

111TH CONGRESS
1ST SESSION

H. R. 1326

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2009

Mr. TOWNS (for himself, Mr. REICHERT, Mr. LANGEVIN, Mr. BARTLETT, Mrs. BONO MACK, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. CAMPBELL, Mrs. CAPPs, Mr. DOYLE, Mr. DEFazio, Mr. FARR, Mr. ISRAEL, Mr. LOBIONDO, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. MASSA, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. STARK, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 of 2009”.

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

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

1 (1) Great apes are highly intelligent and social
2 animals and research laboratory environments in-
3 volving invasive research cannot meet their complex
4 social and psychological needs.

5 (2) Invasive research performed on great apes,
6 and the breeding of great apes for these purposes,
7 are economic in nature and substantially affect
8 interstate commerce.

9 (3) The majority of invasive research and test-
10 ing conducted on great apes in the United States is
11 for the end purpose of developing drugs, pharma-
12 ceuticals, and other products to be sold in the inter-
13 state market.

14 (4) The total costs associated with great ape re-
15 search have a direct economic impact on interstate
16 commerce.

17 (5) An overwhelming majority of invasive re-
18 search procedures performed on great apes involves
19 some element of interstate commerce, such that
20 great apes, equipment, and researchers have traveled
21 across State lines.

22 (6) The regulation of animals and activities as
23 provided in this Act are necessary to effectively reg-
24 ulate interstate and foreign commerce.

1 (7) The National Research Council report enti-
2 tled “Chimpanzees in Research—Strategies for their
3 Ethical Care, Management, and Use” concluded
4 that—

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

8 (B) there should be a moratorium on fur-
9 ther chimpanzee breeding;

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

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

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

18 (1) prohibit invasive research on great apes and
19 the use of Federal funding of such research, both
20 within and outside of the United States;

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

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

1 (4) require the provision of lifetime care of
2 great apes that are owned by or under the control
3 of the Federal Government in a suitable sanctuary
4 through the permanent retirement of such apes.

5 **SEC. 3. DEFINITIONS.**

6 For purposes of this Act, the following terms apply:

7 (1) GREAT APE.—The term “great ape” in-
8 cludes a chimpanzee, bonobo, gorilla, orangutan, or
9 gibbon.

10 (2) INVASIVE RESEARCH.—

11 (A) The term “invasive research” means
12 any research that may cause death, bodily in-
13 jury, pain, distress, fear, injury, or trauma to
14 a great ape, including—

15 (i) the testing of any drug or inten-
16 tional exposure to a substance that may be
17 detrimental to the health or psychological
18 well-being of a great ape;

19 (ii) research that involves penetrating
20 or cutting the body or removing body
21 parts, restraining, tranquilizing, or anes-
22 thetizing a great ape; or

23 (iii) isolation, social deprivation, or
24 other experimental physical manipulations

1 that may be detrimental to the health or
2 psychological well-being of a great ape.

3 (B) Such term does not include—

4 (i) close observation of natural or vol-
5 untary behavior of a great ape, provided
6 that the research does not require an anes-
7 thetic or sedation event to collect data or
8 record observations;

9 (ii) the temporary separation of a
10 great ape from its social group, leaving
11 and returning, by its own volition;

12 (iii) post-mortem examination of a
13 great ape that was not killed for the pur-
14 pose of examination or research; and

15 (iv) the administration of an annual
16 or other necessary physical exam by a li-
17 censed veterinarian for the individual great
18 ape's well-being, that may include collec-
19 tion of blood, hair, or tissue samples con-
20 ducted for the well-being of that great ape,
21 the ape's social group, or the species.

22 (3) PERMANENT RETIREMENT.—

23 (A) The term “permanent retirement”
24 means that a great ape is placed in a suitable
25 sanctuary that will provide for the lifetime care

1 of the great ape and such great ape will not be
2 used in further invasive research.

3 (B) Such term does not include eutha-
4 nasia.

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

6 (A) an individual, corporation, partnership,
7 trust, association, or any other private or not-
8 for-profit entity;

9 (B) any officer, employee, agent, depart-
10 ment, or instrumentality of the Federal Govern-
11 ment, a State, municipality, or political subdivi-
12 sion of a State; or

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

15 (5) SUITABLE SANCTUARY.—The term “suit-
16 able sanctuary” means—

17 (A) a sanctuary system under section
18 481C of the Public Health Service Act (42
19 U.S.C. 287a–3a); or

20 (B) a comparable privately funded sanc-
21 tuary approved by the Secretary of Health and
22 Human Services.

23 **SEC. 4. PROHIBITIONS.**

24 (a) INVASIVE RESEARCH PROHIBITION.—No person
25 shall conduct invasive research on a great ape.

1 (b) PROHIBITION ON RELATED ACTIVITIES.—No
2 person shall knowingly breed, possess, rent, loan, donate,
3 purchase, sell, house, maintain, lease, borrow, transport,
4 move, deliver, or receive a great ape for the purpose of
5 conducting invasive research on such great ape.

6 (c) PROHIBITION ON FEDERAL FUNDING FOR
7 INVASIVE RESEARCH.—No Federal funds may be used to
8 conduct invasive research on a great ape both within and
9 outside the United States.

10 (d) EXEMPTION.—Nothing in this Act shall be con-
11 strued to limit or prevent individualized medical care per-
12 formed on a great ape by a licensed veterinarian for the
13 well-being of the great ape, including surgical procedures
14 or chemical treatments for birth control.

15 **SEC. 5. RETIREMENT.**

16 The Secretary of Health and Human Services or any
17 other appropriate Federal authority shall provide for the
18 permanent retirement of all great apes owned or under
19 the control of the Federal Government that are being
20 maintained in any facility for the purpose of breeding for,
21 holding for, or conducting invasive research.

22 **SEC. 6. CIVIL PENALTIES.**

23 In addition to any other penalties that may apply
24 under law, whoever violates any provision of this Act shall
25 be assessed a civil penalty of not more than \$10,000 for

1 each such violation. Each day that such violation con-
2 tinues shall constitute a separate offense.

3 **SEC. 7. SEVERABILITY.**

4 In the event that any one of the provisions in this
5 Act shall, for any reason, be held to be invalid or unen-
6 forceable in any respect, such invalidity or unenforceability
7 shall not affect any other provisions of this Act, and this
8 Act shall be construed as if such invalid or unenforceable
9 provisions had never been included in this Act.

10 **SEC. 8. EFFECTIVE DATES.**

11 (a) PROHIBITION OF RESEARCH AND FUNDING.—
12 The prohibitions under subsections (a) and (c) of section
13 (4) shall take effect not later than 3 years after the date
14 of the enactment of this Act.

15 (b) OTHER REQUIREMENTS.—All other requirements
16 and prohibitions in this Act shall take effect on the date
17 of the enactment of this Act.

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