

111TH CONGRESS
2^D SESSION

S. 3694

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

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2010

Ms. CANTWELL (for herself, Ms. COLLINS, and Mr. SANDERS) 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 Act of 2010”.

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

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

8 (1) Great apes are highly intelligent and social
9 animals and research laboratory environments in-

1 volving invasive research cannot meet their complex
2 social and psychological needs.

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

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

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

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

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

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

1 Their Ethical Care, Management, and Use” con-
2 cluded 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) prohibit invasive research on great apes and
17 the use of Federal funding of such research, both
18 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 that are owned by or under the control

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

3 **SEC. 3. DEFINITIONS.**

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

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

8 (2) INVASIVE RESEARCH.—

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

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

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

21 (iii) isolation, social deprivation, or
22 other experimental physical manipulations
23 that may be detrimental to the health or
24 psychological well-being of a great ape.

25 (B) Such term does not include—

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

6 (ii) the temporary separation of a
7 great ape from its social group, leaving
8 and returning, by its own volition;

9 (iii) post-mortem examination of a
10 great ape that was not killed for the pur-
11 pose of examination or research; and

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

19 (3) PERMANENT RETIREMENT.—

20 (A) The term “permanent retirement”
21 means that a great ape is placed in a suitable
22 sanctuary that will provide for the lifetime care
23 of the great ape and such great ape will not be
24 used in further invasive research.

1 (B) Such term does not include eutha-
2 nasia.

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

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

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

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

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

15 (A) a sanctuary system under section
16 481C of the Public Health Service Act (42
17 U.S.C. 287a–3a); or

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

21 **SEC. 4. PROHIBITIONS.**

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

24 (b) PROHIBITION ON RELATED ACTIVITIES.—No
25 person shall knowingly breed, possess, rent, loan, donate,

1 purchase, sell, house, maintain, lease, borrow, transport,
2 move, deliver, or receive a great ape for the purpose of
3 conducting invasive research on such great ape.

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

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

13 **SEC. 5. RETIREMENT.**

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

20 **SEC. 6. CIVIL PENALTIES.**

21 In addition to any other penalties that may apply
22 under law, whoever violates any provision of this Act shall
23 be assessed a civil penalty of not more than \$10,000 for
24 each such violation. Each day that such violation con-
25 tinues shall constitute a separate offense.

1 **SEC. 7. SEVERABILITY.**

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

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

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

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

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