

curs only when the issuance or amendment of the authorization would not change the physical environment or the activities, facilities, or program of the operations governed by the authorization, and at least one of the following apply:

(1) The authorization is issued upon a change in control of the holder of an existing authorization.

(2) The holder, upon expiration of an authorization, is issued a new authorization.

(3) The authorization is amended—

(A) to effectuate administrative changes, such as modification of the land use fee or conversion to a new special use authorization form; or

(B) to include nondiscretionary environmental standards or to conform with current law.

(Pub. L. 108-7, div. F, title V, §507, Feb. 20, 2003, 117 Stat. 297.)

Editorial Notes

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.)

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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 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—