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TO REAUTHORIZE THE GREAT APE CONSERVATION ACT OF 2000

AUGUST 31, 2005.—Ordered to be printed

Filed, under authority of the order of the Senate of July 29, 2005

Mr. INHOFE, from the Committee on Environment and Public
Works, submitted the following

R E P O R T

[To accompany S. 1250]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1250) to reauthorize the Great Ape Conservation Act of 2000, having considered the same reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Great Apes—chimpanzees, orangutans, bonobos, gorillas, and gibbons—are among the more than 30,000 species around the world that have been listed for protection under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The United States is party to the CITES treaty along with 166 other countries. Despite this protection, populations of all great ape species and the conditions of their habitats have continued to decline.

Following the passage of similar legislation to conserve multinational endangered species, the Great Ape Conservation Act of 2000 (P.L. 106-411) established the Great Ape Conservation Program under the Department of the Interior. This program promotes efforts to preserve five species of great apes in the wild by providing financial assistance for approved projects for the conservation of great apes and their respective natural habitats. From 2001

to 2004, the U.S. Fish and Wildlife Service funded 110 such projects in 22 countries. These projects have leveraged millions of dollars in matching funds and in-kind contributions from collaborating interests.

Dwindling population statistics among great ape species demonstrate the continued need for resources to support international great ape conservation. The United Nations Environment Programme estimates that fewer than 100,000 Western lowland gorillas currently remain worldwide. Only 30,000 orangutans remain in Southeast Asia, and according to the U.S. Fish and Wildlife Service, more than one million chimpanzees populated the dense forests of Africa in 1960, while fewer than 200,000 survive in the wild today.

One problem of elevated concern is the alarming number of new outbreaks of the ebola virus in Africa. Recent studies have estimated that when an ebola outbreak affects a given area, more than 80 percent of all great apes living in that area will die of the disease. In August 2004, the International Primatological Society released preliminary evidence that suggests that as many as 20,000 Western lowland gorillas may be at risk as the result of a new outbreak of the ebola virus in the Republic of Congo.

In regions of Western and Central Africa and Southeast Asia, where populations of great apes still remain, the continued existence of great ape species will depend upon finding solutions to various complicated threats including habitat destruction, disease, poaching and displacement due to human wars.

OBJECTIVES OF THE LEGISLATION

S. 1250 reauthorizes the Great Ape Conservation Act of 2000 by amending several provisions under current law and increasing and extending through fiscal year 2010 the authorization of appropriations to the Great Ape Conservation Fund.

SECTION-BY-SECTION ANALYSIS

Section 1. Great Ape Conservation Assistance.

Section 1 authorizes the Secretary of the Interior to approve projects that address the root causes of threats to great apes in range States, including the illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters. This section grants the Secretary discretion in convening the expert panel established under the Act, rather than once every 2 years, as mandated by current law. The section also exempts the panel from the requirements of the Federal Advisory Committee Act.

These amendments are intended to increase the Secretary's flexibility in administering the Great Ape Conservation program. Expanding the types of projects eligible for funding will enable the Secretary to meet changing conservation needs as they arise. Eliminating the explicit requirement that the Secretary convene a panel of experts once every 2 years will increase the Secretary's flexibility to administer the limited resources available for on the ground conservation efforts. The Secretary can convene the panel on an as needed basis.

Sec. 2. Great Ape Conservation Fund.

Section 2 makes a technical correction by striking “expand” and inserting “expend” and raises the cap on administrative expenses from \$80,000 to \$150,000.

Current law sets administrative expenses to carry out the Great Ape Conservation program at 3 percent or up to \$80,000, whichever is greater. Though past appropriations to the Great Ape Conservation Fund have yet to reach the \$80,000 threshold, raising the threshold to \$150,000 will enable the Secretary to expend additional funds on the administration of the program, should there be an increase in future appropriations.

Sec. 3. Authorization of Appropriations.

Section 3 authorizes \$5,000,000 for each of fiscal years 2006 through 2007 and \$7,000,000 for each of fiscal years 2008 through 2010.

LEGISLATIVE HISTORY

On June 15, 2005, Senator James M. Jeffords introduced S. 1250, which was cosponsored by Senators Chafee, Durbin, Lautenberg, Lieberman, and Murray. The bill was referred to the Senate Committee on Environment and Public Works. On July 20, 2005, S. 1250, as amended, was favorably reported by the committee to the full Senate.

HEARINGS

No committee hearings were held on S. 1250.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1250 on July 20, 2005. Senator Inhofe proposed an amendment, which was agreed to by voice vote. The bill, as amended, was agreed to by unanimous consent.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1250 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 1250 imposes no Federal intergovernmental mandates on State, local or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill,

prepared by the Congressional Budget Office, be included in the report. That statement follows:

S. 1250, A bill to reauthorize the Great Ape Conservation Act of 2000, As ordered reported by the Senate Committee on Environment and Public Works on July 20, 2005

Summary

S. 1250 would authorize funding to carry out the Great Ape Conservation Act of 2000. CBO estimates that implementing the bill would cost \$3 million in 2006 and \$29 million over the 2006–2010 period, assuming appropriation of the authorized amounts. Enacting S. 1250 would not affect direct spending or revenues.

S. 1250 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of State, local, or tribal governments.

Estimated Cost to the Federal Government

For this estimate, CBO assumes that S. 1250 will be enacted near the start of fiscal year 2006 and that amounts will be provided as specified in the bill. The estimated budgetary impact of S. 1250 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

By Fiscal Year, in Millions of Dollars

	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	5	5	7	7	7
Estimated Outlays	3	5	7	7	7

Basis of Estimate

Under the Great Ape Conservation Act of 2000, the Secretary of the Interior provides financial assistance to entities that promote the conservation of great apes in the wild. S. 1250 would authorize the appropriation of \$31 million over the 2005–2010 period to implement that act, and would amend current law to increase the amount of funding the Secretary could use for the program’s administrative costs. Based on historical spending patterns for this program and similar conservation activities, CBO estimates that implementing S. 1250 would cost \$3 million in 2006 and \$29 million over the next 5 years.

Intergovernmental and Private-Sector Impact

S. 1250 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of State, local, or tribal governments.

Estimate Prepared By: Federal Costs: Megan Carroll; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Selena Caldera.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in italic, existing law in which no change is proposed is shown in roman:

TITLE 16—CONSERVATION

CHAPTER 82—GREAT APE CONSERVATION

SEC. 6303. GREAT APE CONSERVATION ASSISTANCE.

(a) * * *

* * * * *

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

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

(3) enhance compliance with CITES and other applicable laws that prohibit or regulate the taking or trade of great apes or regulate the use and management of great ape habitat;

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

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

(B) great ape population numbers and trends; or

(C) the current and projected threats to the habitat, current and projected numbers, or current and projected trends; [or]

(5) promote cooperative projects on the issues described in paragraph (4) among government entities, affected local communities, nongovernmental organizations, or other persons in the private sector[.]; or

(6) *address root causes of threats to great apes in range states, including illegal bushmeat trade, diseases, lack of regional or local capacity for conservation, and habitat loss due to natural disasters.*

* * * * *

(i) PANEL.—[Every]

(1) *IN GENERAL.*—Every 2 years, the Secretary [shall] may convene a panel of experts to identify the greatest needs for the conservation of great apes.

(2) *APPLICABILITY OF FACAA.*—*The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).*

* * * * *

SEC. 6304. GREAT APE CONSERVATION FUND.

(a) * * *

* * * * *

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 6303 of this title.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may **expand** *expend* not more than 3 percent, or up to **[\$80,000]** *\$150,000*, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

* * * * *

[SEC. 6305¹. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund—

- (1) \$5,000,000 for each of fiscal years 2006 and 2007; and*
(2) \$7,000,000 for each of fiscal years 2008 through 2010.

* * * * *

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¹S. 1250 states to strike “Sec. 6”. Sec. 6305 is corresponding code section.