

peer review under subsection (c) of this section; and

(II) the base cabin user fee established as a result of the appraisal or peer review is determined to be an amount that is 90 percent or more of the fee in effect for the lot as determined by an appraisal conducted on or after September 30, 1995,

the Secretary shall charge the cabin owner, in addition to the annual fee that would otherwise have been due under section 6208 of this title, the difference between the base cabin user fee determined through the conduct of the new appraisal or peer review and the annual fee that would otherwise have been due under section 6208 of this title, to be assessed retroactively for each year beginning with the year in which the previous appraisal was conducted, and to be paid in 3 equal annual installments.

(b) Term

(1) Lots not appraised since September 30, 1995

For a lot that has not been appraised since September 30, 1995, the Secretary shall charge fees in accordance with subsection (a)(2)(A) of this section until—

(A) a base cabin user fee is determined in accordance with—

- (i) this chapter; or
- (ii) regulations and policies in effect on October 11, 2000; and

(B) the right of the cabin owner to a second appraisal under section 6209 of this title is exhausted.

(2) Lots appraised on or after September 30, 1995

For a lot that has been appraised on or after September 30, 1995, the Secretary shall charge fees under subsection (a)(2) of this section until—

(A) the cabin owner requests a new appraisal or peer review, and a base cabin user fee is established, under subsection (c) of this section; or

(B) in the absence of a request for a peer review or a new appraisal under subsection (c) of this section, the date that is 2 years after the date on which the Forest Service promulgates regulations and policies and develops appraisal guidelines under this chapter.

(c) Request for new appraisal under new law

(1) In general

Not later than 2 years after the promulgation of final regulations and policies and the development of appraisal guidelines in accordance with section 6205(a)(5) of this title, cabin owners that are subject to appraisals completed after September 30, 1995, but before the date of promulgation of final regulations under section 6212 of this title, may request, in accordance with paragraph (2), that the Secretary—

(A) conduct a new appraisal and determine a new base cabin user fee in accordance with this chapter; or

(B) commission a peer review of the existing appraisals in accordance with paragraph (4).

(2) Appraisal groupings by typical lot

A request for a new appraisal or for a peer review of existing appraisals under paragraph (1) shall be made by a majority of the cabin owners in a group of cabins represented in the appraisal process by a typical lot.

(3) Conduct of new appraisal

On receipt of a request for an appraisal and fee determination in accordance with paragraph (2), the Secretary shall conduct the new appraisal and fee determination in accordance with this chapter.

(4) Peer review of existing appraisals

(A) In general

On receipt of a request for peer review in accordance with paragraph (2), the Secretary shall obtain from an independent professional appraisal organization a review of the appraisal (including any report on the appraisal) that was used to establish the estimated fee simple value of the lots within the subject grouping.

(B) Inconsistency

If peer review described in subparagraph (A) results in a determination that an appraisal or appraisal report includes provisions or procedures that were implemented or conducted in a manner inconsistent with this chapter, the Secretary shall, as appropriate and in accordance with this chapter—

- (i) revise an existing base cabin user fee; or
- (ii) subject to an agreement with the cabin owners, conduct a new appraisal and fee determination.

(5) Payment of costs

Cabin owners and the Secretary shall share, in equal proportion, the payment of all reasonable costs of any new appraisal or peer review.

(d) Assumption of new base cabin user fee

In the absence of a request under subsection (c) of this section for a new appraisal and fee determination from a cabin owner whose cabin user fee was determined as a result of an appraisal conducted after September 30, 1995, but before the date of promulgation of final regulations under section 6212 of this title, the Secretary may consider the base cabin user fee resulting from the appraisal conducted between September 30, 1995 and the date of promulgation of the final regulations under section 6212 of this title, to be the base cabin user fee that complies with this section.

(Pub. L. 106-291, title VI, §614, Oct. 11, 2000, 114 Stat. 1022.)

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.)

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