

(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 con-

ducted, 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 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).

(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.