

117TH CONGRESS
1ST SESSION

H. R. 4239

To amend the Animal Health Protection Act with respect to the importation of live dogs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2021

Mr. SCHRADER (for himself, Mr. JOHNSON of South Dakota, Mr. GARAMENDI, and Mrs. HARTZLER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Animal Health Protection Act with respect to the importation of live dogs, 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 “Healthy Dog Importa-
5 tion Act”.

6 **SEC. 2. IMPORTATION OF LIVE DOGS.**

7 (a) IN GENERAL.—The Animal Health Protection
8 Act (7 U.S.C. 8301 et seq.) is amended by inserting after
9 section 10404 (7 U.S.C. 8303) the following:

1 **“SEC. 10404A. IMPORTATION OF LIVE DOGS.**

2 “(a) REQUIREMENTS.—

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (3), no person shall import a dog into the
5 United States unless, as determined by the Sec-
6 retary, the dog—

7 “(A) is in good health;

8 “(B) has received all necessary vaccina-
9 tions and demonstrated negative test results re-
10 quired by the Secretary, as evidenced by a cer-
11 tificate—

12 “(i) issued by a licensed veterinarian
13 accredited by a competent veterinary au-
14 thority recognized by the Secretary; and

15 “(ii) endorsed by such authority rep-
16 resenting that the veterinarian issuing the
17 certificate was authorized to do so; and

18 “(C) is officially identified by a permanent
19 method approved by the Secretary.

20 “(2) TRANSFER.—Except as provided in para-
21 graph (3), no person shall import or cause the trans-
22 portation of a dog into the United States from a for-
23 eign country for the purpose of transfer unless, as
24 determined by the Secretary, the dog—

25 “(A) meets the criteria specified in para-
26 graph (1);

1 “(B) is at least 6 months old; and

2 “(C) is accompanied by an import permit
3 issued by the Secretary under this Act.

4 “(3) EXCEPTIONS.—The Secretary, by regula-
5 tion, shall provide an exception to any requirement
6 under this Act in any case in which a dog is im-
7 ported for purposes of transfer for—

8 “(A) research purposes;

9 “(B) veterinary treatment, paid for by the
10 importer, provided that the dog is taken directly
11 to a veterinary facility for treatment with ap-
12 propriate quarantine until the dog meets the
13 criteria specified in paragraph (1) and is then
14 exported to its country of origin; or

15 “(C) in the case of a dog that is less than
16 6 months old, lawful importation into the State
17 of Hawaii in compliance with the regulations of
18 the State of Hawaii and the other requirements
19 of this section if the dog is not transported out
20 of the State of Hawaii for resale at less than
21 6 months of age.

22 “(b) IMPLEMENTATION AND REGULATIONS.—The
23 Secretary, the Secretary of Health and Human Services,
24 the Secretary of Commerce, and the Secretary of Home-
25 land Security, shall—

1 “(1) promulgate such regulations as the Secre-
2 taries determine to be necessary to implement and
3 enforce this section;

4 “(2) facilitate electronic submission of all re-
5 quired documentation and make the submitted infor-
6 mation available to the Secretary, the Secretary of
7 Health and Human Services, the Secretary of Com-
8 merce, and the Secretary of Homeland Security for
9 verification upon arrival; and

10 “(3) determine and establish such fees for the
11 issuance of permits and the inspection with respect
12 to dog importation as necessary to fund implementa-
13 tion and enforcement of this section.

14 “(c) RULE OF CONSTRUCTION.—Nothing in sub-
15 section (b)(3) shall be construed as limiting the avail-
16 ability of funding made available under section 10417 to
17 carry out this section.

18 “(d) ENFORCEMENT.—

19 “(1) AUTHORITY.—The Secretary shall have
20 the authority granted under section 10414 to en-
21 force this section.

22 “(2) PENALTIES.—An importer that fails to
23 comply with this section shall—

24 “(A) be subject to penalties under section
25 10414; and

1 “(B) if such importer is a dealer, provide,
2 as the Secretary may determine, at the expense
3 of the importer, for the care (including appro-
4 priate veterinary care), forfeiture, quarantine,
5 and removal from the United States and return
6 to its place of export with due care for the wel-
7 fare of each applicable dog.

8 “(e) DEFINITIONS.—In this section:

9 “(1) IMPORTER.—The term ‘importer’ means
10 any person who transports or causes the transpor-
11 tation of a dog into the United States from a foreign
12 country.

13 “(2) TRANSFER.—The term ‘transfer’ means a
14 change of ownership or control of an imported dog
15 to another person, including by sale, adoption, ex-
16 change, or donation.”.

17 (b) CONFORMING REPEAL.—Section 18 of the Ani-
18 mal Welfare Act (7 U.S.C. 2148) is repealed.

19 **SEC. 3. TRANSPORTATION.**

20 (a) DEFINITION OF TRANSPORTER.—Section 2 of the
21 Animal Welfare Act (7 U.S.C. 2132) is amended by add-
22 ing at the end the following:

23 “(p) The term ‘transporter’ means any person, de-
24 partment, agency, or instrumentality of the United States
25 or of any State or local government, other than a carrier

1 or intermediate handler, who receives an animal from any
2 importer, dealer, research facility, exhibitor, operator of
3 an auction sale, or department, agency, or instrumentality
4 of the United States or of any State or local government
5 and receives compensation for moving such animal in com-
6 merce.

7 “(q) The term ‘compensation’ means any act or con-
8 sideration or thing of value received by a person directly,
9 including cash or noncash benefits, cost-avoidance, obtain-
10 ing positive or avoiding negative publicity, an exchange of
11 services, or maintaining a license issued under local, State,
12 or Federal government authority.

13 “(r) The term ‘sell’ or ‘resell’ means to transfer of
14 ownership or control of an animal, including by sale, adop-
15 tion, exchange, or donation.”

16 (b) HUMANE STANDARDS.—Section 13 of the Animal
17 Welfare Act (7 U.S.C. 2143) is amended—

18 (1) in subsection (a)(4)—

19 (A) in the first sentence, by striking “air
20 carriers,” and inserting “transporters, air car-
21 riers,”; and

22 (B) by adding at the end the following:

23 “The Secretary shall provide, by regulation,
24 that each transporter, intermediate handler, or
25 carrier receiving a certificate of veterinary in-

1 specification required under this section shall sub-
2 mit a copy of the certificate to the Secretary,
3 who shall record the information in a central-
4 ized, publicly available database.”; and

5 (2) by redesignating subsections (g) and (h) as
6 subsections (h) and (i), respectively; and

7 (3) by striking “(f) No dogs or cats” and in-
8 serting “(g) No dogs or cats”;

9 (4) in subsection (g), as redesignated by para-
10 graph (3)—

11 (A) in the first sentence—

12 (i) by inserting “importer,” before
13 “dealer”; and

14 (ii) by inserting “, transporter,” after
15 “intermediate handler” each place it ap-
16 pears; and

17 (B) in the second sentence—

18 (i) by inserting “, transporters,” after
19 “intermediate handlers”; and

20 (ii) by striking “section 10 of this
21 Act” and inserting “subsection (a)(4)” .

22 **SEC. 4. REGULATIONS.**

23 (a) IN GENERAL.—Not later than 18 months after
24 the date of enactment of this Act, the Secretary of Agri-
25 culture shall issue final regulations to implement the

1 amendments made by this Act, including the verification
2 upon arrival that each dog being imported into the United
3 States from a foreign country meets all applicable impor-
4 tation requirements and the denial of entry into the
5 United States of any dog that fails to meet such require-
6 ments.

7 (b) TRANSITION PERIOD.—Until the date on which
8 final regulations are issued under subsection (a), the im-
9 portation of live dogs shall be regulated in accordance with
10 the regulations issued under section 18 of the Animal Wel-
11 fare Act (7 U.S.C. 2148) in effect on the day before the
12 date of the enactment of this Act, but only to the extent
13 that such regulations are not in conflict with section
14 10404A of the Animal Health Protection Act (as added
15 by section 1).

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