

## GREAT APE CONSERVATION ACT OF 2000

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JULY 25, 2000.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 4320]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Ape Conservation Act of 2000”.

#### SEC. 2. 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 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) 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 Act 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.

### SEC. 3. DEFINITIONS.

In this Act:

(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 5.

(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”.

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

### SEC. 4. 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 evaluating the eligibility of the project for funding under this Act.
- (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).
  - (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; 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.
- (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 Act, shall be made available to the public.
- (h) LIMITATIONS ON USE FOR CAPTIVE BREEDING.—Amounts provided as a grant under this Act—

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

**SEC. 5. 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);

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

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

(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 4.

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

(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 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

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

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

**PURPOSE OF THE BILL**

The purpose of H.R. 4320 is 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 who demonstrated expertise in the conservation of great apes.

**BACKGROUND AND NEED FOR LEGISLATION**

The vast majority of endangered or threatened species throughout the world receive little, if any, U.S. funding. Currently, three

U.S. grant programs exist (through the U.S. Fish and Wildlife Service) for in-situ conservation: the African Elephant, Asian Elephant, and Rhino and Tiger Conservation Acts and their related funds (commonly known as the Multinational Species Conservation Fund). In Fiscal Year 2000, collectively, these programs received \$2.4 million.

Since the 1980s, the conservation of endangered and threatened species, and their critical habitat, has become an ever-increasing challenge that needs to be fought on multiple fronts. Numerous species are critically endangered in all parts of the world. The causes of their decline include ivory poaching in Africa and Asia; harmful farming practices in Asia, Africa and South America; and deforestation in the rainforests of South America, Africa and Asia, which is particularly dangerous for all species of primates. Protecting the world's most at-risk species now requires an around-the-clock, team-oriented approach involving both on-the-ground activities in the range states, which encompass both government and nongovernmental organizations, and education programs at home and abroad.

While the Convention on International Trade in Endangered and Threatened Species of Wild Fauna and Flora (CITES) and our federal Endangered Species Act (ESA) will continue to address harmful activities affecting wild populations of threatened and endangered species, sadly, many range states simply lack the financial resources to adequately protect these animals within their borders. It is, therefore, necessary for the United States and the international community to take a leadership role in trying to stop the disappearance of these irreplaceable flagship species, such as great apes. All great apes are listed endangered under the ESA and Appendix I under CITES.

Great apes inhabit areas where their study and conservation is an enormous challenge. Once protected by the isolation of densely forested, and sometimes unexplored, habitat, great apes experience increased pressure from human populations invading and changing their world. Roads built by logging and mining companies give hunters and slash-and-burn agriculturalists access to once remote forests. Growing human populations demand more and more resources from the forest: land for cultivation; highly-prized tropical lumber species; diamonds and gold; and perhaps most menacingly for forest wildlife, the meat from wild animals known as bushmeat.

While wildlife has been part of the diet of Africans and Asians for centuries, the bushmeat trade has evolved into a heavily commercialized business seriously threatening the future of great apes in the wild. For example, according to a recent study by the World Society for the Protection, an estimated 800 western lowland gorillas are killed annually for the bushmeat trade in just one small area of Cameroon. In many places where commercial bushmeat operations take place, the meat from apes is the most prized and fetches the highest prices (as opposed to forest elephants, antelopes and pigs), where some urban dwellers can afford to buy such luxury commodities as gorilla and chimpanzee. If current unsustainable rates of exploitation continue, the commercial bushmeat trade will decimate, if not eliminate, some of the most endangered species, especially great apes.

From a biological perspective, forest wildlife productivity is very low compared to savannas and cannot sustain such protective demands from the bushmeat trade for growing human populations in West and Central Africa. Complicating the matter, apes are, by their biological nature, an extremely vulnerable species, have complex social grouping, low productive rates and grow relatively slowly. An example of the devastating effects of the bushmeat commercialization is the drastic decline in the chimpanzee populations (all three subspecies western, central and eastern). In 1960, more than one million chimpanzees populated the dense forests of Africa. Today, that number is less than 200,000.

In fact, the populations of all the following great apes are suffering from the bushmeat trade and loss of habitat due to logging practices, agriculture expansion, human migration and mining:

Orangutans—found only on the islands of Borneo and Sumatra in Indonesia and Malaysia, number less than 30,000, which represents a decline of 30 to 50% in the last decade;

Bonobos—found only in a very small rainforest in the Congo Basin, south of the Congo River, number less than 100,000, which represents a 50% decline in the population over the last twenty years;

Gorillas—representing three subspecies (mountain, western lowland and eastern lowland) are located in nine African countries. The mountain gorilla, perhaps the most studied gorilla species (made famous by Diane Fossey and the movie “Gorillas in the Mist”) and with only 620 known specimens, make it not only the most threatened gorilla subspecies, but also one of the rarest mammals on earth, more endangered than the giant panda. The eastern lowland gorilla and western lowland gorilla populations are less than 10,000 and 110,000 specimens, respectively.

The Great Ape Conservation Act and its accompanying fund is modeled after the African and Asian Elephant and Rhino and Tiger Conservation Acts. The bill defines great apes as gorillas (*Gorilla gorilla*), orangutans (*Pongo pygmaeus*), chimpanzees (*Pan troglodytes*), bonobos (*Pan paniscus*) and gibbons (*Hylobates sp.*). Finally, the bill prohibits funds under the Act to be used for captive breeding of great apes other than for release into the wild.

#### COMMITTEE ACTION

H.R. 4320 was introduced on April 13, 2000, by Representatives George Miller (D-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On June 20, 2000, the Subcommittee held a hearing on the bill. On June 29, 2000, the Subcommittee met to mark up the bill. Congressman George Miller offered an amendment in the nature of a substitute that clarified and strengthened the definition of conservation, streamlined the consultation process, clarified the role of captive breeding and the amount of funds to be used for administrative expenses, and included gibbons in the definition of great apes. It was adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On July 19, 2000, the Full Resources Committee met to consider the bill. There were no further amend-

ments and the bill was then ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 4320.

#### COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. The Committee on Resources has requested such an estimate but had not received one at the time this bill report was filed. The Committee believes that the bill will have an insignificant effect on the federal budget.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, the Committee does not believe that this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **Government Reform Oversight Findings.** Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has not received a timely cost estimate for this bill from the Director of the Congressional Budget Office.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.