

106TH CONGRESS
1ST SESSION

S. 1007

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 SENATE OF THE UNITED STATES

MAY 11, 1999

Mr. JEFFORDS (for himself and Mrs. BOXER) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

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 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

24 (6) great apes are important components of the
25 ecosystems they inhabit, and studies of their wild

1 populations have provided important biological in-
2 sights; and

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

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

11 (1) to perpetuate viable populations of great
12 apes in the wild; and

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

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of the Agency for
21 International Development.

22 (2) CITES.—The term “CITES” means the
23 Convention on International Trade in Endangered
24 Species of Wild Fauna and Flora, done at Wash-

ington March 3, 1973 (27 UST 1087; TIAS 8249),
including its appendices.

(3) CONSERVATION.—The term
“conservation”—

(A) means the use of methods and procedures necessary to prevent the diminution of wild 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;

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

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

12 (6) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

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

15 (a) IN GENERAL.—Subject to the availability of
16 funds and in consultation with the Administrator, the Sec-
17 retary shall use amounts in the Fund to provide financial
18 assistance for projects for the conservation of great apes
19 for which project proposals are approved by the Secretary
20 in accordance with this section.

21 (b) PROJECT PROPOSALS.—

22 (1) ELIGIBLE APPLICANTS.—A proposal for a
23 project for the conservation of great apes may be
24 submitted to the Secretary by—

1 (A) any wildlife management authority of
2 a country that has within its boundaries any
3 part of the range of a great ape if the activities
4 of the authority directly or indirectly affect a
5 great ape population;

6 (B) the CITES Secretariat; or

7 (C) any person or group with the dem-
8 onstrated expertise required for the conserva-
9 tion of great apes.

10 (2) REQUIRED ELEMENTS.—A project proposal
11 shall include—

12 (A) a concise statement of the purposes of
13 the project;

14 (B) the name of the individual responsible
15 for conducting the project;

16 (C) a description of the qualifications of
17 the individuals who will conduct the project;

18 (D) a concise description of—

19 (i) methods for project implementa-
20 tion and outcome assessment;

21 (ii) staff and community management
22 for the project; and

23 (iii) the logistics of the project;

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

1 (F) evidence of support for the project by
 2 appropriate governmental entities of the coun-
 3 tries in which the project will be conducted, if
 4 the Secretary determines that such support is
 5 required for the success of the project;

6 (G) information regarding the source and
 7 amount of matching funding available for the
 8 project; and

9 (H) any other information that the Sec-
 10 retary considers to be necessary for evaluating
 11 the eligibility of the project for funding under
 12 this Act.

13 (c) PROJECT REVIEW AND APPROVAL.—

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

15 (A) not later than 30 days after receiving
 16 a project proposal, provide a copy of the pro-
 17 posal to the Administrator; and

18 (B) review each project proposal to deter-
 19 mine if the proposal meets the criteria specified
 20 in subsection (d).

21 (2) CONSULTATION; APPROVAL OR DIS-
 22 APPROVAL.—Not later than 180 days after receiving
 23 a project proposal, and subject to the availability of
 24 funds, the Secretary, after consulting with the Ad-
 25 ministrator, shall—

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

4 (B) after taking into consideration any
5 comments submitted in response to the request,
6 approve or disapprove the proposal; and

7 (C) provide written notification of the ap-
8 proval or disapproval to the person who sub-
9 mitted the proposal, the Administrator, and
10 each country described in subparagraph (A).

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

15 (1) implement conservation programs;

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

19 (3) enhance compliance with CITES and laws
20 of the United States or a foreign country that pro-
21 hibit or regulate the taking or trade of great apes
22 or regulate the use and management of great ape
23 habitat;

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

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

3 (B) great ape population numbers and
4 trends; or

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

8 (5) promote cooperative projects on the issues
9 described in paragraph (4) among foreign govern-
10 ments, affected local communities, nongovernmental
11 organizations, or other persons in the private sector.

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

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

22 (g) PROJECT REPORTING.—

23 (1) IN GENERAL.—Each person that receives
24 assistance under this section for a project shall sub-
25 mit to the Secretary and the Administrator periodic

1 reports (at such intervals as the Secretary considers
2 necessary) that include all information that the Sec-
3 retary, after consultation with the Administrator, de-
4 termines is necessary to evaluate the progress and
5 success of the project for the purposes of ensuring
6 positive results, assessing problems, and fostering
7 improvements.

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

13 (h) LIMITATIONS ON USE FOR CAPTIVE BREED-
14 ING.—Amounts provided as a grant under this Act may
15 not be used for captive breeding of great apes other than
16 for captive breeding for release into the wild.

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

18 (a) ESTABLISHMENT.—There is established in the
19 general fund of the Treasury a trust fund to be known
20 as the “Great Ape Conservation Fund”, consisting of—

21 (1) amounts transferred to the Secretary of the
22 Treasury for deposit into the Fund under subsection
23 (e);

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

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

3 (b) EXPENDITURES FROM FUND.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 upon request by the Secretary, the Secretary of the
6 Treasury shall transfer from the Fund to the Sec-
7 retary, without further appropriation, such amounts
8 as the Secretary determines are necessary to provide
9 assistance under section 4.

10 (2) ADMINISTRATIVE EXPENSES.—An amount
11 not to exceed 6 percent of the amounts in the Fund
12 shall be available for each fiscal year to pay the ad-
13 ministrative expenses necessary to carry out this
14 Act.

15 (c) INVESTMENT OF AMOUNTS.—

16 (1) IN GENERAL.—The Secretary of the Treas-
17 ury shall invest such portion of the Fund as is not,
18 in the judgment of the Secretary of the Treasury,
19 required to meet current withdrawals. Investments
20 may be made only in interest-bearing obligations of
21 the United States.

22 (2) ACQUISITION OF OBLIGATIONS.—For the
23 purpose of investments under paragraph (1), obliga-
24 tions may be acquired—

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

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

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

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

10 (d) TRANSFERS OF AMOUNTS.—

11 (1) IN GENERAL.—The amounts required to be
12 transferred to the Fund under this section shall be
13 transferred at least monthly from the general fund
14 of the Treasury to the Fund on the basis of esti-
15 mates made by the Secretary of the Treasury.

16 (2) ADJUSTMENTS.—Proper adjustment shall
17 be made in amounts subsequently transferred to the
18 extent prior estimates were in excess of or less than
19 the amounts required to be transferred.

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

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Fund
3 \$5,000,000 for each of fiscal years 2000 through 2004.

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