

SECTION 806. AUTHORIZATION OF
APPROPRIATIONS*House amendment*

Section 1006 of the House amendment authorizes such sums as necessary to be appropriated to carry out the title.

Conference substitute

Section 806 of the Conference substitute changes the authorization from "such sums as necessary to carry out" the title to a five-year authorization of \$156 million for fiscal years 2001 through 2005. The Conferees acknowledge that the title also authorizes the Commission to enter into a 20-year fee-for-services contract with the owner of a Mexican facility. The five-year authorization is included to be consistent with the authorizations throughout the Conference substitute, and the Conferees do not intend this to affect the Commission's obligations under the 20-year contract.

TITLE IX—GENERAL PROVISIONS

Other than section 901, this title includes new provisions that were not in the Senate bill or the House amendment.

SECTION 901. PURCHASE OF AMERICAN-MADE
EQUIPMENT AND PRODUCTS*House amendment*

Titles II, VI, VII, and VIII of the House amendment each contained a provision regarding the purchase of American-made equipment and products.

Conference substitute

The Conference substitute deletes the relevant provisions in titles II, VI, VII and VIII in the House amendment, and replaces them with a new section 901. This section states that it is the Sense of Congress, to the extent practicable, for all equipment and products purchased with funds made available under this Act to be made in America. Also, each Federal agency head providing financial assistance under this bill is directed to provide such notice to each recipient of financial assistance, to the extent practicable.

SECTION 902. LONG-TERM ESTUARY ASSESSMENT
Conference substitute

Section 902 of the Conference substitute authorizes the Secretary of Commerce and the Secretary of the Interior to carry out a long-term estuary assessment project for the Mississippi River south of Vicksburg, Mississippi and the Gulf of Mexico. The authorized appropriation levels are \$1 million for fiscal year 2001 for the management agreement with a university-based consortium, and \$4 million for each of fiscal years 2002 through 2005 to carry out the project.

The Conferees are aware that the Center for Bioenvironmental Research at Tulane University and Xavier University in New Orleans, Louisiana have formed a university-based consortium called the "Long-term Estuary Assessment Group" for the purpose of developing advanced long-term assessment and monitoring systems relating to the Mississippi River and other aquatic ecosystems and encourages the Secretaries of Commerce and of the Interior to examine the work begun by the Center for Bioenvironmental Research and this consortium when selecting a university-based consortium to manage this project.

SECTION 903. ALASKA RURAL SANITATION
GRANTS*Conference substitute*

Section 903 of the Conference substitute amends section 303(e) of the Safe Drinking Water Act Amendments of 1996 by reauthorizing \$40 million for each of fiscal years 2001 through 2005.

ADDITIONAL ITEMS

House amendment

Title IV of the House amendment establishes an EPA grant program to improve water quality in the Florida Keys. Title IX establishes an EPA Mississippi Sound restoration program.

Conference substitute

The Conference substitute deletes titles IV and IX of the House amendment.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
WAYNE T. GILCHREST,
TILLIE K. FOWLER,
DON SHERWOOD,
JOHN E. SWEENEY,
STEVEN T. KUYKENDALL,
DAVID VITTER,
JIM OBERSTAR,
BOB BORSKI,
JIM BARCIA,
BOB FILNER,
EARL BLUMENAUER,
JOHN BALDACCIO,

Managers on the Part of the House.

BOB SMITH,
JOHN W. WARNER,
MICHAEL D. CRAPO,
MAX BAUCUS,
BARBARA BOXER,

*Managers on the Part of the Senate.*ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

CHIMPANZEE HEALTH IMPROVE-
MENT, MAINTENANCE, AND PRO-
TECTION ACT

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3514) to amend the Public Health Service Act 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, as amended.

The Clerk read as follows:

H.R. 3514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chimpanzee Health Improvement, Maintenance, and Protection Act".

SEC. 2. ESTABLISHMENT OF NATIONAL SANCTUARY SYSTEM FOR FEDERALLY OWNED OR SUPPORTED CHIMPANZEE NO LONGER NEEDED FOR RESEARCH.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is

amended by inserting after section 481B the following section:

"SEC. 481C. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEEES.

"(a) IN GENERAL.—The Secretary shall provide for the establishment and operation in accordance with this section of a system to provide for the lifetime care of chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by the National Institutes of Health, the Food and Drug Administration, or other agencies of the Federal Government, and with respect to which it has been determined by the Secretary that the chimpanzees are not needed for such research (in this section referred to as 'surplus chimpanzees').

"(b) ADMINISTRATION OF SANCTUARY SYSTEM.—The Secretary shall carry out this section, including the establishment of regulations under subsection (d), in consultation with the board of directors of the nonprofit private entity that receives the contract under subsection (e) (relating to the operation of the sanctuary system).

"(c) ACCEPTANCE OF CHIMPANZEEES INTO SYSTEM.—All surplus chimpanzees owned by the Federal Government shall be accepted into the sanctuary system. Subject to standards under subsection (d)(4), any chimpanzee that is not owned by the Federal Government can be accepted into the system if the owner transfers to the sanctuary system title to the chimpanzee.

"(d) STANDARDS FOR PERMANENT RETIREMENT OF SURPLUS CHIMPANZEEES.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall by regulation establish standards for operating the sanctuary system to provide for the permanent retirement of surplus chimpanzees. In establishing the standards, the Secretary shall consider the recommendations of the board of directors of the nonprofit private entity that receives the contract under subsection (e), and shall consider the recommendations of the National Research Council applicable to surplus chimpanzees that are made in the report published in 1997 and entitled 'Chimpanzees in Research—Strategies for Their Ethical Care, Management, and Use'.

"(2) CHIMPANZEEES ACCEPTED INTO SYSTEM.—With respect to chimpanzees that are accepted into the sanctuary system, standards under paragraph (1) shall include the following:

"(A) A prohibition that the chimpanzees may not be used for research, except as authorized under paragraph (3).

"(B) Provisions regarding the housing of the chimpanzees.

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

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

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

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

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

"(H) A requirement that chimpanzees posing such a threat be contained in accordance with applicable recommendations of the Director of the Centers for Disease Control and Prevention.

“(I) A prohibition that none of the chimpanzees may be subjected to euthanasia, except as in the best interests of the chimpanzee involved, as determined by the system and an attending veterinarian.

“(J) A prohibition that the chimpanzees may not be discharged from the system. If any chimpanzee is removed from a sanctuary facility for purposes of research authorized under paragraph (3)(A)(ii), the chimpanzee shall be returned immediately upon the completion of that research. All costs associated with the removal of the chimpanzee from the facility, with the care of the chimpanzee during such absence from the facility, and with the return of the chimpanzee to the facility shall be the responsibility of the entity that obtains approval under such paragraph regarding use of the chimpanzee and removes the chimpanzee from the sanctuary facility.

“(K) A provision that the Secretary may, in the discretion of the Secretary, accept into the system chimpanzees that are not surplus chimpanzees.

“(L) Such additional standards as the Secretary determines to be appropriate.

“(3) RESTRICTIONS REGARDING RESEARCH.—

“(A) IN GENERAL.—For purposes of paragraph (2)(A), standards under paragraph (1) shall provide that a chimpanzee accepted into the sanctuary system may not be used for studies or research, except as provided in clause (i) or (ii), as follows:

“(i) The chimpanzee may be used for noninvasive behavioral studies or medical studies based on information collected during the course of normal veterinary care that is provided for the benefit of the chimpanzee, provided that any such study involves minimal physical and mental harm, pain, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives.

“(ii) The chimpanzee may be used in research if—

“(I) the Secretary finds that there are special circumstances in which there is need for that individual, specific chimpanzee (based on that chimpanzee's prior medical history, prior research protocols, and current status), and there is no chimpanzee with a similar history and current status that is reasonably available among chimpanzees that are not in the sanctuary system;

“(II) the Secretary finds that there are technological or medical advancements that were not available at the time the chimpanzee entered the sanctuary system, and that such advancements can and will be used in the research;

“(III) the Secretary finds that the research is essential to address an important public health need; and

“(IV) the design of the research involves minimal pain and physical harm to the chimpanzee, and otherwise minimizes mental harm, distress, and disturbance to the chimpanzee and the social group in which the chimpanzee lives (including with respect to removal of the chimpanzee from the sanctuary facility involved).

“(B) APPROVAL OF RESEARCH DESIGN.—

“(i) EVALUATION BY SANCTUARY BOARD.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the board of directors of the nonprofit private entity that receives the contract under subsection (e) shall, after consultation with the head of the sanctuary facility in which the chimpanzee has been placed and with the attending veterinarian, evaluate whether the design of the research meets the conditions described in subparagraph (A)(ii)(IV) and shall submit to the Secretary the findings of the evaluation.

“(ii) ACCEPTANCE OF BOARD FINDINGS.—The Secretary shall accept the findings submitted to the Secretary under clause (i) by the board of directors referred to in such clause unless the Secretary makes a determination that the findings of the board are arbitrary or capricious.

“(iii) PUBLIC PARTICIPATION.—With respect to a proposed use in research of a chimpanzee in the sanctuary system under subparagraph (A)(ii), the proposal shall not be approved until—

“(I) the Secretary publishes in the Federal Register the proposed findings of the Secretary under such subparagraph, the findings of the evaluation by the board under clause (i) of this subparagraph, and the proposed evaluation by the Secretary under clause (ii) of this subparagraph; and

“(II) the Secretary seeks public comment for a period of not less than 60 days.

“(C) ADDITIONAL RESTRICTION.—For purposes of paragraph (2)(A), a condition for the use in studies or research of a chimpanzee accepted into the sanctuary system is (in addition to conditions under subparagraphs (A) and (B) of this paragraph) that the applicant for such use has not been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

“(4) NON-FEDERAL CHIMPANZEES OFFERED FOR ACCEPTANCE INTO SYSTEM.—With respect to a chimpanzee that is not owned by the Federal Government and is offered for acceptance into the sanctuary system, standards under paragraph (1) shall include the following:

“(A) A provision that the Secretary may authorize the imposition of a fee for accepting such chimpanzee into the system, except as follows:

“(i) Such a fee may not be imposed for accepting the chimpanzee if, on the day before the date of enactment of this section, the chimpanzee was owned by the nonprofit private entity that receives the contract under subsection (e) or by any individual sanctuary facility receiving a subcontract or grant under subsection (e)(1).

“(ii) Such a fee may not be imposed for accepting the chimpanzee if the chimpanzee is owned by an entity that operates a primate center, and if the chimpanzee is housed in the primate center pursuant to the program for regional centers for research on primates that is carried out by the National Center for Research Resources.

Any fees collected under this subparagraph are available to the Secretary for the costs of operating the system. Any other fees received by the Secretary for the long-term care of chimpanzees (including any Federal fees that are collected for such purpose and are identified in the report under section 3 of the Chimpanzee Health Improvement, Maintenance, and Protection Act) are available for operating the system, in addition to availability for such other purposes as may be authorized for the use of the fees.

“(B) A provision that the Secretary may deny such chimpanzee acceptance into the system if the capacity of the system is not sufficient to accept the chimpanzee, taking into account the physical capacity of the system; the financial resources of the system; the number of individuals serving as the staff of the system, including the number of professional staff; the necessity of providing for the safety of the staff and of the public; the necessity of caring for accepted chimpanzees in accordance with the standards under paragraph (1); and such other factors as may be appropriate.

“(C) A provision that the Secretary may deny such chimpanzee acceptance into the

system if a complete history of the health and use in research of the chimpanzee is not available to the Secretary.

“(D) Such additional standards as the Secretary determines to be appropriate.

“(e) AWARD OF CONTRACT FOR OPERATION OF SYSTEM.—

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

“(2) REQUIREMENTS.—The Secretary may make an award under paragraph (1) to a nonprofit private entity only if the entity meets the following requirements:

“(A) The entity has a governing board of directors that is composed and appointed in accordance with paragraph (3) and is satisfactory to the Secretary.

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

“(C) The members of the board serve without compensation. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the board.

“(D) The entity has an executive director meeting such requirements as the Secretary determines to be appropriate.

“(E) The entity makes the agreement described in paragraph (4) (relating to non-Federal contributions).

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

“(G) The entity agrees to make necropsy reports on chimpanzees in the sanctuary system available on a reasonable basis to persons who conduct biomedical or behavioral research, with priority given to such persons who are Federal employees or who receive financial support from the Federal Government for research.

“(H) Such other requirements as the Secretary determines to be appropriate.

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

“(A) The governing board of directors of the nonprofit private entity involved is composed and appointed in accordance with this paragraph if the following conditions are met:

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

“(ii) Such members include individuals with expertise and experience in the science of managing captive chimpanzees (including primate veterinary care), appointed from among individuals endorsed by organizations that represent individuals in such field.

“(iii) Such members include individuals with expertise and experience in the field of animal protection, appointed from among individuals endorsed by organizations that represent individuals in such field.

“(iv) Such members include individuals with expertise and experience in the zoological field (including behavioral primatology), appointed from among individuals endorsed by organizations that represent individuals in such field.

“(v) Such members include individuals with expertise and experience in the field of the business and management of nonprofit organizations, appointed from among individuals endorsed by organizations that represent individuals in such field.

“(vi) Such members include representatives from entities that provide accreditation in the field of laboratory animal medicine.

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

“(viii) Such members include an additional member who serves as the chair of the board, appointed from among individuals who have been endorsed for purposes of clause (ii), (iii), (iv), or (v).

“(ix) None of the members of the board has been fined for, or signed a consent decree for, any violation of the Animal Welfare Act.

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

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

“(ii) The initial members of the board select, by a random method, 1 member from each of the 6 fields specified in subparagraph (A) to serve a term of 2 years and (in addition to the chair) 1 member from each of such fields to serve a term of 3 years.

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

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

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

“(vi) If a member of the board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy is appointed for the remainder of the term of the predecessor member.

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

“(A) For expenses associated with establishing the sanctuary system (as determined by the Secretary), 10 percent of such costs (\$1 for each \$9 of Federal funds provided under the contract under paragraph (1)).

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

“(5) ESTABLISHMENT OF CONTRACT ENTITY.—If the Secretary determines that an entity meeting the requirements of paragraph (2) does not exist, not later than 60 days after the date of enactment of this section, the Secretary shall, for purposes of paragraph (1), make a grant for the establishment of such an entity, including paying the cost of incorporating the entity under the law of one of the States.

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

“(1) PERMANENT RETIREMENT.—The term ‘permanent retirement’, with respect to a chimpanzee that has been accepted into the sanctuary system, means that under subsection (a) the system provides for the lifetime care of the chimpanzee, that under subsection (d)(2) the system does not permit the chimpanzee to be used in research (except as authorized under subsection (d)(3)) or to be

ethanized (except as provided in subsection (d)(2)(I)), that under subsection (d)(2) the system will not discharge the chimpanzee from the system, and that under such subsection the system otherwise cares for the chimpanzee.

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

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(4) SURPLUS CHIMPANZEES.—The term ‘surplus chimpanzees’ has the meaning given that term in subsection (a).

“(g) FUNDING.—

“(1) IN GENERAL.—Of the amount appropriated under this Act for fiscal year 2001 and each subsequent fiscal year, the Secretary, subject to paragraph (2), shall reserve a portion for purposes of the operation (and establishment, as applicable) of the sanctuary system and for purposes of paragraph (3), except that the Secretary may not for such purposes reserve any further funds from such amount after the aggregate total of the funds so reserved for such fiscal years reaches \$30,000,000. The purposes for which funds reserved under the preceding sentence may be expended include the construction and renovation of facilities for the sanctuary system.

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

“(3) USE OF FUNDS FOR OTHER COMPLIANT FACILITIES.—With respect to amounts reserved under paragraph (1) for a fiscal year, the Secretary may use a portion of such amounts to make awards of grants or contracts to public or private entities operating facilities that, as determined by the board of directors of the nonprofit private entity that receives the contract under subsection (e), provide for the retirement of chimpanzees in accordance with the same standards that apply to the sanctuary system pursuant to regulations under subsection (d). Such an award may be expended for the expenses of operating the facilities involved.”

SEC. 3. REPORT TO CONGRESS REGARDING NUMBER OF CHIMPANZEES AND FUNDING FOR CARE OF CHIMPANZEES.

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

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

(2) An identification of any requirement imposed by the Federal Government that, as a condition of the use of such a chimpanzee in research by a non-Federal entity—

(A) fees be paid by the entity to the Federal Government for the purpose of providing for the care of the chimpanzee (including any fees for long-term care); or

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

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

(4) In the case of such fees, a specification of whether the fees were available to the Secretary (or other Federal officials) pursuant to annual appropriations Acts or pursuant to permanent appropriations.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration, H.R. 3514.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3514 is the Chimpanzee Health Improvement, Maintenance, and Protection Act. It has 139 bipartisan supporters.

Mr. Speaker, I am a member of the Committee on Commerce, and the Committee on Commerce has jurisdiction over the National Institutes of Health. The NIH is the world's premier biomedical research facility in the world. Because the chimpanzee is the closest genetic relative to humans, it has long been used as a model for physiological, biomedical, and behavioral research. We all remember in the early days of the space program the chimpanzee, Ham, pioneering space travel before we dared to allow humans to do that. We would not have a space program if it had not been for the contributions of the chimpanzees in the program.

When the AIDS epidemic became apparent to researchers, since we had stopped the practice of importing chimpanzees, the NIH went on a crash program to breed chimpanzees, on the assumption that the chimpanzee, being so closely related to humans genetically, would be the perfect model to study AIDS and HIV and could be used as a means to do research to find cures. It turns out that the chimpanzee was not a good model for HIV and AIDS. It did not contract the disease so readily. And as a result, we now have on our hands 1,700 surplus chimpanzees, 1,700 chimpanzees living in six research centers throughout the country.

Often these chimpanzees, which are intelligent animals with emotions and social groupings, live in cramped cages without any social contact at all. It is expensive to do this, Mr. Speaker. It

costs the taxpayers about \$7.5 million a year to keep these animals in these conditions. The legislation that is before us will create a new public-private partnership to create sanctuaries where these chimpanzees, who are no longer needed for research, can spend the remainder of their lives, and they often live to be 60 years of age, in humane sanctuaries where they can live in social groupings and in humane and healthy conditions.

I first became aware of this issue from the work of Dr. Jane Goodall. We all remember Dr. Jane Goodall from the National Geographic special. She was the pioneer researcher living in the field amongst the chimpanzees and learning to understand them and all of the nuances of their behavior. Dr. Jane Goodall is practically a saint, as far as I am concerned. She is a wonderful, gentle, thoughtful person who recognized that these creatures deserve far better from us than they are receiving, and so she suggested this notion that we create these sanctuaries and she has offered to help to raise the funds to meet the private sector side of this.

As she said, when she testified before our committee in May, "Instead of expending research dollars to warehouse chimpanzees, sometimes for decades, retiring chimpanzees to a sanctuary will be a humane alternative that also frees financial resources that can better be used to find cures for human ailments." Mr. Speaker, this legislation will save the taxpayers, it is estimated, about \$3 million per year. So it is not only the humane thing to do, it is also the cost-effective thing to do.

I would like to thank some folks who worked very hard to get this legislation before us today. Tina Nelson is my constituent from Bucks County, Pennsylvania. She is the Executive Director of the American Anti-Vivisection Society. I would also like to thank the National Chimpanzee Sanctuary Task Force, the ASPCA, the NAVS, the SAPL, and the Humane Society of the United States, whose collective membership represents 8 million members.

I would also like to thank their staff, Joyce Cowan, Adam Roberts, Chris Heyde, Mimi Brody and Marianne Radziewicz, and Nandan Kenkeremath of the Committee on Commerce staff, as well as my former staff member, Mara Garducci, who started work on this, and Joel White, who completed the task.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3514, the Chimpanzee Health Improvement, Maintenance, and Protection Act. I am one of over 140 of the gentleman's cosponsors. The author has done a great job of gaining and garnering support and ushering it through.

Mr. Speaker, this directs HHS to establish and maintain a sanctuary system for the lifetime care of chimpanzees that have been used, bred for, or purchased for research conducted or supported by the National Institutes of Health, the Food and Drug Administration or other agencies in the Federal Government.

□ 1215

Although many of these surplus chimpanzees have hepatitis and HIV infections and are a danger to uninfected animals as well as their caretakers, H.R. 3514 provides, I think, the highest level of veterinary expertise for these retired animals. It establishes sanctuaries and does a lot of other things. But basically, it provides chimpanzees with housing and a protected environment that is sensitive to their social needs along with the long-term health care and all needed medications. It is the right thing to do. It is also an excellent animal model for future health care legislation for all American citizens.

While I rise in support of this bill today, I also look forward to working on more equitable public health policies for our Nation's citizens in the 107th Congress.

I salute and support the gentleman from Pennsylvania (Mr. GREENWOOD). He has done a good job with this. It is a humane bill. It is one of the few things that this body does that really ought to be done for a group who have no lobby. He has done a great job. I am honored to be a part of it.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. HALL) for his kind remarks and for his help in this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I rise very briefly to commend the sponsor of the legislation.

Before coming to Congress, I was a clinical psychologist. In psychology we make extensive use of chimpanzees and other primates in research, and it is incumbent upon us to care for the animals that serve us well in providing research and critical data to advance human health.

I want to commend the sponsor of the bill and other cosponsors of this critical piece of legislation, and I urge its passage.

Mr. DINGELL. Mr. Speaker, I rise in reluctant support of H.R. 3514, the Chimpanzee Health Improvement, Maintenance and Protection Act. I say reluctant because this bill is still

not supported by the Administration, which has raised a number of concerns. I include with my statement a letter to me from Dr. Ruth Kirschstein, Principal Deputy Director, National Institutes of Health (NIH).

H.R. 3514, which is clearly well intended, will consume millions of dollars of funding from the Health and Human Services' (HHS) budget to establish and maintain a sanctuary system for the lifetime care of chimpanzees that have been used, bred for, or purchased for research conducted or supported by the NIH, the Food and Drug Administration, or other agencies of the Federal Government. H.R. 3514 has the support of many of my colleagues from both sides of the aisle.

Many of these surplus chimpanzees have hepatitis and HIV infections, and are a danger to uninfected animals, as well as their caretakers. This bill establishes how the sanctuaries will be administered and operated through a partnership with a private, non-profit entity, that includes the highest level of veterinary expertise. It also sets forth guidelines for the care of these animals and the limited conditions under which they can be returned to research. Whether chimpanzees not used in Federally-funded research should be accepted into the sanctuaries is somewhat controversial, but it is permissible under this bill.

Beyond the humane intentions of this bill on behalf of these surplus chimpanzees, I am concerned about the message we are sending to the American people about our priorities in the waning days of the 106th Congress. Many important public health issues before this Congress languish. These include: enactment of a real Patients' Bill of Rights; restoration of federal jurisdiction to control tobacco use by America's children; access to prescription drugs for senior citizens; long-term care for the elderly; access for America's children with rare or serious health problems to pediatric specialists, medications and clinical trials; adequate protection for human research subjects; protection from genetic discrimination by health insurers and employers; and enhanced protection of confidential medical records.

Providing chimpanzees with housing in a protected environment that is sensitive to their social needs, along with long-term health care and medications, is all well and good for the chimps. However, America's human citizens also deserve these benefits. It is time for this Congress to examine the public health policies it is legislating for animals, such as the comprehensive facilities for the one-to-two thousand surplus chimpanzees that are covered by H.R. 3514, and use them as models for caring for our most valued resource, America's human citizens.

I respect the valuable contribution to science made by our evolutionary forebears. The majority has given new meaning to the notion of incremental reform. Perhaps we can do for humans in the 107th Congress what we will do for chimps in the 106th.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE,

Bethesda, MD, October 16, 2000.

HON. JOHN D. DINGELL,
Committee on Commerce, House of Representatives,
Washington, DC.

DEAR MR. DINGELL: I am writing to inform you of the impact on the National Institutes

of Health (NIH) of S. 2725 and H.R. 3514, the Chimpanzee Health Improvement, Maintenance, and Protection Act. The bills, which are substantially similar, would require that NIH enter into a contract with a nonprofit private entity for the purpose of operating a sanctuary system for the long-term care of chimpanzees. A sanctuary system, however well intentioned, could have unintended consequences for both humans as well as the chimpanzees it seeks to protect.

The NIH is deeply committed to the care and well-being of chimpanzees used in biomedical research. The chimpanzee has been an essential, effective animal model for studying several serious diseases, including hepatitis and respiratory syncytial virus. This animal model has been a necessary and valuable part of the NIH-supported efforts to prevent these diseases and their serious, sometimes fatal consequences.

The NIH is implementing a plan to provide long-term care for 288 chimpanzees that are infected with human immunodeficiency virus (HIV), hepatitis, or both. These animals are not candidates for a sanctuary because their persistent infections pose a significant health threat to caretakers and uninfected animals. They also have unique health care problems that require special care not generally available in sanctuaries. Under the plan, these chimpanzees may be returned to research, if the need arises. Thus, the plan meets the needs of research, while providing humane care for the animals.

Any long-term care plan must ensure that chimpanzees may be used, if necessary, in future biomedical research. S. 2725 and H.R. 3514 would prohibit any further research on chimpanzees placed in the sanctuary. The NIH plan, however, does allow animals to be returned to research if the need arises. Biomedical research does not always proceed in a simple, swift, and direct path. A drug may have been discarded because it was not effective for a specific disease, only to be found years later to be effective against a different disease. At some future time, a scientist might discover a vaccine for hepatitis C or a treatment that could potentially eradicate HIV from an infected individual. It would be very unfortunate if we did not have access to animals with these long-term infections to assess new treatments and vaccines. This could have a substantial deleterious effect on the health of humans and chimpanzees. For these reasons, we believe that permanent retirement of these chimpanzees is unwise. In addition, providing permanent retirement would represent poor stewardship in regard to the already substantial investment in these animals by the NIH.

Much time and considerable resources are required to establish appropriate facilities for chimpanzees. At this time, any long-term care plan should be limited to those chimpanzees that have participated in research funded by the NIH and the Public Health Service. Both S. 2725 and H.R. 3514 could potentially require that NIH expend resources to provide long-term care for chimpanzees that participated in research funded by the private sector or were used in other ways, for example, by the entertainment industry.

I appreciate your continued interest in the NIH and the future of biomedical research. I would be pleased to provide more information about our plan and to discuss any further needs you might see in this area. We request that you delay legislative action on this issue until we have had an opportunity to discuss with Congress our proposed long-term care plan for the chimpanzees.

This letter is also being sent to Senators James M. Jeffords and Edward M. Kennedy and Representative Tom Bliley, Jr.

Sincerely yours,

RUTH L. KIRSCHSTEIN, M.D.,

Principal Deputy Director.

Mrs. MALONEY of New York. Mr. Speaker, as an original sponsor of this important and humane legislation, I rise today in support of H.R. 3514 which will provide a sanctuary for chimpanzees that are no longer needed for public research purposes. This is an issue that I have cared about for a long time and one which has required an enormous amount of effort to resolve.

Currently, there are more than 1,700 apes in labs across the United States used for a variety of research purposes including infectious disease testing, AIDS research, spinal and brain injury research, and toxicity testing. Although scientists have been highly successful in breeding chimpanzees in captivity to meet their research needs, there has been no consideration of what to do with chimpanzees when they are no longer needed. Given the surplus of chimpanzees in captivity, the National Institutes of Health, which owns the title to many of these research chimpanzees, projects the divestiture of a large proportion of the chimpanzees from their facilities in the near future.

Without this legislation, these retired chimps will continue to be housed in expensive facilities that provide marginal or inhumane care. One of the worst examples of these substandard facilities is the chimpanzee housing operated by the Coulston Foundation. Despite being cited for numerous violations of the Animal Welfare Act, Coulston retains many chimpanzees simply because there are no available alternatives. This bill will finally provide a safe home for these chimpanzees.

Fortunately, this legislation will also help us care for surplus chimpanzees in a way that saves taxpayer resources. Currently, NIH is supporting approximately 600 chimpanzees at a cost of between \$15 and \$30 per day per ape. The U.S. Government spends at least \$7.5 million annually to warehouse surplus chimpanzees in labs where they are no longer needed. These chimpanzees can be maintained in better environments at a far lower cost in a sanctuary setting that allows many chimpanzees to be stored together in a healthy and comfortable environment.

For all these reasons, I strongly support this legislation and I urge its immediate passage.

Mr. BROWN of Ohio. Mr. Speaker, I want to commend my colleague, Mr. GREENWOOD, for bringing Congressional attention to this issue. I'm pleased we are passing legislation that illustrates a sensitivity to and responsibility for chimpanzees after they are no longer needed for research. But I cannot understand how we are unable to demonstrate this level of responsiveness to Medicare beneficiaries or consumers of managed care plans who have asked us to address their concerns about health care. There is no excuse for adjourning Congress without a Medicare prescription drug benefit. There is no excuse for adjourning Congress without a Patients Bill of Rights. There is no excuse for adjourning without addressing the health care concerns that consume the daily lives of our constituents. This Congress is capable of doing more and I

would urge us to pass this important bill as well as responsible health care legislation for the nation.

Great work is being done in research with the use of animal subjects like Chimpanzees. Federal agencies including the NIH, CDC, FDA, and NASA rely on chimps for research. Chimps have proven to be an invaluable resource in the study of human diseases—breakthroughs in Hepatitis B and C can be attributed to research conducted with these primates. Ohio State University's Chimpanzee Center is expanding their 17-year-old program on cognitive and behavioral research and building a new facility. They are very supportive of the need for the sanctuaries outlined in this legislation. In the mid-to-late eighties, the Federal Government launched a vigorous chimpanzee breeding program aimed at finding answers to the cause of AIDS.

While these animals served us well in research that led to breakthrough medical treatments for many diseases, researchers discovered chimps were not a good model for AIDS research. As a result, there is a surplus of Chimps living with HIV that deserve our attention in their post-research existence. Today, chimps no longer needed for research are being housed in warehouses in laboratories throughout the nation at a price of \$7 million annually. It costs \$20–\$30 per day per animal to house chimpanzees in laboratory cages. Some are living at a facility charged with gross negligence in their treatment of chimps.

The passage of this bill would establish a cost-effective, public-private partnership to create a sanctuary system to provide for the lifetime care of chimps. These sanctuaries would be staffed by trained professionals and overseen by a board of professionals with a thorough understanding of the medical needs of the chimps and the safety requirements of their caretakers. Not only will this provide a much higher quality of life for these animals, it will also serve taxpayers well, costing substantially less than the current laboratory facilities.

This legislation has garnered overwhelming support from such diverse groups as the biomedical research community, zoological community, and the animal welfare groups. According to the National Academy of Sciences, National Research Council study, there are hundreds of chimpanzees currently sitting in small cages that will never and can never be used for research. There is a moral responsibility for the long-term care of chimpanzees that are used for our benefit in scientific research and today that responsibility is ours.

While I am pleased we are passing legislation that illustrates a sensitivity to and responsibility for chimpanzees after they are no longer needed for research, I cannot understand why we are unable to demonstrate this level of responsiveness to Medicare beneficiaries or consumers of managed care plans who have asked us to address their concerns about health care.

Mr. SHAYS. Mr. Speaker, as an original co-sponsor of the CHIMP Act and a co-chair of the Congressional Friends of Animals Caucus, I rise in strong support of the bill today.

The CHIMP Act will provide for a more cost-efficient way of caring for surplus chimpanzees, including those housed by the

Coulston Foundation. The bill establishes a public-private partnership so that the cost of caring for these chimpanzees will be shared with private interests. This ensures the federal government saves money and the chimps are kept in a more humane environment. The CHIMP Act also calls for grouping chimpanzees in larger communities than laboratories allow—thereby reducing housing costs.

Chimpanzees serve our needs in research that has led to breakthrough medical treatments for AIDS and other diseases. The animals live almost as long as humans and we must work to provide a humane and cost efficient environment for their retirement.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this common sense legislation.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GREENWOOD) that the House suspend the rules and pass the bill, H.R. 3514, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENERGY ACT OF 2000

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2884) to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION. 1. SHORT TITLE.

This Act may be cited as the Energy Act of 2000.

TITLE I—STRATEGIC PETROLEUM RESERVE

SEC. 101. SHORT TITLE.

This title may be cited as the “Energy Policy and Conservation Act Amendments of 2000”.

SEC. 102. AMENDMENT TO SECTION 2 OF THE ENERGY POLICY AND CONSERVATION ACT

Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in paragraph (1) by striking “standby” and “, subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and”; and

(2) by striking paragraphs (3) and (6).

SEC. 103. AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT

Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(1) by striking section 102 (42 U.S.C. 6211) and its heading;

(2) by striking section 104(b)(1);

(3) by striking section 106 (42 U.S.C. 6214) and its heading;

(4) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

“(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.”;

(5) in section 152 (42 U.S.C. 6232)—

(A) by striking paragraphs (1), (3) and (7), and

(B) in paragraph (11) by striking “; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve”.

(6) by striking section 153 (42 U.S.C. 6233) and its heading;

(7) in section 154 (42 U.S.C. 6234)—

(A) by amending subsection (a) to read as follows:

“(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.”;

(B) by amending subsection (b) to read as follows:

“(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.”; and

(C) by striking subsections (c), (d), and (e);

(8) by striking section 155 (42 U.S.C. 6235) and its heading;

(9) by striking section 156 (42 U.S.C. 6236) and its heading;

(10) by striking section 157 (42 U.S.C. 6237) and its heading;

(11) by striking section 158 (42 U.S.C. 6238) and its heading;

(12) by striking the heading for section 159 (42 U.S.C. 6239) to read, “Development, Operation, and Maintenance of the Reserve”;

(13) in section 159 (42 U.S.C. 6239)—

(A) by striking subsections (a), (b), (c), (d), and (e);

(B) by amending subsection (f) to read as follows:

“(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may—

“(1) issue rules, regulations, or orders;

“(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

“(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

“(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

“(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

“(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

“(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

“(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.”; and

(C) in subsection (g)—

(i) by striking “implementation” and inserting “development”; and

(ii) by striking “Plan”;

(D) by striking subsections (h) and (i);

(E) by amending subsection (j) to read as follows:

“(j) If the Secretary determines expansion beyond 700,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress.”; and

(F) by amending subsection (l) to read as follows:

“(l) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).”;

(14) in section 160 (42 U.S.C. 6240)—

(A) in subsection (a), by striking all before the dash and inserting the following—

“(a) The Secretary may acquire, place in storage, transport, or exchange”;

(B) in subsection (a)(1) by striking all after “Federal lands”;

(C) in subsection (b), by striking “, including the Early Storage Reserve and the Regional Petroleum Reserve” and by striking paragraph (2); and

(D) by striking subsections (c), (d), (e), and (g);

(15) in section 161 (42 U.S.C. 6241)—

(A) by striking “Distribution of the Reserve” in the title of this section and inserting “Sale of Petroleum Products”;

(B) in subsection (a), by striking “drawdown and distribute” and inserting “drawdown and sell petroleum products in”;

(C) by striking subsections (b), (c), and (f);

(D) by amending subsection (d)(1) to read as follows:

“(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.”;

(E) by amending subsection (e) to read as follows:

“(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

“(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this section.”; and

(F) in subsection (g)—

(i) by amending paragraph (1) to read as follows:

“(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.”;

(ii) by striking paragraph (2);

(iii) in paragraph (4), by striking “90” and inserting “95”;

(iv) in paragraph (5), by striking “drawdown and distribution” and inserting “test”;

(v) by amending paragraph (6) to read as follows:

“(6) In the case of a sale of any petroleum products under this subsection, the Secretary