

Calendar No. 944

106TH CONGRESS
2^D SESSION

S. 2725

[Report No. 106-494]

To provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2000

Mr. SMITH of New Hampshire (for himself, Mr. DURBIN, Mr. KERREY, Mr. LAUTENBERG, Mr. JEFFORDS, Mrs. BOXER, Ms. LANDRIEU, Mr. AKAKA, Mr. REED, Mr. L. CHAFEE, Mr. KENNEDY, Mr. LEVIN, Ms. COLLINS, Mr. ROBB, Mr. KERRY, Mr. KOHL, Mr. SCHUMER, Mr. SANTORUM, Mr. MOYNIHAN, Mr. ROTH, Mr. REID, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

OCTOBER 10 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, 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 “Chimpanzee Health
5 Improvement, Maintenance and Protection Act”.

6 **SEC. 2. ESTABLISHMENT OF NATIONAL SANCTUARY SYS-**
7 **TEM FOR FEDERALLY OWNED OR SUP-**
8 **PORTED CHIMPANZEES NO LONGER NEEDED**
9 **FOR RESEARCH.**

10 (a) **IN GENERAL.**—The Secretary shall provide for
11 the establishment and operation in accordance with this
12 section of a system to provide for the lifetime care of chim-
13 panzees that have been used, or were bred or purchased
14 for use, in research conducted or supported by the Na-
15 tional Institutes of Health, the Food and Drug Adminis-
16 tration, or other agencies of the Federal Government, and
17 with respect to which it has been determined by the Sec-
18 retary that the chimpanzees are not needed for such re-
19 search (in this section referred to as ‘surplus chim-
20 panzees’).

21 (b) **ADMINISTRATION OF SANCTUARY SYSTEM.**—The
22 Secretary shall carry out this section, including the estab-
23 lishment of regulations under subsection (d), in consulta-
24 tion with the board of directors of the nonprofit private

1 entity that receives the contract under subsection (e) (re-
2 lating to the operation of the sanctuary system).

3 (c) ACCEPTANCE OF CHIMPANZEES INTO SYSTEM.—

4 All surplus chimpanzees owned by the Federal Govern-
5 ment shall be accepted into the sanctuary system. Subject
6 to standards under subsection (d)(3), any chimpanzee that
7 is not owned by the Federal Government shall be accepted
8 into the system if the owner transfers to the sanctuary
9 system title to the chimpanzee.

10 (d) STANDARDS FOR PERMANENT RETIREMENT OF
11 SURPLUS CHIMPANZEES.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary shall by regulation establish standards for op-
15 erating the sanctuary system to provide for the per-
16 manent retirement of surplus chimpanzees. In estab-
17 lishing the standards, the Secretary shall consider
18 the recommendations of the board of directors of the
19 nonprofit private entity that receives the contract
20 under subsection (e) and the National Research
21 Council applicable to surplus chimpanzees that are
22 made in the report published in 1997 and entitled
23 “Chimpanzees in Research—Strategies for Their
24 Ethical Care, Management, and Use”.

1 ~~(2) CHIMPANZEES ACCEPTED INTO SYSTEM.—~~

2 With respect to chimpanzees that are accepted into
3 the sanctuary system, standards under paragraph
4 ~~(1)~~ shall include the following:

5 (A) A prohibition that the chimpanzees
6 may not be used for research. This subpara-
7 graph does not prohibit noninvasive behavioral
8 studies of the chimpanzees, or medical studies
9 conducted during the course of normal veteri-
10 nary care that is provided for the benefit of the
11 chimpanzees.

12 (B) Provisions regarding the housing of
13 the chimpanzees.

14 (C) Provisions regarding the behavioral
15 well-being of the chimpanzees.

16 (D) A requirement that the chimpanzees
17 be cared for in accordance with the Animal
18 Welfare Act.

19 (E) A requirement that the chimpanzees
20 be prevented from breeding.

21 (F) A requirement that complete histories
22 be maintained on the health and use in research
23 of the chimpanzees.

24 (G) A requirement that the chimpanzees
25 be monitored for the purpose of promptly de-

1 fecting the presence in the chimpanzees of any
2 condition that may be a threat to the public
3 health or the health of other chimpanzees.

4 (H) A requirement that chimpanzees pos-
5 ing such a threat be contained in accordance
6 with applicable recommendations of the Direc-
7 tor of the Centers for Disease Control and Pre-
8 vention.

9 (I) A prohibition that none of the chim-
10 panzees may be subjected to euthanasia, except
11 as in the best interests of the chimpanzee in-
12 volved, as determined by the system and an at-
13 tending veterinarian.

14 (J) A prohibition that the chimpanzees
15 may not be discharged from the system.

16 (K) A provision that the Secretary may, in
17 the discretion of the Secretary, accept into the
18 system chimpanzees that are not surplus chim-
19 panzees.

20 (L) Such additional standards as the Sec-
21 retary determines to be appropriate.

22 (3) NON-FEDERAL CHIMPANZEES OFFERED
23 FOR ACCEPTANCE INTO SYSTEM.—With respect to a
24 chimpanzee that is not owned by the Federal Gov-
25 ernment and is offered for acceptance into the sanc-

1 tuary system, standards under paragraph (1) shall
2 include the following:

3 (A) A provision that the Secretary may au-
4 thorize the imposition of a fee for accepting
5 such chimpanzee into the system, except as fol-
6 lows:

7 (i) Such a fee may not be imposed for
8 accepting the chimpanzee if, on the day be-
9 fore the date of enactment of this Act, the
10 chimpanzee was owned by the nonprofit
11 private entity that receives the contract
12 under subsection (c) or by any individual
13 qualified sanctuary facility receiving a sub-
14 contract or grant under subsection (c)(1).

15 (ii) Such a fee may not be imposed for
16 accepting the chimpanzee if the chim-
17 panzee is owned by an entity that operates
18 a primate center, and if the chimpanzee is
19 housed in the primate center pursuant to
20 the program for regional centers for re-
21 search on primates that is carried out by
22 the National Center for Research Re-
23 sources.

24 Any fees collected under this subparagraph are
25 available to the Secretary for the costs of oper-

1 ating the system. Any other fees received by the
2 Secretary for the long-term care of chimpanzees
3 (including any Federal fees that are collected
4 for such purpose and are identified in the re-
5 port under section 3) are available for operating
6 the system, in addition to availability for such
7 other purposes as may be authorized for the use
8 of the fees.

9 (B) A provision that the Secretary may
10 deny such chimpanzee acceptance into the sys-
11 tem if the capacity of the system is not suffi-
12 cient to accept the chimpanzee, taking into ac-
13 count the physical capacity of the system; the
14 financial resources of the system; the number of
15 individuals serving as the staff of the system,
16 including the number of professional staff; the
17 necessity of providing for the safety of the staff
18 and of the public; the necessity of caring for ac-
19 cepted chimpanzees in accordance with the
20 standards under paragraph (1); and such other
21 factors as may be appropriate.

22 (C) A provision that the Secretary may
23 deny such chimpanzee acceptance into the sys-
24 tem if a complete history of the health and use

1 in research of the chimpanzee is not available to
2 the Secretary.

3 (D) Such additional standards as the Sec-
4 retary determines to be appropriate.

5 (e) AWARD OF CONTRACT FOR OPERATION OF SYS-
6 TEM.—

7 (1) IN GENERAL.—Subject to the availability of
8 funds pursuant to subsection (g), the Secretary shall
9 make an award of a contract to a nonprofit private
10 entity under which the entity has the responsibility
11 of operating (and establishing, as applicable) the
12 sanctuary system and awarding subcontracts or
13 grants to individual qualified sanctuary facilities
14 that meet the standards under subsection (d).

15 (2) REQUIREMENTS.—The Secretary may make
16 an award under paragraph (1) to a nonprofit private
17 entity only if the entity meets the following require-
18 ments:

19 (A) The entity has a governing board of
20 directors that is composed and appointed in ac-
21 cordance with paragraph (3) and is satisfactory
22 to the Secretary.

23 (B) The terms of service for members of
24 such board are in accordance with paragraph
25 (3).

1 (C) The members of the board serve with-
2 out compensation. The members may be reim-
3 bursed for travel, subsistence, and other nec-
4 essary expenses incurred in carrying out the du-
5 ties of the board.

6 (D) The entity has an executive director
7 meeting such requirements as the Secretary de-
8 termines to be appropriate.

9 (E) The entity makes the agreement de-
10 scribed in paragraph (4) (relating to non-Fed-
11 eral contributions).

12 (F) The entity agrees to comply with
13 standards under subsection (d).

14 (G) The entity agrees to make necropsy re-
15 ports on chimpanzees in the sanctuary system
16 available on a reasonable basis to persons who
17 conduct biomedical or behavioral research, with
18 priority given to such persons who are Federal
19 employees or who receive financial support from
20 the Federal Government for research.

21 (H) Such other requirements as the Sec-
22 retary determines to be appropriate.

23 (3) BOARD OF DIRECTORS.—For purposes of
24 subparagraphs (A) and (B) of paragraph (2):

1 (A) The governing board of directors of
2 the nonprofit private entity involved is com-
3 posed and appointed in accordance with this
4 paragraph if the following conditions are met:

5 (i) Such board is composed of not
6 more than 13 voting members.

7 (ii) Such members include individuals
8 with expertise and experience in the
9 science of managing captive chimpanzees
10 (including primate veterinary care), ap-
11 pointed from among individuals endorsed
12 by organizations that represent individuals
13 in such field.

14 (iii) Such members include individuals
15 with expertise and experience in the field
16 of animal protection, appointed from
17 among individuals endorsed by organiza-
18 tions that represent individuals in such
19 field.

20 (iv) Such members include individuals
21 with expertise and experience in the zoo-
22 logical field (including behavioral prima-
23 tology), appointed from among individuals
24 endorsed by organizations that represent
25 individuals in such field.

1 (v) Such members include individuals
2 with expertise and experience in the field
3 of the business and management of non-
4 profit organizations, appointed from
5 among individuals endorsed by organiza-
6 tions that represent individuals in such
7 field.

8 (vi) Such members include representa-
9 tives from entities that provide accredita-
10 tion in the field of laboratory animal medi-
11 cine.

12 (vii) Such members include individuals
13 with expertise and experience in the field
14 of containing biohazards.

15 (viii) Such members include an addi-
16 tional member who serves as the chair of
17 the board, appointed from among individ-
18 uals who have been endorsed for purposes
19 of clause (ii), (iii), (iv), or (v).

20 (ix) None of the members of the
21 board has been fined for, or signed a con-
22 sent decree for, any violation of the Animal
23 Welfare Act.

24 (B) The terms of service for members of
25 the board of directors are in accordance with

1 this paragraph if the following conditions are
2 met:

3 (i) The term of the chair of the board
4 is 3 years.

5 (ii) The initial members of the board
6 select, by a random method, 1 member
7 from each of the 6 fields specified in sub-
8 paragraph (A) to serve a term of 2 years
9 and (in addition to the chair) 1 member
10 from each of such fields to serve a term of
11 3 years.

12 (iii) After the initial terms under
13 clause (ii) expire, each member of the
14 board (other than the chair) is appointed
15 to serve a term of 2 years.

16 (iv) An individual whose term of serv-
17 ice expires may be reappointed to the
18 board.

19 (v) A vacancy in the membership of
20 the board is filled in the manner in which
21 the original appointment was made.

22 (vi) If a member of the board does not
23 serve the full term applicable to the mem-
24 ber, the individual appointed to fill the re-
25 sulting vacancy is appointed for the re-

1 mainder of the term of the predecessor
2 member.

3 (4) REQUIREMENT OF MATCHING FUNDS.—The
4 agreement required in paragraph (2)(E) for a non-
5 profit private entity (relating to the award of the
6 contract under paragraph (1)) is an agreement that,
7 with respect to the costs to be incurred by the entity
8 in establishing and operating the sanctuary system,
9 the entity will make available (directly or through
10 donations from public or private entities) non-Fed-
11 eral contributions toward such costs, in cash or in
12 kind, in an amount not less than the following, as
13 applicable:

14 (A) For expenses associated with estab-
15 lishing the sanctuary system (as determined by
16 the Secretary), 10 percent of such costs (\$1 for
17 each \$9 of Federal funds provided under the
18 contract under paragraph (1)).

19 (B) For expenses associated with operating
20 the sanctuary system (as determined by the
21 Secretary), 25 percent of such costs (\$1 for
22 each \$3 of Federal funds provided under such
23 contract).

24 (5) ESTABLISHMENT OF CONTRACT ENTITY.—
25 If the Secretary determines that an entity meeting

1 the requirements of paragraph (2) does not exist,
2 not later than 60 days after the date of enactment
3 of the Chimpanzee Health Improvement, Maintenance
4 and Protection Act, the Secretary shall, for
5 purposes of paragraph (1), make a grant for the es-
6 tablishment of such an entity, including paying the
7 cost of incorporating the entity under the law of one
8 of the States.

9 (f) DEFINITIONS.—For purposes of this section:

10 (1) PERMANENT RETIREMENT.—The term
11 “permanent retirement”, with respect to a chim-
12 panzee that has been accepted into the sanctuary
13 system, means that under subsection (a), the system
14 provides for the lifetime care of the chimpanzee, that
15 under subsection (d)(2), the system does not permit
16 the chimpanzee to be used in research or to be
17 euthanatized (except as provided in subsection
18 (d)(2)(I)), that under such subsection the system
19 will not discharge the chimpanzee from the system,
20 and that under such subsection the system otherwise
21 cares for the chimpanzee.

22 (2) SANCTUARY SYSTEM.—The term “sanc-
23 tuary system” means the system described in sub-
24 section (a).

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 (4) SURPLUS CHIMPANZEES.—The term “sur-
4 plus chimpanzees” has the meaning given that term
5 in subsection (a).

6 (g) FUNDING.—

7 (1) IN GENERAL.—Of the amount appropriated
8 under this Act for fiscal year 2001 and each subse-
9 quent fiscal year, the Secretary, subject to para-
10 graph (2), shall reserve a portion for purposes of the
11 operation (and establishment, as applicable) of the
12 sanctuary system and for purposes of paragraph (3),
13 except that the Secretary may not for such purposes
14 reserve any further funds from such amount after
15 the aggregate total of the funds so reserved for such
16 fiscal years reaches \$30,000,000. The purposes for
17 which funds reserved under the preceding sentence
18 may be expended include the construction and ren-
19 ovation of facilities for the sanctuary system.

20 (2) LIMITATION.—Funds may not be reserved
21 for a fiscal year under paragraph (1) unless the
22 amount appropriated under this Act for such year
23 equals or exceeds the amount appropriated under
24 this Act for fiscal year 1999.

1 (3) USE OF FUNDS FOR OTHER COMPLIANT FA-
2 CILITIES.—With respect to amounts reserved under
3 paragraph (1) for a fiscal year, the Secretary may,
4 subject to the approval of an entity that meets the
5 requirements of subsection (e)(2), use a portion of
6 such amounts to make awards of grants or contracts
7 to public or private entities operating facilities that
8 provide for the retirement of chimpanzees in accord-
9 ance with the same standards that apply to the
10 sanctuary system pursuant to regulations under sub-
11 section (d)(2). Such an award may be expended for
12 the expenses of operating the facilities involved.

13 **SEC. 3. REPORT TO CONGRESS REGARDING NUMBER OF**
14 **CHIMPANZEES AND FUNDING FOR CARE OF**
15 **CHIMPANZEES.**

16 With respect to chimpanzees that have been used, or
17 were bred or purchased for use, in research conducted or
18 supported by the National Institutes of Health, the Food
19 and Drug Administration, or other agencies of the Federal
20 Government, the Secretary of Health and Human Services
21 shall, not later than 365 days after the date of enactment
22 of this Act, submit to Congress a report providing the fol-
23 lowing information:

1 (1) The number of such chimpanzees in the
2 United States, whether owned or held by the Federal
3 Government, any of the States, or private entities.

4 (2) An identification of any requirement im-
5 posed by the Federal Government that, as a condi-
6 tion of the use of such a chimpanzee in research by
7 a non-Federal entity—

8 (A) fees be paid by the entity to the Fed-
9 eral Government for the purpose of providing
10 for the care of the chimpanzee (including any
11 fees for long-term care); or

12 (B) funds be provided by the entity to a
13 State, unit of local government, or private enti-
14 ty for an endowment or other financial account
15 whose purpose is to provide for the care of the
16 chimpanzee (including any funds provided for
17 long-term care).

18 (3) An accounting for fiscal years 1999 and
19 2000 of all fees paid and funds provided by non-
20 Federal entities pursuant to requirements described
21 in subparagraphs (A) and (B) of paragraph (2).

22 (4) In the case of such fees, a specification of
23 whether the fees were available to the Secretary (or
24 other Federal officials) pursuant to annual appro-

1 “(b) *ADMINISTRATION OF SANCTUARY SYSTEM.*—The
2 *Secretary shall carry out this section, including the estab-*
3 *lishment of regulations under subsection (d), in consulta-*
4 *tion with the board of directors of the nonprofit private en-*
5 *tity that receives the contract under subsection (e) (relating*
6 *to the operation of the sanctuary system).*

7 “(c) *ACCEPTANCE OF CHIMPANZEES INTO SYSTEM.*—
8 *All surplus chimpanzees owned by the Federal Government*
9 *shall be accepted into the sanctuary system. Subject to*
10 *standards under subsection (d)(3), any chimpanzee that is*
11 *not owned by the Federal Government shall be accepted into*
12 *the system if the owner transfers to the sanctuary system*
13 *title to the chimpanzee.*

14 “(d) *STANDARDS FOR PERMANENT RETIREMENT OF*
15 *SURPLUS CHIMPANZEES.*—

16 “(1) *IN GENERAL.*—Not later than 180 days
17 *after the date of enactment of this section, the Sec-*
18 *retary shall by regulation establish standards for op-*
19 *erating the sanctuary system to provide for the per-*
20 *manent retirement of surplus chimpanzees. In estab-*
21 *lishing the standards, the Secretary shall consider the*
22 *recommendations of the board of directors of the non-*
23 *profit private entity that receives the contract under*
24 *subsection (e) and the National Research Council ap-*
25 *plicable to surplus chimpanzees that are made in the*

1 *report published in 1997 and entitled ‘Chimpanzees*
2 *in Research—Strategies for Their Ethical Care, Man-*
3 *agement, and Use’.*

4 “(2) *CHIMPANZEES ACCEPTED INTO SYSTEM.—*
5 *With respect to chimpanzees that are accepted into the*
6 *sanctuary system, standards under paragraph (1)*
7 *shall include the following:*

8 “(A) *A prohibition that the chimpanzees*
9 *may not be used for research. This subparagraph*
10 *does not prohibit noninvasive behavioral studies*
11 *of the chimpanzees, or medical studies conducted*
12 *during the course of normal veterinary care that*
13 *is provided for the benefit of the chimpanzees.*

14 “(B) *Provisions regarding the housing of*
15 *the chimpanzees.*

16 “(C) *Provisions regarding the behavioral*
17 *well-being of the chimpanzees.*

18 “(D) *A requirement that the chimpanzees be*
19 *cared for in accordance with the Animal Welfare*
20 *Act.*

21 “(E) *A requirement that the chimpanzees be*
22 *prevented from breeding.*

23 “(F) *A requirement that complete histories*
24 *be maintained on the health and use in research*
25 *of the chimpanzees.*

1 “(G) A requirement that the chimpanzees be
2 monitored for the purpose of promptly detecting
3 the presence in the chimpanzees of any condition
4 that may be a threat to the public health or the
5 health of other chimpanzees.

6 “(H) A requirement that chimpanzees pos-
7 ing such a threat be contained in accordance
8 with applicable recommendations of the Director
9 of the Centers for Disease Control and Preven-
10 tion.

11 “(I) A prohibition that none of the chim-
12 panzees may be subjected to euthanasia, except
13 as in the best interests of the chimpanzee in-
14 volved, as determined by the system and an at-
15 tending veterinarian.

16 “(J) A prohibition that the chimpanzees
17 may not be discharged from the system.

18 “(K) A provision that the Secretary may,
19 in the discretion of the Secretary, accept into the
20 system chimpanzees that are not surplus chim-
21 panzees.

22 “(L) Such additional standards as the Sec-
23 retary determines to be appropriate.

24 “(3) NON-FEDERAL CHIMPANZEES OFFERED FOR
25 ACCEPTANCE INTO SYSTEM.—With respect to a chim-

1 *panzee that is not owned by the Federal Government*
2 *and is offered for acceptance into the sanctuary sys-*
3 *tem, standards under paragraph (1) shall include the*
4 *following:*

5 *“(A) A provision that the Secretary may*
6 *authorize the imposition of a fee for accepting*
7 *such chimpanzee into the system, except as fol-*
8 *lows:*

9 *“(i) Such a fee may not be imposed for*
10 *accepting the chimpanzee if, on the day be-*
11 *fore the date of enactment of this section,*
12 *the chimpanzee was owned by the nonprofit*
13 *private entity that receives the contract*
14 *under subsection (e) or by any individual*
15 *qualified sanctuary facility receiving a sub-*
16 *contract or grant under subsection (e)(1).*

17 *“(ii) Such a fee may not be imposed*
18 *for accepting the chimpanzee if the chim-*
19 *panzee is owned by an entity that operates*
20 *a primate center, and if the chimpanzee is*
21 *housed in the primate center pursuant to*
22 *the program for regional centers for research*
23 *on primates that is carried out by the Na-*
24 *tional Center for Research Resources.*

1 *Any fees collected under this subparagraph are*
2 *available to the Secretary for the costs of oper-*
3 *ating the system. Any other fees received by the*
4 *Secretary for the long-term care of chimpanzees*
5 *(including any Federal fees that are collected for*
6 *such purpose and are identified in the report*
7 *under section 3) are available for operating the*
8 *system, in addition to availability for such other*
9 *purposes as may be authorized for the use of the*
10 *fees.*

11 *“(B) A provision that the Secretary may*
12 *deny such chimpanzee acceptance into the system*
13 *if the capacity of the system is not sufficient to*
14 *accept the chimpanzee, taking into account the*
15 *physical capacity of the system; the financial re-*
16 *sources of the system; the number of individuals*
17 *serving as the staff of the system, including the*
18 *number of professional staff; the necessity of pro-*
19 *viding for the safety of the staff and of the pub-*
20 *lic; the necessity of caring for accepted chim-*
21 *panzees in accordance with the standards under*
22 *paragraph (1); and such other factors as may be*
23 *appropriate.*

24 *“(C) A provision that the Secretary may*
25 *deny such chimpanzee acceptance into the system*

1 *if a complete history of the health and use in re-*
2 *search of the chimpanzee is not available to the*
3 *Secretary.*

4 “(D) *Such additional standards as the Sec-*
5 *retary determines to be appropriate.*

6 “(e) *AWARD OF CONTRACT FOR OPERATION OF SYS-*
7 *TEM.—*

8 “(1) *IN GENERAL.—Subject to the availability of*
9 *funds pursuant to subsection (g), the Secretary shall*
10 *make an award of a contract to a nonprofit private*
11 *entity under which the entity has the responsibility of*
12 *operating (and establishing, as applicable) the sanc-*
13 *tuary system and awarding subcontracts or grants to*
14 *individual qualified sanctuary facilities that meet the*
15 *standards under subsection (d).*

16 “(2) *REQUIREMENTS.—The Secretary may make*
17 *an award under paragraph (1) to a nonprofit private*
18 *entity only if the entity meets the following require-*
19 *ments:*

20 “(A) *The entity has a governing board of*
21 *directors that is composed and appointed in ac-*
22 *cordance with paragraph (3) and is satisfactory*
23 *to the Secretary.*

1 “(B) *The terms of service for members of*
2 *such board are in accordance with paragraph*
3 *(3).*

4 “(C) *The members of the board serve with-*
5 *out compensation. The members may be reim-*
6 *bursed for travel, subsistence, and other necessary*
7 *expenses incurred in carrying out the duties of*
8 *the board.*

9 “(D) *The entity has an executive director*
10 *meeting such requirements as the Secretary de-*
11 *termines to be appropriate.*

12 “(E) *The entity makes the agreement de-*
13 *scribed in paragraph (4) (relating to non-Fed-*
14 *eral contributions).*

15 “(F) *The entity agrees to comply with*
16 *standards under subsection (d).*

17 “(G) *The entity agrees to make necropsy re-*
18 *ports on chimpanzees in the sanctuary system*
19 *available on a reasonable basis to persons who*
20 *conduct biomedical or behavioral research, with*
21 *priority given to such persons who are Federal*
22 *employees or who receive financial support from*
23 *the Federal Government for research.*

24 “(H) *Such other requirements as the Sec-*
25 *retary determines to be appropriate.*

1 “(3) *BOARD OF DIRECTORS.*—*For purposes of*
2 *subparagraphs (A) and (B) of paragraph (2):*

3 “(A) *The governing board of directors of the*
4 *nonprofit private entity involved is composed*
5 *and appointed in accordance with this para-*
6 *graph if the following conditions are met:*

7 “(i) *Such board is composed of not*
8 *more than 13 voting members.*

9 “(ii) *Such members include individ-*
10 *uals with expertise and experience in the*
11 *science of managing captive chimpanzees*
12 *(including primate veterinary care), ap-*
13 *pointed from among individuals endorsed*
14 *by organizations that represent individuals*
15 *in such field.*

16 “(iii) *Such members include individ-*
17 *uals with expertise and experience in the*
18 *field of animal protection, appointed from*
19 *among individuals endorsed by organiza-*
20 *tions that represent individuals in such*
21 *field.*

22 “(iv) *Such members include individ-*
23 *uals with expertise and experience in the zo-*
24 *ological field (including behavioral prima-*
25 *tology), appointed from among individuals*

1 *endorsed by organizations that represent in-*
2 *dividuals in such field.*

3 “(v) *Such members include individuals*
4 *with expertise and experience in the field of*
5 *the business and management of nonprofit*
6 *organizations, appointed from among indi-*
7 *viduals endorsed by organizations that rep-*
8 *resent individuals in such field.*

9 “(vi) *Such members include represent-*
10 *atives from entities that provide accredita-*
11 *tion in the field of laboratory animal medi-*
12 *cine.*

13 “(vii) *Such members include individ-*
14 *uals with expertise and experience in the*
15 *field of containing biohazards.*

16 “(viii) *Such members include an addi-*
17 *tional member who serves as the chair of the*
18 *board, appointed from among individuals*
19 *who have been endorsed for purposes of*
20 *clause (ii), (iii), (iv), or (v).*

21 “(ix) *None of the members of the board*
22 *has been fined for, or signed a consent de-*
23 *gree for, any violation of the Animal Wel-*
24 *fare Act.*

1 “(B) *The terms of service for members of the*
2 *board of directors are in accordance with this*
3 *paragraph if the following conditions are met:*

4 “(i) *The term of the chair of the board*
5 *is 3 years.*

6 “(ii) *The initial members of the board*
7 *select, by a random method, 1 member from*
8 *each of the 6 fields specified in subpara-*
9 *graph (A) to serve a term of 2 years and*
10 *(in addition to the chair) 1 member from*
11 *each of such fields to serve a term of 3*
12 *years.*

13 “(iii) *After the initial terms under*
14 *clause (ii) expire, each member of the board*
15 *(other than the chair) is appointed to serve*
16 *a term of 2 years.*

17 “(iv) *An individual whose term of*
18 *service expires may be reappointed to the*
19 *board.*

20 “(v) *A vacancy in the membership of*
21 *the board is filled in the manner in which*
22 *the original appointment was made.*

23 “(vi) *If a member of the board does not*
24 *serve the full term applicable to the member,*
25 *the individual appointed to fill the resulting*

1 *vacancy is appointed for the remainder of*
2 *the term of the predecessor member.*

3 “(4) *REQUIREMENT OF MATCHING FUNDS.—The*
4 *agreement required in paragraph (2)(E) for a non-*
5 *profit private entity (relating to the award of the con-*
6 *tract under paragraph (1)) is an agreement that,*
7 *with respect to the costs to be incurred by the entity*
8 *in establishing and operating the sanctuary system,*
9 *the entity will make available (directly or through do-*
10 *nations from public or private entities) non-Federal*
11 *contributions toward such costs, in cash or in kind,*
12 *in an amount not less than the following, as applica-*
13 *ble:*

14 “(A) *For expenses associated with estab-*
15 *lishing the sanctuary system (as determined by*
16 *the Secretary), 10 percent of such costs (\$1 for*
17 *each \$9 of Federal funds provided under the con-*
18 *tract under paragraph (1)).*

19 “(B) *For expenses associated with operating*
20 *the sanctuary system (as determined by the Sec-*
21 *retary), 25 percent of such costs (\$1 for each \$3*
22 *of Federal funds provided under such contract).*

23 “(5) *ESTABLISHMENT OF CONTRACT ENTITY.—If*
24 *the Secretary determines that an entity meeting the*
25 *requirements of paragraph (2) does not exist, not*

1 later than 60 days after the date of enactment of the
2 Chimpanzee Health Improvement, Maintenance and
3 Protection Act, the Secretary shall, for purposes of
4 paragraph (1), make a grant for the establishment of
5 such an entity, including paying the cost of incor-
6 porating the entity under the law of one of the States.

7 “(f) *DEFINITIONS.*—For purposes of this section:

8 “(1) *PERMANENT RETIREMENT.*—The term ‘per-
9 manent retirement’, with respect to a chimpanzee that
10 has been accepted into the sanctuary system, means
11 that under subsection (a), the system provides for the
12 lifetime care of the chimpanzee, that under subsection
13 (d)(2), the system does not permit the chimpanzee to
14 be used in research or to be euthanatized (except as
15 provided in subsection (d)(2)(I)), that under such sub-
16 section the system will not discharge the chimpanzee
17 from the system, and that under such subsection the
18 system otherwise cares for the chimpanzee.

19 “(2) *SANCTUARY SYSTEM.*—The term ‘sanctuary
20 system’ means the system described in subsection (a).

21 “(3) *SURPLUS CHIMPANZEES.*—The term ‘sur-
22 plus chimpanzees’ has the meaning given that term in
23 subsection (a).

24 “(g) *FUNDING.*—

1 “(1) *IN GENERAL.*—Of the amount appropriated
2 under this Act for fiscal year 2001 and each subse-
3 quent fiscal year, the Secretary, subject to paragraph
4 (2), shall reserve a portion for purposes of the oper-
5 ation (and establishment, as applicable) of the sanc-
6 tuary system and for purposes of paragraph (3), ex-
7 cept that the Secretary may not for such purposes re-
8 serve any further funds from such amount after the
9 aggregate total of the funds so reserved for such fiscal
10 years reaches \$30,000,000. The purposes for which
11 funds reserved under the preceding sentence may be
12 expended include the construction and renovation of
13 facilities for the sanctuary system.

14 “(2) *LIMITATION.*—Funds may not be reserved
15 for a fiscal year under paragraph (1) unless the
16 amount appropriated under this Act for such year
17 equals or exceeds the amount appropriated under this
18 Act for fiscal year 1999.

19 “(3) *USE OF FUNDS FOR OTHER COMPLIANT FA-*
20 *CILITIES.*—With respect to amounts reserved under
21 paragraph (1) for a fiscal year, the Secretary may,
22 subject to the approval of an entity that meets the re-
23 quirements of subsection (e)(2), use a portion of such
24 amounts to make awards of grants or contracts to
25 public or private entities operating facilities that pro-

1 *vide for the retirement of chimpanzees in accordance*
2 *with the same standards that apply to the sanctuary*
3 *system pursuant to regulations under subsection*
4 *(d)(2). Such an award may be expended for the ex-*
5 *penses of operating the facilities involved.”.*

6 **SEC. 3. REPORT TO CONGRESS REGARDING NUMBER OF**
7 **CHIMPANZEES AND FUNDING FOR CARE OF**
8 **CHIMPANZEES.**

9 *With respect to chimpanzees that have been used, or*
10 *were bred or purchased for use, in research conducted or*
11 *supported by the National Institutes of Health, the Food*
12 *and Drug Administration, or other agencies of the Federal*
13 *Government, the Secretary of Health and Human Services*
14 *shall, not later than 365 days after the date of enactment*
15 *of this Act, submit to Congress a report providing the fol-*
16 *lowing information:*

17 (1) *The number of such chimpanzees in the*
18 *United States, whether owned or held by the Federal*
19 *Government, any of the States, or private entities.*

20 (2) *An identification of any requirement im-*
21 *posed by the Federal Government that, as a condition*
22 *of the use of such a chimpanzee in research by a non-*
23 *Federal entity—*

24 (A) *fees be paid by the entity to the Federal*
25 *Government for the purpose of providing for the*

1 *care of the chimpanzee (including any fees for*
2 *long-term care); or*

3 *(B) funds be provided by the entity to a*
4 *State, unit of local government, or private entity*
5 *for an endowment or other financial account*
6 *whose purpose is to provide for the care of the*
7 *chimpanzee (including any funds provided for*
8 *long-term care).*

9 *(3) An accounting for fiscal years 1999 and*
10 *2000 of all fees paid and funds provided by non-Fed-*
11 *eral entities pursuant to requirements described in*
12 *subparagraphs (A) and (B) of paragraph (2).*

13 *(4) In the case of such fees, a specification of*
14 *whether the fees were available to the Secretary (or*
15 *other Federal officials) pursuant to annual appro-*
16 *priations Acts or pursuant to permanent appropria-*
17 *tions.*

Calendar No. 944

106TH CONGRESS
2D SESSION

S. 2725

[Report No. 106-494]

A BILL

To provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

OCTOBER 10 (legislative day, SEPTEMBER 22), 2000

Reported with an amendment