

(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;

(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);

(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).

(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 “expend” 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

Sec.

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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