



**ANIMAL
PROTECTION
NEW MEXICO**



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Breaking: Federal judge rules NIH broke the law by denying sanctuary retirement to former research chimps

BALTIMORE, Maryland (Dec. 15, 2022)—On Tuesday, a Maryland federal judge ruled that the National Institutes of Health cannot lawfully refuse to retire federally owned chimpanzees formerly used for research to Chimp Haven, the federal chimpanzee sanctuary. The decision was issued in a lawsuit brought by the Humane Society of the United States, Animal Protection New Mexico, Humane Society Legislative Fund, and three individual plaintiffs.

The plaintiffs sued NIH in 2021, after the agency reneged on its commitment to sanctuary retirement for all chimps owned or supported by the federal government. Instead, NIH decided to retain dozens of chimps at the Alamogordo Primate Facility—the same New Mexico laboratory where they were previously used in experiments—for the remainder of their lives. Tuesday’s ruling held that NIH’s decision was unlawful under the Chimpanzee Health, Improvement, Maintenance and Protection (CHIMP) Act, a 2000 law that created and funded the federal chimpanzee sanctuary system. Thirty chimps currently remain at the Alamogordo facility.

“The CHIMP Act means exactly what it says: These chimps cannot be denied the sanctuary retirement they deserve,” said Kitty Block, president and CEO of the Humane Society of the United States. “It is a win that the U.S. District Court for the District of Maryland agreed with us that the law reflects a

commitment to providing these chimps—who suffered years of invasive biomedical experiments—the highest standard of care possible.”

Due to advances in non-animal methods of research and testing, and changes in their legal status under the Endangered Species Act, chimpanzees have not been used in federally sponsored research since 2015. NIH had previously declared all remaining federally owned chimpanzees, including the Alamogordo chimps, eligible for retirement to Chimp Haven, a well-equipped sanctuary that provides superior veterinary and behavioral care and an open, natural living environment.

“Thirty chimp survivors are waiting in Alamogordo, New Mexico for the sanctuary they’ve been promised by our federal government. This decision affirms what we’ve asserted all along: by law, these chimpanzees have the right to live their best chimp lives in sanctuary,” said Leslie Rudloff, Esq., chief program and policy officer, Animal Protection New Mexico.

The order noted that NIH had violated the law because “the plain and unambiguous language of the CHIMP Act mandates the transfer of all [Alamogordo] chimpanzees to Chimp Haven.” Further proceedings will follow to determine how NIH must proceed in light of the court’s ruling.

"Congress passed the CHIMP Act expressly to retire federally owned chimpanzees to sanctuary. This court agrees that NIH cannot simply disregard federal law and we heartily concur," said Sara Amundson, president of the Humane Society Legislative Fund, "While NIH has continued to allow these chimps to languish in laboratory warehouses, HSLF has been working closely with congressional champions who have prioritized ensuring these chimps go home to Chimp Haven. We urge the Administration to heed this court's ruling, as well as the law, now."

All plaintiffs are represented by attorneys in the Animal Protection Law department of the Humane Society of the United States.

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About the Humane Society of the United States

The Humane Society of the United States fights the big fights to end suffering for all animals. Together with millions of supporters, we take on puppy mills, factory farms, the fur trade, trophy hunting, animal cosmetics testing and other cruel industries. Through our rescue, response and sanctuary work, as well as other direct services, we help thousands of animals in need every year. We fight all forms of animal cruelty to achieve the vision behind our name: a humane society. Learn more about our work at humanesociety.org.

About Humane Society Legislative Fund

The Humane Society Legislative Fund is a social welfare organization incorporated under section 501(c)(4) of the Internal Revenue Code and formed in 2004 as a separate lobbying affiliate of the Humane Society of the United States. The HSLF works to pass animal protection laws at the state and federal level, to educate the public about animal protection issues, and to support humane candidates for office. Visit us on all our channels: on the web at hslf.org, on our blog at animalsandpolitics.com, on Facebook at facebook.com/humanelegislation and on Twitter at twitter.com/HSLegFund.

About Animal Protection New Mexico

Animal Protection New Mexico is a statewide nonprofit that protects animals by creating social change resulting in the humane treatment of all animals. We create policies, infrastructure, and services that protect animals and strengthen our communities, and we design and implement humane and pragmatic solutions to seemingly intractable problems involving animals. We change entrenched systems that harm animals, demonstrating to the public and policymakers that the wellness of our society overall is directly and inextricably linked to the wellbeing of all animals. For more information about Animal Protection New Mexico, please visit our website apnm.org, follow us on Facebook facebook.com/animalprotectionnm, on Instagram [@animalprotectionnewmexico](https://instagram.com/animalprotectionnewmexico), on Twitter [@apnm](https://twitter.com/apnm), and view our latest video about the Alamogordo chimpanzees at ForgottenChimps.org