

United States Senate

WASHINGTON, DC 20510

October 20, 2020

James M. Anderson, M.D., Ph.D.
Deputy Director
Program Coordination, Planning, and Strategic Initiatives
National Institutes of Health
Building 1
9000 Rockville Pike
Bethesda, Maryland 20892

Dear Deputy Director Anderson:

We write to inquire about the agency's compliance with the Chimpanzee Health Improvement, Maintenance, and Protection (CHIMP) Act in light of National Institutes of Health's (NIH) continued decision to keep 37 government owned chimpanzees at the Alamogordo Primate Facility (APF) on Holloman Air Force Base (AFB) in New Mexico.

The CHIMP Act directs that "all surplus chimpanzees owned by the Federal Government shall be accepted into the sanctuary system."¹ Surplus chimpanzees are all chimpanzees determined by the Secretary of NIH to no longer be needed for research. This sentiment is further reinforced by the permit between NIH and the U.S. Air Force stating in Section 28.5, "(a)ny chimpanzee declared as surplus under the [CHIMP] Act, will immediately be removed from the Premises and Holloman AFB and will not be returned." Given both the law and the permit, it is clear that surplus chimpanzees should not be kept at APF and instead be expeditiously transferred to sanctuary.

According to NIH's website, no active, invasive research is conducted at APF, and the contractor is currently providing long-term care and of the chimpanzees who were previously used in biomedical research.² This means that all 37 chimps at Holloman AFB are surplus under the law and should be transferred to remain in compliance with the contract between NIH and the Air Force.

In light of this fact, NIH continues to house these chimpanzees at Holloman AFB. As such, we request that you provide complete answers in writing to the following questions:

1. Given that the chimpanzees at the APF clearly meet the definition of the surplus under the CHIMP Act, what is the legal justification for keeping the chimpanzees at APF?
2. Given that the CHIMP Act makes no allowance for concerns around risks of transport as a reason to keep chimpanzees from being moved to sanctuary, and given that NIH has safely

¹ Chimpanzee Health Improvement, Maintenance, and Protection Act, 42 U.S.C. 283m

² <https://orip.nih.gov/comparative-medicine/programs/vertebrate-models/alamogordo-primate-facility>

transported sicker and older chimpanzees over the years, why has NIH kept these 37 government owned chimpanzees at APF? Has the NIH considered moving these chimpanzees in smaller groups or different vehicles (i.e. vans rather than large trucks)?

3. NIH's own actuarial data "forecast(s) the last APF chimpanzees to survive to 2043 with a range of 2038 to 2048," well beyond the current permit expiration in 2026. What is the cost expectation to run APF for the next 23 years? Please provide the data you are using in that determination.

Thank you in advance for your consideration of our request.

Sincerely,



Tammy Duckworth
United States Senator



Tom Udall
United States Senator

/s/Martin Heinrich

Martin Heinrich
United States Senator



Martha McSally
United States Senator