

110TH CONGRESS
2D SESSION

H. R. 5852

To prohibit the conducting of invasive research on great apes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2008

Mr. TOWNS (for himself, Mr. ALLEN, Mr. BARTLETT of Maryland, Mr. BRALEY of Iowa, Mr. LANGEVIN, Mr. REICHERT, Mr. CAMPBELL of California, and Mrs. BONO MACK) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the conducting of invasive research on great apes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Ape Protection
5 Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Advances in scientific knowledge reveal that
2 our nearest living relatives, great apes (including
3 chimpanzees, bonobos, gorillas, orangutans and gib-
4 bons), bear an exceedingly close genetic relationship
5 to humans.

6 (2) Great apes are highly intelligent and social
7 animals and research laboratory environments in-
8 volving invasive research cannot meet their complex
9 social and psychological needs.

10 (3) Confinement of great apes for purposes of
11 invasive research causes these intelligent and sen-
12 tient animals to experience harmful stress and suf-
13 fering, such as profound depression and withdrawal,
14 self mutilation that can result in physical wounding,
15 hair pulling, rocking, and other traumatized or psy-
16 chotic behaviors.

17 (4) Invasive research performed on great apes,
18 and the breeding of great apes for these purposes,
19 are economic in nature and substantially affect
20 interstate commerce.

21 (5) The majority of invasive research and test-
22 ing conducted on great apes in the United States is
23 for the end purpose of developing drugs, pharma-
24 ceuticals, and other products to be sold in the inter-
25 state market.

1 (6) The total costs associated with great ape re-
2 search have a direct economic impact on interstate
3 commerce.

4 (7) Care in a research laboratory for a single
5 great ape over the lifespan of the great ape of more
6 than 50 years can cost between \$300,000 and
7 \$500,000, compared to an approximate cost of
8 \$275,000 for high quality care in a sanctuary.

9 (8) An overwhelming majority of invasive re-
10 search procedures performed on great apes involve
11 some element of interstate commerce, such that
12 great apes, equipment, and researchers have traveled
13 across state lines.

14 (9) The regulation of animals and activities as
15 provided in this Act are necessary to effectively reg-
16 ulate interstate and foreign commerce.

17 (10) Australia, Austria, Japan, the Nether-
18 lands, New Zealand, Sweden, and the United King-
19 dom have banned or severely limited experiments on
20 great apes and several other countries and the Euro-
21 pean Union are considering similar bans as well.

22 (11) The National Research Council (NRC) re-
23 port entitled “Chimpanzees in Research and Strate-
24 gies for their Ethical Care, Management, and Use,”
25 concluded that—

1 (A) there is a “moral responsibility” for
2 the long-term care of chimpanzees used for sci-
3 entific research;

4 (B) there should be a moratorium on fur-
5 ther chimpanzee breeding;

6 (C) euthanasia as a means of general
7 chimpanzee population control is unacceptable;
8 and

9 (D) sanctuaries should be created to house
10 chimpanzees in a manner consistent with high
11 standards of lifetime care, social enrichment,
12 and cognitive development.

13 (12) In December 2000, the Chimpanzee
14 Health Improvement, Maintenance, and Protection
15 (CHIMP) Act was signed into law, requiring the
16 Federal Government to provide for permanent “re-
17 tirement” of chimpanzees who are identified “as no
18 longer being needed in research”.

19 (13) In May 2007, the National Institutes of
20 Health’s National Center for Research Resources’
21 (NCRR) decided to permanently end funding for the
22 breeding of Government-owned chimpanzees for re-
23 search.

24 (b) PURPOSES.—The purpose of this Act is to—

1 (1) prohibit invasive research and the funding
2 of such research both within and outside of the
3 United States on great apes;

4 (2) prohibit the transport of great apes for pur-
5 poses of invasive research;

6 (3) prohibit the breeding of great apes for pur-
7 poses of invasive research; and

8 (4) require the permanent retirement of feder-
9 ally owned great apes.

10 **SEC. 3. PROHIBITIONS.**

11 (a) **INVASIVE RESEARCH PROHIBITION.**—No person
12 shall conduct invasive research on a great ape.

13 (b) **FEDERAL FUNDING PROHIBITION.**—No Federal
14 funds may be used to conduct invasive research on a great
15 ape.

16 (c) **TRANSPORT PROHIBITION.**—No person shall
17 knowingly import, export, transport, move, deliver, receive,
18 possess, rent, loan, purchase, or sell a great ape for the
19 purpose of conducting invasive research on such great ape.

20 (d) **BREEDING PROHIBITION.**—No person shall breed
21 a great ape for use in invasive research.

22 (e) **EXEMPTION.**—Nothing in this Act shall be con-
23 strued to limit or prevent individualized medical care per-
24 formed on a great ape by a licensed veterinarian for the
25 benefit of the great ape.

1 **SEC. 4. RETIREMENT.**

2 (a) IN GENERAL.—Subject to subsection (b), the Sec-
3 retary of Health and Human Services shall provide for the
4 permanent retirement of all great apes owned or under
5 the control of the Federal Government that have been
6 used for invasive research.

7 (b) EXCEPTION.—The Secretary of Health and
8 Human Services may provide for the euthanizing of a
9 great ape owned or under the control of the Federal Gov-
10 ernment that has been used for invasive research if eutha-
11 nasia is in the best interests of such great ape, as deter-
12 mined by an attending veterinarian and endorsed by a sec-
13 ond, unaffiliated veterinarian.

14 **SEC. 5. DEFINITIONS.**

15 In this Act:

16 (a) GREAT APE.—The term “great ape” includes a
17 chimpanzee, gorilla, bonobo, orangutan, or gibbon.

18 (b) INVASIVE RESEARCH.—The term “invasive re-
19 search”—

20 (1) means any experimental research that may
21 cause death, bodily injury, pain, distress, fear, in-
22 jury, or trauma to a great ape, including—

23 (A) the testing of any drug or intentional
24 exposure to a substance that may be detri-
25 mental to the health of a great ape;

1 (B) research that involves penetrating or
2 cutting the body or removing body parts, re-
3 straining, tranquilizing, or anesthetizing a great
4 ape; or

5 (C) isolation, social deprivation, or other
6 experimental physical manipulations that may
7 be detrimental to the health or psychological
8 well-being of a great ape; and

9 (2) does not include—

10 (A) close observation of natural or vol-
11 untary behavior of a great ape, provided that
12 the research does not require removal of the
13 great ape from the social group or environment
14 of such great ape or require an anesthetic or se-
15 dation event to collect data or record observa-
16 tions; or

17 (B) post-mortem examination of a great
18 ape following the natural death of such great
19 ape.

20 (c) PERMANENT RETIREMENT.—The term “perma-
21 nent retirement”—

22 (1) means that a great ape is placed in a suit-
23 able sanctuary that will provide for the lifetime care
24 of the great ape and such great ape will not be used
25 in further invasive research; and

1 (2) does not include euthanasia.

2 (d) PERSON.—The term “person” means—

3 (1) an individual, corporation, partnership,
4 trust, association, or any other private entity,

5 (2) any officer, employee, agent, department, or
6 instrumentality of the Federal Government, a State,
7 municipality, or political subdivision of a State; or

8 (3) any other entity subject to the jurisdiction
9 of the United States.

10 (e) SUITABLE SANCTUARY.—The term “suitable
11 sanctuary” means—

12 (1) the system referred to in section 481C(a) of
13 the Public Health Service Act (42 U.S.C. 287a-
14 3a(a)); or

15 (2) a comparable privately funded sanctuary
16 approved by the Secretary of Health and Human
17 Services.

18 **SEC. 6. EFFECTIVE DATE.**

19 This Act shall take effect on the date that is 3 years
20 after the date of the enactment of this Act.

○