

Calendar No. 921

106TH CONGRESS
2^D SESSION**H.R. 4320****[Report No. 106-472]**

IN THE SENATE OF THE UNITED STATES

JULY 26, 2000

Received; read twice and referred to the Committee on Environment and
Public Works

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. SMITH of New Hampshire, without amendment

AN ACT

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, orangutan,
7 and gibbon are listed as endangered species under
8 section 4 of the Endangered Species Act of 1973 (16
9 U.S.C. 1533) and under Appendix I of the Conven-
10 tion on International Trade in Endangered Species
11 of Wild Fauna and Flora (27 UST 1087; TIAS
12 8249);

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

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

24 (5) among the threats to great apes, in addition
25 to habitat loss, are population fragmentation, hunt-

1 ing for the bushmeat trade, live capture, and expo-
2 sure to emerging or introduced diseases;

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

7 (7) although subsistence hunting of tropical for-
8 est animals has occurred for hundreds of years at a
9 sustainable level, the tremendous increase in the
10 commercial trade of tropical forest species is detri-
11 mental to the future of these species; and

12 (8) the reduction, removal, or other effective
13 addressing of the threats to the long-term viability
14 of populations of great apes in the wild will require
15 the joint commitment and effort of countries that
16 have within their boundaries any part of the range
17 of great apes, the United States and other countries,
18 and the private sector.

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

20 (1) to sustain viable populations of great apes
21 in the wild; and

22 (2) to assist in the conservation and protection
23 of great apes by supporting conservation programs
24 of countries in which populations of great apes are
25 located and by supporting the CITES Secretariat.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

8 (2) CONSERVATION.—The term
9 “conservation”—

10 (A) means the use of methods and proce-
11 dures necessary to prevent the diminution of,
12 and to sustain viable populations of, a species;
13 and

14 (B) includes all activities associated with
15 wildlife management, such as—

16 (i) conservation, protection, restora-
17 tion, acquisition, and management of habi-
18 tat;

19 (ii) in-situ research and monitoring of
20 populations and habitats;

21 (iii) assistance in the development, im-
22 plementation, and improvement of manage-
23 ment plans for managed habitat ranges;

24 (iv) enforcement and implementation
25 of CITES;

1 (v) enforcement and implementation
2 of domestic laws relating to resource man-
3 agement;

4 (vi) development and operation of
5 sanctuaries for members of a species res-
6 cued from the illegal trade in live animals;

7 (vii) training of local law enforcement
8 officials in the interdiction and prevention
9 of the illegal killing of great apes;

10 (viii) programs for the rehabilitation
11 of members of a species in the wild and re-
12 lease of the members into the wild in ways
13 which do not threaten existing wildlife pop-
14 ulations by causing displacement or the in-
15 troduction of disease;

16 (ix) conflict resolution initiatives;

17 (x) community outreach and edu-
18 cation; and

19 (xi) strengthening the capacity of local
20 communities to implement conservation
21 programs.

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

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

1 (5) MULTINATIONAL SPECIES CONSERVATION
2 FUND.—The term “Multinational Species Conserva-
3 tion Fund” means such fund as established in title
4 I of the Department of the Interior and Related
5 Agencies Appropriations Act, 1999, under the head-
6 ing “MULTINATIONAL SPECIES CONSERVATION
7 FUND”.

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

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

11 (a) IN GENERAL.—Subject to the availability of
12 funds and in consultation with other appropriate Federal
13 officials, the Secretary shall use amounts in the Fund to
14 provide financial assistance for projects for the conserva-
15 tion of great apes for which project proposals are approved
16 by the Secretary in accordance with this section.

17 (b) PROJECT PROPOSALS.—

18 (1) ELIGIBLE APPLICANTS.—A proposal for a
19 project for the conservation of great apes may be
20 submitted to the Secretary by—

21 (A) any wildlife management authority of
22 a country that has within its boundaries any
23 part of the range of a great ape if the activities
24 of the authority directly or indirectly affect a
25 great ape population;

1 (B) the CITES Secretariat; or

2 (C) any person or group with the dem-
3 onstrated expertise required for the conserva-
4 tion of great apes.

5 (2) REQUIRED ELEMENTS.—A project proposal
6 shall include—

7 (A) a concise statement of the purposes of
8 the project;

9 (B) the name of the individual responsible
10 for conducting the project;

11 (C) a description of the qualifications of
12 the individuals who will conduct the project;

13 (D) a concise description of—

14 (i) methods for project implementa-
15 tion and outcome assessment;

16 (ii) staff and community management
17 for the project; and

18 (iii) the logistics of the project;

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

21 (F) evidence of support for the project by
22 appropriate governmental entities of the coun-
23 tries in which the project will be conducted, if
24 the Secretary determines that such support is
25 required for the success of the project;

1 (G) information regarding the source and
2 amount of matching funding available for the
3 project; and

4 (H) any other information that the Sec-
5 retary considers to be necessary for evaluating
6 the eligibility of the project for funding under
7 this Act.

8 (c) PROJECT REVIEW AND APPROVAL.—

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

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

13 (B) review each project proposal in a time-
14 ly manner to determine if the proposal meets
15 the criteria specified in subsection (d).

16 (2) CONSULTATION; APPROVAL OR DIS-
17 APPROVAL.—Not later than 180 days after receiving
18 a project proposal, and subject to the availability of
19 funds, the Secretary, after consulting with other ap-
20 propriate Federal officials, shall—

21 (A) consult on the proposal with the gov-
22 ernment of each country in which the project is
23 to be conducted;

1 (B) after taking into consideration any
2 comments resulting from the consultation, ap-
3 prove or disapprove the proposal; and

4 (C) provide written notification of the ap-
5 proval or disapproval to the person who sub-
6 mitted the proposal, other appropriate Federal
7 officials, and each country described in sub-
8 paragraph (A).

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

13 (1) implement conservation programs;

14 (2) address the conflicts between humans and
15 great apes that arise from competition for the same
16 habitat;

17 (3) enhance compliance with CITES and other
18 applicable laws that prohibit or regulate the taking
19 or trade of great apes or regulate the use and man-
20 agement of great ape habitat;

21 (4) develop sound scientific information on, or
22 methods for monitoring—

23 (A) the condition and health of great ape
24 habitat;

1 (B) great ape population numbers and
2 trends; or

3 (C) the current and projected threats to
4 the habitat, current and projected numbers, or
5 current and projected trends; or

6 (5) promote cooperative projects on the issues
7 described in paragraph (4) among government enti-
8 ties, affected local communities, nongovernmental or-
9 ganizations, or other persons in the private sector.

10 (e) PROJECT SUSTAINABILITY.—To the maximum
11 extent practicable, in determining whether to approve
12 project proposals under this section, the Secretary shall
13 give preference to conservation projects that are designed
14 to ensure effective, long-term conservation of great apes
15 and their habitats.

16 (f) MATCHING FUNDS.—In determining whether to
17 approve project proposals under this section, the Secretary
18 shall give preference to projects for which matching funds
19 are available.

20 (g) PROJECT REPORTING.—

21 (1) IN GENERAL.—Each person that receives
22 assistance under this section for a project shall sub-
23 mit to the Secretary periodic reports (at such inter-
24 vals as the Secretary considers necessary) that in-
25 clude all information that the Secretary, after con-

1 sultation with other appropriate government offi-
2 cials, determines is necessary to evaluate the
3 progress and success of the project for the purposes
4 of ensuring positive results, assessing problems, and
5 fostering improvements.

6 (2) AVAILABILITY TO THE PUBLIC.—Reports
7 under paragraph (1), and any other documents re-
8 lating to projects for which financial assistance is
9 provided under this Act, shall be made available to
10 the public.

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

13 (1) may not be used for captive breeding of
14 great apes other than for captive breeding for re-
15 lease into the wild; and

16 (2) may be used for captive breeding of a spe-
17 cies for release into the wild only if no other con-
18 servation method for the species is biologically fea-
19 sible.

20 (i) PANEL.—Every 2 years, the Secretary shall con-
21 vene a panel of experts to identify the greatest needs for
22 the conservation of great apes.

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

24 (a) ESTABLISHMENT.—There is established in the
25 Multinational Species Conservation Fund a separate ac-

1 count to be known as the “Great Ape Conservation
2 Fund”, consisting of—

3 (1) amounts transferred to the Secretary of the
4 Treasury for deposit into the Fund under subsection
5 (e);

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

8 (3) any interest earned on investment of
9 amounts in the Fund under subsection (e).

10 (b) EXPENDITURES FROM FUND.—

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

17 (2) ADMINISTRATIVE EXPENSES.—Of the
18 amounts in the account available for each fiscal
19 year, the Secretary may expand not more than 3
20 percent, or up to \$80,000, whichever is greater, to
21 pay the administrative expenses necessary to carry
22 out this Act.

23 (c) INVESTMENT OF AMOUNTS.—

24 (1) IN GENERAL.—The Secretary of the Treas-
25 ury shall invest such portion of the Fund as is not,

1 in the judgment of the Secretary of the Treasury,
2 required to meet current withdrawals. Investments
3 may be made only in interest-bearing obligations of
4 the United States.

5 (2) ACQUISITION OF OBLIGATIONS.—For the
6 purpose of investments under paragraph (1), obliga-
7 tions may be acquired—

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

9 (B) by purchase of outstanding obligations
10 at the market price.

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

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

18 (d) TRANSFERS OF AMOUNTS.—

19 (1) IN GENERAL.—The amounts required to be
20 transferred to the Fund under this section shall be
21 transferred at least monthly from the general fund
22 of the Treasury to the Fund on the basis of esti-
23 mates made by the Secretary of the Treasury.

24 (2) ADJUSTMENTS.—Proper adjustment shall
25 be made in amounts subsequently transferred to the

1 extent prior estimates were in excess of or less than
2 the amounts required to be transferred.

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

8 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the Fund
10 \$5,000,000 for each of fiscal years 2001 through 2005.

Calendar No. 921

106TH CONGRESS
2D SESSION

H. R. 4320

[Report No. 106-472]

AN ACT

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.

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Reported without amendment