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GREAT APE CONSERVATION ACT OF 2000

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

Mr. SMITH of New Hampshire, from the Committee on
Environment and Public Works, submitted the following

REPORT

[to accompany H.R. 4320]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which 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, reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

Great Apes

Great apes generally inhabit densely forested habitat primarily in Africa, Asia, or other rainforest locations. Biologically, they are extremely vulnerable species. Great apes have complex social groupings, low rates of reproduction, and slow rates of growth. Compounding their biological vulnerability, great apes have been impacted by increased pressure from human infringement on traditionally isolated areas. Growing human populations demand more and more resources from the forest: land for cultivation; high-priced tropical lumber species; diamonds and gold; and the meat from wild animals known as bushmeat.

Hunting for commercial trade in bushmeat is greatly impacting populations of endangered and threatened wildlife, including great apes. Although wildlife has been a part of the diet of Africans and Asians for centuries, commercial trade in bushmeat has been on the increase. Construction of logging or mining roads increases ac-

cess to the traditionally isolated areas where great apes live. As roads have opened up previously inaccessible tracts of forest, the trade in bushmeat has grown into a commercial enterprise. Bushmeat not only feeds the logging and mining camps, but is also transported to urban centers where gorilla and chimpanzee meat fetches prices two to six times the cost of beef or pork. While national laws generally prohibit the hunting of great apes, forestry and wildlife officials often lack the basic resources required for enforcement.

The populations of the following apes are increasingly threatened by loss of habitat, as well as by the growing bushmeat trade:

- Chimpanzees—Approximately 200,000 Chimpanzees live in 21 African countries;
- Gorillas—Approximately 120,620 Gorillas live in nine African countries (mountain gorilla—620, eastern lowland gorilla—10,000, and western lowland gorilla—110,000);
- Bonobos—Approximately 10,000 Bonobos live exclusively in the Congo Basin of Africa;
- Orangutans—Approximately 30,000 Orangutans live in Borneo and Sumatra in Indonesian and Malaysia; and
- Gibbons—Approximately 79,000 Gibbons live in Southeast and South Asia.

Over the past four decades, the population of chimpanzees has declined 80 percent. Over the past two decades, the population of Bonobos has declined 50 percent. Over the last decade, the population of Orangutans has declined 50 percent. Only 620 mountain gorillas exist. This figure makes the mountain gorilla the most threatened gorilla subspecies and one of the rarest mammals on earth, more endangered than the giant panda.

Great apes are a flagship species for the conservation of the tropical forest habitats in which they are found. Many species are suffering or declining due to habitat loss or human infringement; working to conserve great apes also conserves the thousands of other species which depend on the same habitat. In addition, great apes play an important part in the forest's regeneration through the fruits and seeds they eat. Their disappearance could represent the loss of hundreds of species of plants, animals and insects within that ecosystem.

International and U.S. Law

There are more than 30,000 species around the world that have been listed for protection under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES is an international wildlife treaty which entered into force July 1, 1975. It regulates the import and export of certain listed species identified in one of three Appendices. Appendix I includes species that are threatened with extinction; Appendix II includes species that may become threatened with extinction unless stringently regulated; Appendix III includes native species protected within the borders of countries exercising the option to list such species. The United States is a party to the treaty along with 151 other countries.

Endangered species in the United States are also protected under the Endangered Species Act of 1973 (ESA). The ESA currently lists over 1,700 species (animal and plant) as endangered or threatened.

Out of these 1,700 listed species, more than 500 animal species, approximately one-third, exist entirely outside the United States.

Despite these protections for endangered or threatened species, the vast majority of these populations are continuing to face threats and decline. Most are found in countries that cannot afford to dedicate the resources needed to recover the species. Funding from the United States to support conservation efforts also is very limited. In response, in recent years Congress enacted three laws that establish three U.S. grant programs through the Fish and Wildlife Service for the conservation of species in their natural habitat: the African Elephant Conservation Act (P.L. 100–478), the Rhino and Tiger Conservation Act (P.L. 103–391), and the Asian Elephant Conservation Act (P.L. 105–96) and their related Funds (collectively known as the Multinational Species Conservation Fund). In fiscal year 2000, these Acts and their related funds received appropriations of \$2.4 million.

Objectives of the Bill

The Great Ape Conservation Act is modeled after the African Elephant Conservation Act, the Rhino and Tiger Conservation Act, and the Asian Elephant Conservation Act. The bill promotes efforts to preserve five species of great apes and their habitat in the wild. To accomplish this, the bill directs the Secretary of Interior to provide financial assistance for approved projects for the conservation of great apes in their natural habitat. In addition, the bill establishes the Great Ape Conservation Fund within the Multinational Species Conservation Fund to provide that assistance.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 establishes the short title of the bill as the “Great Ape Conservation Act of 2000.”

Sec. 2. Findings and Purposes

Section 2 states the findings of the bill. They include the following: great ape populations are in serious jeopardy; chimpanzee, gorilla, bonobo, orangutan, and gibbon are listed as endangered species under the ESA and included in Appendix I of CITES; resources have not been sufficient to cope with the continued loss of habitat and diminution of great ape populations due to the challenges facing the conservation of great apes; conservation of great apes provides benefits to numerous other species of wildlife and their tropical forest habitats; threats to great apes include population fragmentation, hunting for the bushmeat trade, live capture, and exposure to disease; the study of wild great ape populations provides important biological insights; an increase in the commercial trade of tropical forest species is detrimental to the future of these species; and removing threats to great apes requires 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.

Section 2 also provides that the purposes of the bill are to sustain great ape populations in the wild and to assist in the conserva-

tion and protection of great apes by supporting conservation programs, as well as by supporting the CITES Secretariat.

Sec. 3. Definitions

Section 3 defines key terms used throughout the bill. The bill defines great apes as chimpanzees (*Pan troglodytes*), gorillas (*Gorilla gorilla*), bonobos (*Pan paniscus*), orangutans (*Pongo pygmaeus*), and gibbons (*Hylobates* sp.). Conservation is defined to mean a range of activities including sustaining great ape populations and training local law enforcement officials to prevent the illegal killing of great apes. The terms “CITES,” “Fund,” “Multinational Species Conservation Fund,” and “Secretary” are also defined.

Sec. 4. Great Ape Conservation Assistance

Section 4 directs the Secretary of the Interior to provide financial assistance for projects for the conservation of great apes in their natural habitat. In providing this financial assistance, the Secretary of the Interior is to consult with other appropriate Federal officials and the government of each country in which a project is to be conducted (both financial assistance and consultation under this section are subject to the availability of funds). The bill prohibits funds to be used for captive breeding of great apes other than for release into the wild.

Those eligible to receive funding under this section are: any wildlife management authority of a country that has within its boundaries any part of the range of a great ape; the CITES Secretariat; or persons with the demonstrated expertise required for the conservation of great apes. Required elements for a project proposal, criteria for approval, and a timetable for the approval process are included in the bill. These provisions guide the Secretary in establishing and implementing the program. To ensure that the Great Ape Conservation Fund established in section 5 of the bill is used in a fiscally responsible manner, section 4 places additional requirements on the Secretary of Interior to give preference to long-term conservation projects and to projects for which matching funds are available.

To evaluate the progress and success of projects, section 4 requires that persons receiving assistance under the Act submit periodic reports to the Secretary. These reports, as well as other documents relating to projects, are to be made available to the public. This ensures accountability of the program as well as the availability of information to improve individual projects and the program as a whole. In addition, section 4 requires the Secretary of Interior to convene a panel of experts every 2 years to identify the greatest needs for the conservation of great apes.

Sec. 5. Great Ape Conservation Fund

Section 5 establishes the Great Ape Conservation Fund as a separate account in the Multinational Species Conservation Fund. The Multinational Species Conservation Fund was established in title I of the fiscal year 1999 Department of Interior and Related Agencies Appropriations Act to consolidate three existing conservation grant programs (P.L. 106–113). The Fish and Wildlife Service administers the African Elephant Conservation Act, the Rhino and Tiger Conservation Act, and the Asian Elephant Conservation Act and

their related Funds. In fiscal year 2000 the Multinational Species Conservation Fund received \$2.4 million.

Section 5 provides for three sources of funding to the Great Ape Conservation Fund: donations received by the Secretary of Interior to provide assistance under section 4; amounts appropriated to the Fund; and interest earned on investment of amounts in the Fund. Section 5 directs the Secretary of the Treasury to transfer such amounts as the Secretary of Interior determines are necessary to provide assistance under section 4. The Secretary of Interior may use up to 3 percent of funds appropriated for the Great Ape Conservation Fund or \$80,000, whichever is greater, to administer the program.

Sec. 6. Authorization of Appropriations

Section 6 authorizes \$5 million for the program for each of fiscal years 2001 through 2005.

HEARINGS

No hearings were held on H.R. 4320.

LEGISLATIVE HISTORY

On July 26, 2000, H.R. 4320 was received, read twice and referred to the Committee on Environment and Public Works. On September 28, 2000, H.R. 4320 was favorably reported by the committee.

ROLLCALL VOTES

Section 7(b) of the rule XXVI of the Standing Rules of the Senate and the rules of the Committee on Environment and Public Works require that any rollcall votes taken during consideration of legislation be noted in the report.

On September 28, 2000, the committee met to consider H.R. 4320. The bill was agreed to by voice vote. No rollcall votes were taken.

REGULATORY IMPACT

Section 11(b) of rule XXVI of the Standing Rules of the Senate requires publication in the report the committee's estimate of the regulatory impact made by the bill as reported. No regulatory impact is expected by the passage of this bill.

The bill will not affect the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (P.L. 104-4), the committee makes the following evaluation of the Federal mandates contained in the reported bill: H.R. 4320 imposes no Federal intergovernmental mandates on State, local or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill,

prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 2000.

Hon. ROBERT C. SMITH, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4320, the Great Ape Conservation Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 4320, Great Ape Conservation of 2000, as ordered reported by
the Senate Committee on Environment and Public Works on
September 28, 2000*

Summary

H.R. 4320 would establish a new fund to support the conservation of great apes (gorillas, orangutans, and others). The Act would direct the Secretary of the Interior to use amounts in the new fund to finance eligible conservation efforts, which may include specific projects such as research and education as well as ongoing activities such as law enforcement. For this purpose, H.R. 4320 would authorize the appropriation of \$5 million annually over the 2001-2005 period. Also, the Secretary would be authorized to accept and use funds donated for conservation purposes without further appropriation.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4320 would cost \$10 million over the 2001-2005 period. We estimate that the remainder of the authorized funds would be spent after 2005. The legislation would affect direct spending and receipts by allowing the Secretary to accept and spend donations; therefore, pay-as-you-go procedures would apply. We estimate that any such donations, however, would involve minor, offsetting amounts. H.R. 4320 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated Cost to the Federal Government

The estimated budgetary impact of H.R. 4320 is shown in the following table. The costs of its legislation fall within budget function 300 (natural resources and environment). Spending for the conservation of great apes would constitute a new program in the Fed-

eral budget; there is no spending for this activity under current law.

By Fiscal Year, in Millions of Dollars

	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	5	5	5	5	5
Estimated Outlays	^a	1	2	3	4

^a Is less than \$500,000

Basis of Estimate

For this estimate, CBO assumes that the entire amounts authorized by H.R. 4320 will be appropriated for each of fiscal years 2001 through 2005. Outlay estimates are based on historical patterns for similar programs, which indicate that the rate of spending over the first few years of the new program would be slow.

Enacting H.R. 4320 also would affect both receipts and direct spending by authorizing the Secretary of the Interior to accept and use donations. CBO estimates that this provision would increase Federal receipts by less than \$500,000 annually once the conservation program has been established. Because these receipts would be offset by additional direct spending, the net impact of this provision on the Federal budget would be negligible in each year.

Pay-As-You-Go Considerations

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Although enacting H.R. 4320 would affect both receipts and direct spending, CBO estimates that the amounts involved would be less than \$500,000 annually.

Intergovernmental and Private-Sector Impact

H.R. 4320 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO Estimate

On July 26, 2000, CBO transmitted a cost estimate for H.R. 4320 as passed by the House of Representatives on July 25, 2000. The two versions of the legislation are identical, as are our cost estimates.

Estimate prepared by: Federal Costs: Deborah Reis (226–2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225–3220); Private Sector: Tim VanderBerg (226–2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate, provides that reports to the Senate should show changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.

