

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CHAPTER 82—GREAT APE CONSERVATION

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§ 6301. Findings and purposes**(a) Findings**

Congress finds that—

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

(2) the chimpanzee, gorilla, bonobo, orangutan, and gibbon are listed as endangered species under section 1533 of this title and under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(3) because the challenges facing the conservation of great apes are so immense, the resources available to date have not been sufficient to cope with the continued loss of habitat due to human encroachment and logging and the consequent diminution of great ape populations;

(4) because great apes are flagship species for the conservation of the tropical forest habitats in which they are found, conservation of great apes provides benefits to numerous other species of wildlife, including many other endangered species;

(5) among the threats to great apes, in addition to habitat loss, are population fragmentation, hunting for the bushmeat trade, live capture, and exposure to emerging or introduced diseases;

(6) great apes are important components of the ecosystems they inhabit, and studies of their wild populations have provided important biological insights;

(7) although subsistence hunting of tropical forest animals has occurred for hundreds of years at a sustainable level, the tremendous increase in the commercial trade of tropical forest species is detrimental to the future of these species; and

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

(b) Purposes

The purposes of this chapter are—

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

(2) to assist in the conservation and protection of great apes by supporting conservation

programs of countries in which populations of great apes are located and by supporting the CITES Secretariat.

(Pub. L. 106-411, §2, Nov. 1, 2000, 114 Stat. 1789.)

SHORT TITLE

Pub. L. 106-411, §1, Nov. 1, 2000, 114 Stat. 1789, provided that: “This Act [enacting this chapter] may be cited as the ‘Great Ape Conservation Act of 2000.’”

§ 6302. Definitions

In this chapter:

(1) CITES

The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices.

(2) Conservation

The term “conservation”—

(A) means the use of methods and procedures necessary to prevent the diminution of, and to sustain viable populations of, a species; and

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

(i) conservation, protection, restoration, acquisition, and management of habitat;

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

(iii) assistance in the development, implementation, and improvement of management plans for managed habitat ranges;

(iv) enforcement and implementation of CITES;

(v) enforcement and implementation of domestic laws relating to resource management;

(vi) development and operation of sanctuaries for members of a species rescued from the illegal trade in live animals;

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

(viii) programs for the rehabilitation of members of a species in the wild and release of the members into the wild in ways which do not threaten existing wildlife populations by causing displacement or the introduction of disease;

(ix) conflict resolution initiatives;

(x) community outreach and education; and

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

(3) Fund

The term “Fund” means the Great Ape Conservation Fund established by section 6304 of this title.

(4) Great ape

The term “great ape” means a chimpanzee, gorilla, bonobo, orangutan, or gibbon.

(5) Multinational Species Conservation Fund

The term “Multinational Species Conservation Fund” means such fund as established in

title I of the Department of the Interior and Related Agencies Appropriations Act, 1999, under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” [16 U.S.C. 4246].

(6) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 106-411, §3, Nov. 1, 2000, 114 Stat. 1790.)

REFERENCES IN TEXT

Title I of the Department of the Interior and Related Agencies Appropriations Act, 1999, referred to in par. (5), is Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-232. Provisions under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in Pub. L. 105-277, §101(e) [title I] appear at 112 Stat. 2681-237, and are classified in part to section 4246 of this title.

§ 6303. Great ape conservation assistance

(a) In general

Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of great apes for which project proposals are approved by the Secretary in accordance with this section.

(b) Project proposals

(1) Eligible applicants

A proposal for a project for the conservation of great apes may be submitted to the Secretary by—

- (A) any wildlife management authority of a country that has within its boundaries any part of the range of a great ape if the activities of the authority directly or indirectly affect a great ape population;
- (B) the CITES Secretariat; or
- (C) any person or group with the demonstrated expertise required for the conservation of great apes.

(2) Required elements

A project proposal shall include—

- (A) a concise statement of the purposes of the project;
- (B) the name of the individual responsible for conducting the project;
- (C) a description of the qualifications of the individuals who will conduct the project;
- (D) a concise description of—
 - (i) methods for project implementation and outcome assessment;
 - (ii) staff and community management for the project; and
 - (iii) the logistics of the project;
- (E) an estimate of the funds and time required to complete the project;
- (F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;
- (G) information regarding the source and amount of matching funding available for the project; and
- (H) any other information that the Secretary considers to be necessary for evaluat-

ing the eligibility of the project for funding under this chapter.

(c) Project review and approval

(1) In general

The Secretary shall—

- (A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other appropriate Federal officials; and
- (B) review each project proposal in a timely manner to determine if the proposal meets the criteria specified in subsection (d) of this section.

(2) Consultation; approval or disapproval

Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other appropriate Federal officials, shall—

- (A) consult on the proposal with the government of each country in which the project is to be conducted;
- (B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and
- (C) provide written notification of the approval or disapproval to the person who submitted the proposal, other appropriate Federal officials, and each country described in subparagraph (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;
- (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.

(e) Project sustainability

To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of great apes and their habitats.

(f) Matching funds

In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) Project reporting**(1) In general**

Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary considers necessary) that include all information that the Secretary, after consultation with other appropriate government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) Availability to the public

Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this chapter, shall be made available to the public.

(h) Limitations on use for captive breeding

Amounts provided as a grant under this chapter—

(1) may not be used for captive breeding of great apes other than for captive breeding for release into the wild; and

(2) may be used for captive breeding of a species for release into the wild only if no other conservation method for the species is biologically feasible.

(i) Panel**(1) In general**

Every 2 years, the Secretary may convene a panel of experts to identify the greatest needs for the conservation of great apes.

(2) Applicability of FACA

The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).

(Pub. L. 106-411, §4, Nov. 1, 2000, 114 Stat. 1791; Pub. L. 109-363, title VII, §701, Oct. 17, 2006, 120 Stat. 2081.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (i)(2), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (d)(6). Pub. L. 109-363, §701(1), added par. (6).

Subsec. (i). Pub. L. 109-363, §701(2), designated existing provisions as par. (1), inserted par. heading, substituted “may convene” for “shall convene”, and added par. (2).

§ 6304. Great Ape Conservation Fund**(a) Establishment**

There is established in the Multinational Species Conservation Fund a separate account to be known as the “Great Ape Conservation Fund”, consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e) of this section;

(2) amounts appropriated to the Fund under section 6305 of this title; and

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

(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 expend not more than 3 percent, or up to \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(c) Investment of amounts**(1) In general**

The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) Acquisition of obligations

For the purpose of investments under paragraph (1), obligations may be acquired—

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

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

(3) Sale of obligations

Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) Credits to Fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) Transfers of amounts**(1) In general**

The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) Adjustments

Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) Acceptance and use of donations

The Secretary may accept and use donations to provide assistance under section 6303 of this title. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

(Pub. L. 106-411, § 5, Nov. 1, 2000, 114 Stat. 1793; Pub. L. 109-363, title VII, § 702, Oct. 17, 2006, 120 Stat. 2082.)

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-363 substituted “expand” for “expand” and “\$100,000” for “\$80,000”.

§ 6305. Authorization of appropriations

There are authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2006 through 2010.

(Pub. L. 106-411, § 6, Nov. 1, 2000, 114 Stat. 1794; Pub. L. 109-363, title VII, § 703, Oct. 17, 2006, 120 Stat. 2082.)

AMENDMENTS

2006—Pub. L. 109-363 substituted “fiscal years 2006 through 2010” for “fiscal years 2001 through 2005”.

CHAPTER 83—CORAL REEF CONSERVATION

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§ 6401. Purposes

The purposes of this chapter are—

- (1) to preserve, sustain, and restore the condition of coral reef ecosystems;
- (2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;
- (3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;
- (4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;
- (5) to provide financial resources for those programs and projects; and
- (6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

(Pub. L. 106-562, title II, § 202, Dec. 23, 2000, 114 Stat. 2800.)

SHORT TITLE

Pub. L. 106-562, title II, § 201, Dec. 23, 2000, 114 Stat. 2800, provided that: “This title [enacting this chapter] may be cited as the ‘Coral Reef Conservation Act of 2000’.”

NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE

Pub. L. 106-554, § 1(a)(4) [div. B, title I, § 144(f)], Dec. 21, 2000, 114 Stat. 2763, 2763A-249, provided that:

“(1) The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

“(2) Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

“(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433[, 1434]);

“(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least one representative from Native Hawaiian groups; and

“(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act [16 U.S.C. 1431 et seq.].

“(3) Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

“(4) The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

“(5) If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

“(6) No later than 6 months after the date of enactment of this Act [Dec. 21, 2000], the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources [now Committee on Natural Resources], describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

“(7) There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (5) [(6)] to be reflected in the Budget of the United States Government.”

Substantially identical provisions were contained in Pub. L. 106-513, § 6(g), Dec. 21, 2000, 114 Stat. 2385.

EX. ORD. NO. 13089. CORAL REEF PROTECTION

Ex. Ord. No. 13089, June 11, 1998, 63 F.R. 32701, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the Clean Water Act of 1977, as amended (33 U.S.C. 1251, *et seq.*) [see Short title of 1977 Amendment note, set out under section 1451 of this title], Coastal Zone Management Act [of 1972] (16 U.S.C. 1451, *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*), National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et seq.*), National Marine Sanctuaries Act, (16 U.S.C. 1431, *et seq.*), National Park Service Organic Act (16 U.S.C. 1, *et seq.*), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-ee) [16 U.S.C. 668dd-668ee], and other pertinent statutes, to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment, it is hereby ordered as follows:

SECTION 1. *Definitions.* (a) “U.S. coral reef ecosystems” means those species, habitats, and other natural resources associated with coral reefs in all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., Federal, State, territorial, or commonwealth waters), including reef systems in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean. (b) “U.S. Coral Reef Initiative” is an existing partnership between Federal agencies and