

112TH CONGRESS
1ST SESSION

S. 810

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

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2011

Ms. CANTWELL (for herself, Ms. COLLINS, Mr. SANDERS, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 and Cost Savings Act of 2011”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) chimpanzees are the only great apes cur-
9 rently used in invasive research in the United
10 States;

1 (2)(A) as of the date of introduction of this
2 Act, there are approximately 1,000 chimpanzees
3 housed in laboratories in the United States;

4 (B) more than $\frac{1}{2}$ of these chimpanzees are
5 owned by the Federal Government; and

6 (C) the vast majority are financially supported
7 by the Federal Government;

8 (3) great apes are highly intelligent and social
9 animals;

10 (4) research laboratory environments involving
11 invasive research cannot meet the complex physical,
12 social, and psychological needs of great apes;

13 (5) invasive research performed on great apes,
14 and the breeding, housing, maintenance, and trans-
15 port of great apes for these purposes, are economic
16 in nature and substantially affect interstate com-
17 merce;

18 (6) maintaining great apes in laboratories costs
19 the Federal Government more than caring for great
20 apes in suitable sanctuaries that are specifically de-
21 signed to provide adequate lifetime care for great
22 apes; and

23 (7) the National Research Council report enti-
24 tled “Chimpanzees in Research—Strategies for their

1 Ethical Care, Management, and Use” concluded
2 that—

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

6 (B) there should be a moratorium on fur-
7 ther chimpanzee breeding;

8 (C) euthanasia should not be used as a
9 means to control the size of the great ape popu-
10 lation; and

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

15 (b) PURPOSES.—The purposes of this Act are to—

16 (1) phase out invasive research on great apes
17 and the use of Federal funding of such research,
18 both within and outside of the United States;

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

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

23 (4) require the provision of lifetime care of
24 great apes who are owned by or under the control

1 of the Federal Government in a suitable sanctuary
2 through the permanent retirement of the apes.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ASSIGNED TO AN ACTIVE PROTOCOL.—The
6 term “assigned to an active protocol” means that a
7 great ape is supported by, or used pursuant to, pub-
8 lic or private funding that requires invasive research.

9 (2) GREAT APE.—The term “great ape” means
10 any individual of the following species:

11 (A) Chimpanzee (*Pan troglodytes*).

12 (B) Bonobo (*Pan paniscus*).

13 (C) Gorilla (*Gorilla gorilla* or *Gorilla*
14 *beringei*).

15 (D) Orangutan (*Pongo pygmaeus* or *Pongo*
16 *abelii*).

17 (E) Gibbon (Family Hylobatidae).

18 (3) INVASIVE RESEARCH.—

19 (A) IN GENERAL.—The term “invasive re-
20 search” means any research that may cause
21 death, injury, pain, distress, fear, or trauma to
22 a great ape, including—

23 (i) the testing of any drug or inten-
24 tional exposure to a substance that may be

1 detrimental to the health or psychological
2 well-being of a great ape;

3 (ii) research that involves penetrating
4 or cutting the body or removing body
5 parts, restraining, tranquilizing, or anes-
6 thetizing a great ape; or

7 (iii) isolation, social deprivation, or
8 other experimental manipulations that may
9 be detrimental to the health or psycho-
10 logical well-being of a great ape.

11 (B) EXCLUSIONS.—

12 (i) IN GENERAL.—The term “invasive
13 research” does not include—

14 (I) close observation of natural or
15 voluntary behavior of a great ape, if
16 the research does not require an anes-
17 thetic or sedation event to collect data
18 or record observations;

19 (II) the temporary separation of
20 a great ape from the social group of
21 the great ape, leaving and returning
22 by the own volition of the great ape;

23 (III) post-mortem examination of
24 a great ape that was not killed for the

1 purpose of examination or research;
2 and

3 (IV) the administration of a
4 physical exam by a licensed veteri-
5 narian or physician conducted for the
6 well-being of the individual great ape.

7 (ii) PHYSICAL EXAM.—A physical
8 exam conducted for the well-being of an in-
9 dividual great ape, as described in clause
10 (i)(IV), may include the collection of bio-
11 logical samples to further the well-being of
12 the individual great ape, the social group
13 of the great ape, or the great ape species.

14 (4) PERMANENT RETIREMENT.—

15 (A) IN GENERAL.—The term “permanent
16 retirement” means a situation in which—

17 (i) a great ape is placed in a suitable
18 sanctuary that will provide for the lifetime
19 care of the great ape; and

20 (ii) the great ape will no longer be
21 used in invasive research.

22 (B) EXCLUSION.—The term “permanent
23 retirement” does not include euthanasia.

24 (5) PERSON.—The term “person” means—

1 (A) an individual, corporation, partnership,
2 trust, association, or any other private or not-
3 for-profit entity;

4 (B) any officer, employee, agent, depart-
5 ment, or instrumentality of the Federal Govern-
6 ment, a State, municipality, or political subdivi-
7 sion of a State; or

8 (C) any other entity subject to the jurisdic-
9 tion of the United States.

10 (6) SUITABLE SANCTUARY.—The term “suit-
11 able sanctuary” means—

12 (A) a sanctuary that meets or exceeds the
13 standards of care for chimpanzees held in the
14 federally supported sanctuary system, as de-
15 fined in part 9 of title 42, Code of Federal Reg-
16 ulations; or

17 (B) a wildlife sanctuary that is a nonprofit
18 organization that—

19 (i) operates a place of refuge where
20 abused, neglected, unwanted, impounded,
21 abandoned, orphaned, displaced, or retired
22 animals are provided care for the lifetime
23 of the animal;

24 (ii) does not conduct invasive research
25 on animals;

1 (iii) does not conduct any commercial
2 activity with animals, including, at a min-
3 imum, sale, trade, auction, lease, or loan of
4 animals or animal parts, or use of animals
5 in any manner in a for-profit business or
6 operation;

7 (iv) does not use animals for enter-
8 tainment purposes or in a traveling exhibit;

9 (v) does not breed any animals,
10 whether intentionally or by failing to use
11 adequate birth control methods; and

12 (vi) does not allow members of the
13 public the opportunity to come into phys-
14 ical contact with the animals.

15 **SEC. 4. PROHIBITIONS.**

16 (a) **INVASIVE RESEARCH PROHIBITED.**—No person
17 shall conduct invasive research on a great ape.

18 (b) **HOUSING FOR INVASIVE RESEARCH PROHIB-**
19 **ITED.**—No person shall possess, maintain, or house a
20 great ape for the purpose of conducting invasive research.

21 (c) **FEDERAL FUNDING FOR INVASIVE RESEARCH**
22 **PROHIBITED.**—No Federal funds may be used to conduct
23 invasive research on a great ape or to support an entity
24 conducting or facilitating invasive research on a great ape
25 either within or outside of the United States.

1 (d) BREEDING FOR INVASIVE RESEARCH PROHIB-
2 ITED.—No person shall knowingly breed a great ape for
3 the purpose of conducting or facilitating invasive research.

4 (e) TRANSPORT FOR INVASIVE RESEARCH PROHIB-
5 ITED.—No person shall transport, move, deliver, receive,
6 lease, rent, donate, purchase, sell, or borrow a great ape
7 in interstate or foreign commerce for the purpose of con-
8 ducting or facilitating invasive research on a great ape.

9 (f) TRANSFER OF OWNERSHIP PROHIBITED.—No
10 Federal agency may transfer ownership of a great ape to
11 a non-Federal entity unless the entity is a suitable sanc-
12 tuary.

13 (g) EXEMPTION.—Nothing in this Act limits or pre-
14 vents individualized medical care performed on a great ape
15 by a licensed veterinarian or physician for the well-being
16 of the great ape, including surgical procedures or chemical
17 treatments for birth control.

18 **SEC. 5. RETIREMENT.**

19 Notwithstanding any other provision of law, not later
20 than 3 years after the date of enactment of this Act, the
21 Secretary of Health and Human Services shall effectuate
22 the permanent retirement of all great apes owned by the
23 Federal Government that are being maintained in any fa-
24 cility for the purpose of breeding for, holding for, or con-
25 ducting invasive research.

1 **SEC. 6. CIVIL PENALTIES.**

2 (a) IN GENERAL.—In addition to any other penalties
3 that may apply under law, any person who violates any
4 provision of this Act shall be assessed a civil penalty of
5 not more than \$10,000 for each violation.

6 (b) MULTIPLE VIOLATIONS.—Each day that a viola-
7 tion of this Act continues shall constitute a separate of-
8 fense.

9 **SEC. 7. GREAT APE SANCTUARY SYSTEM FUND.**

10 (a) ESTABLISHMENT OF FUND.—There is estab-
11 lished in the Treasury of the United States a fund to be
12 known as the “Great Ape Sanctuary System Fund” (re-
13 ferred to in this section as the “Fund”), to be adminis-
14 tered by the Secretary of Health and Human Services, to
15 be available without fiscal year limitation and not subject
16 to appropriation, for construction, renovation, and oper-
17 ation of the sanctuary system established pursuant to sec-
18 tion 481C of the Public Health Service Act (42 U.S.C.
19 287a–3a).

20 (b) TRANSFERS TO FUND.—

21 (1) IN GENERAL.—The Fund shall consist of—

22 (A) such amounts as are appropriated to
23 the Fund under paragraph (2); and

24 (B) such other amounts as are appro-
25 priated to the Fund under this Act.

1 (2) CIVIL PENALTIES.—There are appropriated
2 to the Fund, out of funds of the Treasury not other-
3 wise appropriated, amounts equivalent to amounts
4 collected as penalties and received in the Treasury
5 under section 6.

6 (c) PROHIBITION.—Amounts in the Fund may not be
7 made available for any purpose other than a purpose de-
8 scribed in subsection (a).

9 (d) ANNUAL REPORTS.—

10 (1) IN GENERAL.—Not later than 60 days after
11 the end of each fiscal year beginning with fiscal year
12 2012, the Secretary of Health and Human Services
13 shall submit to the appropriate committees of Con-
14 gress a report on the operation of the Fund during
15 the fiscal year.

16 (2) CONTENTS.—Each report shall include, for
17 the fiscal year covered by the report, the following:

18 (A) A statement of the amounts deposited
19 into the Fund.

20 (B) A description of the expenditures made
21 from the Fund for the fiscal year, including the
22 purpose of the expenditures.

23 (C) Recommendations for additional au-
24 thorities to fulfill the purpose of the Fund.

1 (D) A statement of the balance remaining
2 in the Fund at the end of the fiscal year.

3 **SEC. 8. EFFECTIVE DATES.**

4 (a) PROHIBITION ON RESEARCH.—The prohibition
5 under section (4)(a) shall take effect—

6 (1) on the date that is 3 years after the date
7 of enactment of this Act for great apes assigned to
8 an active protocol on the date of enactment of this
9 Act; or

10 (2) on the date of enactment of this Act for
11 great apes not assigned to an active protocol on that
12 date.

13 (b) PROHIBITION ON HOUSING AND FUNDING.—The
14 prohibitions under subsections (b) and (c) of section 4
15 shall take effect on the date that is 3 years after the date
16 of enactment of this Act.

17 (c) OTHER REQUIREMENTS.—Any provision of this
18 Act for which a specific effective date is not provided shall
19 take effect on the date of enactment of this Act.

20 **SEC. 9. SEVERABILITY.**

21 In the event that any provision of this Act shall, for
22 any reason, be held to be invalid or unenforceable in any
23 respect, such invalidity or unenforceability shall not affect
24 any other provision of this Act, and this Act shall be con-

1 strued as if the invalid or unenforceable provision had
2 never been included in this Act.

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