 are available.

7 (g) PROJECT REPORTING.—

8 (1) IN GENERAL.—Each person that receives
9 assistance under this section for a project shall sub-
10 mit to the Secretary periodic reports (at such inter-
11 vals as the Secretary considers necessary) that in-
12 clude all information that the Secretary, after con-
13 sultation with other appropriate government offi-
14 cials, determines is necessary to evaluate the
15 progress and success of the project for the purposes
16 of ensuring positive results, assessing problems, and
17 fostering improvements.

18 (2) AVAILABILITY TO THE PUBLIC.—Reports
19 under paragraph (1), and any other documents re-
20 lating to projects for which financial assistance is
21 provided under this Act, shall be made available to
22 the public.

23 (h) LIMITATIONS ON USE FOR CAPTIVE BREED-
24 ING.—Amounts provided as a grant under this Act may

1 not be used for captive breeding of great apes other than
2 for captive breeding for release into the wild.

3 **SEC. 5. GREAT APE CONSERVATION FUND.**

4 (a) ESTABLISHMENT.—There is established in the
5 Multinational Species Conservation Fund a separate ac-
6 count to be known as the “Great Ape Conservation
7 Fund”, consisting of—

8 (1) amounts transferred to the Secretary of the
9 Treasury for deposit into the Fund under subsection
10 (e);

11 (2) amounts appropriated to the Fund under
12 section 6; and

13 (3) any interest earned on investment of
14 amounts in the Fund under subsection (c).

15 (b) EXPENDITURES FROM FUND.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 upon request by the Secretary, the Secretary of the
18 Treasury shall transfer from the Fund to the Sec-
19 retary, without further appropriation, such amounts
20 as the Secretary determines are necessary to provide
21 assistance under section 4.

22 (2) ADMINISTRATIVE EXPENSES.—An amount
23 not to exceed 3 percent of the amounts in the Fund
24 shall be available for each fiscal year to pay the ad-

1 ministrative expenses necessary to carry out this
2 Act.

3 (c) INVESTMENT OF AMOUNTS.—

4 (1) IN GENERAL.—The Secretary of the Treas-
5 ury shall invest such portion of the Fund as is not,
6 in the judgment of the Secretary of the Treasury,
7 required to meet current withdrawals. Investments
8 may be made only in interest-bearing obligations of
9 the United States.

10 (2) ACQUISITION OF OBLIGATIONS.—For the
11 purpose of investments under paragraph (1), obliga-
12 tions may be acquired—

13 (A) on original issue at the issue price; or

14 (B) by purchase of outstanding obligations
15 at the market price.

16 (3) SALE OF OBLIGATIONS.—Any obligation ac-
17 quired by the Fund may be sold by the Secretary of
18 the Treasury at the market price.

19 (4) CREDITS TO FUND.—The interest on, and
20 the proceeds from the sale or redemption of, any ob-
21 ligations held in the Fund shall be credited to and
22 form a part of the Fund.

23 (d) TRANSFERS OF AMOUNTS.—

24 (1) IN GENERAL.—The amounts required to be
25 transferred to the Fund under this section shall be

1 transferred at least monthly from the general fund
2 of the Treasury to the Fund on the basis of esti-
3 mates made by the Secretary of the Treasury.

4 (2) ADJUSTMENTS.—Proper adjustment shall
5 be made in amounts subsequently transferred to the
6 extent prior estimates were in excess of or less than
7 the amounts required to be transferred.

8 (e) ACCEPTANCE AND USE OF DONATIONS.—The
9 Secretary may accept and use donations to provide assist-
10 ance under section 4. Amounts received by the Secretary
11 in the form of donations shall be transferred to the Sec-
12 retary of the Treasury for deposit into the Fund.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Fund
15 \$5,000,000 for each of fiscal years 2000 through 2004.

○