

114TH CONGRESS
1ST SESSION

H. R. 3294

To establish a program to assist in the importation and care of abused, injured, or abandoned nonhuman primates.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mrs. ELLMERS of North Carolina (for herself, Mr. DEFAZIO, and Mr. ROONEY of Florida) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a program to assist in the importation and care of abused, injured, or abandoned nonhuman primates.

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 “Sanctuary Regulatory
5 Fairness Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Nonhuman primates, such as chimpanzees,
9 gorillas, orangutans, macaques, and numerous other

1 species, often face abusive and cruel captive condi-
2 tions in other countries.

3 (2) There is growing evidence that, absent a
4 suitable humane alternative, these primates will re-
5 main or be placed in other cruel captive conditions
6 and face inhumane deaths in areas outside the
7 United States.

8 (3) Regulations of the Centers for Disease Con-
9 trol and Prevention allow importation of nonhuman
10 primates only for scientific, educational, or exhi-
11 bition purposes and not for humane lifetime shelter
12 and care in appropriate primate sanctuaries.

13 (4) Many of these animals could be obtained by
14 certified primate sanctuaries in the United States
15 and provided with shelter and care for the remainder
16 of their natural lives in a species-appropriate, hu-
17 mane environment if allowed by law to be imported
18 for such purpose.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) The term “certified primate sanctuary”
22 means a primate sanctuary that has been certified
23 by the Secretary pursuant to section 4.

1 (2) The term “nonhuman primates” means the
2 species included in the biological order Primates, ex-
3 cept *Homo sapiens*.

4 (3) The term “primate sanctuary” means a fa-
5 cility that—

6 (A) rescues and provides lifetime shelter
7 and care for animals that have been abused, in-
8 jured, or abandoned, or are otherwise in need;

9 (B) is an organization described in section
10 501(c)(3) of the Internal Revenue Code of 1986
11 and exempt from tax under section 501(a) of
12 such Code;

13 (C) does not commercially trade in any
14 animals, including animal parts, animal byprod-
15 ucts, and animal offspring;

16 (D) does not intentionally breed or propa-
17 gate nonhuman primates;

18 (E) does not allow direct contact between
19 the public and nonhuman primates;

20 (F) does not allow unescorted public visita-
21 tion at the facility, except for discrete, non-
22 intrusive observation by individuals approved by
23 the sanctuary;

1 (G) does not allow animals to be removed
2 from the facility, or from the animals' encl-
3 sures, for exhibition or education; and

4 (H) does not conduct research on animals,
5 except where the facility determines that—

6 (i) the health and welfare of the ani-
7 mal involved is best served by participating
8 in a treatment study; and

9 (ii) the facility reasonably believes
10 that the outcome of the study will provide
11 a tangible benefit to the animal involved.

12 (4) The term “Secretary” means the Secretary
13 of Health and Human Services.

14 **SEC. 4. IMPORTATION OF NONHUMAN PRIMATES.**

15 (a) IN GENERAL.—Not later than 12 months after
16 the date of enactment of this Act, the Secretary, con-
17 sistent with section 361 of the Public Health Service Act
18 (42 U.S.C. 264; relating to control of communicable dis-
19 eases), shall promulgate a final rule revising section
20 71.53(e) of title 42, Code of Federal Regulations, to ex-
21 pand the categories of uses for which nonhuman primates
22 may be imported and distributed to include live nonhuman
23 primates imported into the United States by a certified
24 primate sanctuary for purposes of providing lifetime shel-
25 ter and care.

1 (b) CERTIFICATION PROCESS.—

2 (1) ESTABLISHMENT.—The rule required by
3 subsection (a) shall establish a process under which
4 the Secretary certifies facilities as primate sanc-
5 tuaries for purposes of the importation, shelter, and
6 care of nonhuman primates, as described in sub-
7 section (a).

8 (2) CRITERIA.—The Secretary shall require, as
9 a condition of such certification, that a facility—

10 (A) is a primate sanctuary, as defined in
11 section 3; and

12 (B) satisfies any other criteria that—

13 (i) are determined to be appropriate
14 by the Secretary; and

15 (ii) are consistent with the criteria
16 specified in the definition of a primate
17 sanctuary in section 3.

18 (3) APPLICATIONS.—To seek certification under
19 this Act, a primate sanctuary shall submit an appli-
20 cation in such form, in such manner, and containing
21 such information as the Secretary may require. Any
22 information in an application for certification under
23 this Act shall be protected from disclosure as pro-

1 vided in section 552(b)(4) of title 5, United States
2 Code.

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