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

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2020

Mr. ABRAHAM (for himself, Mr. YOHO, and Mr. SCHRADER) 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.

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 “Healthy Dog Importation Act”.

SEC. 2. IMPORTATION OF LIVE DOGS.

(a) IN GENERAL.—The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended by inserting after section 10404 (7 U.S.C. 8303) the following:
SECTION 10404A. IMPORTATION OF LIVE DOGS.

(a) REQUIREMENTS.—

(1) In general.—Except as provided in paragraph (3), no person shall import a dog into the United States unless, as determined by the Secretary, the dog—

(A) is in good health;

(B) has received all necessary vaccinations and demonstrated negative test results required by the Secretary, as evidenced by a certificate—

(i) issued by a licensed veterinarian accredited by a competent veterinary authority recognized by the Secretary; and

(ii) endorsed by such authority representing that the veterinarian issuing the certificate was authorized to do so; and

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

(2) Transfer.—Except as provided in paragraph (3), no person shall import or cause the transportation of a dog into the United States from a foreign country for the purpose of transfer unless, as determined by the Secretary, the dog—

(A) meets the criteria specified in paragraph (1);
“(B) is at least 6 months old; and

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

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

“(A) research purposes;

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

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

“(b) IMPLEMENTATION AND REGULATIONS.—The
Secretary, the Secretary of Health and Human Services,
the Secretary of Commerce, and the Secretary of Home-
land Security, shall—
“(1) promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section;

“(2) facilitate electronic submission of all required documentation and make the submitted information available to the Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security for verification upon arrival; and

“(3) determine and establish such fees for the issuance of permits and the inspection with respect to dog importation as necessary to fund implementation and enforcement of this section.

“(c) ENFORCEMENT.—

“(1) AUTHORITY.—The Secretary shall have the authority granted under section 10414 to enforce this section.

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

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

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

“(d) DEFINITIONS.—In this section:

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

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

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

SEC. 3. TRANSPORTATION.

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

“(p) The term ‘transporter’ means any person, de-
partment, agency, or instrumentality of the United States
or of any State or local government, other than a carrier
or intermediate handler, who receives an animal from any
importer, dealer, research facility, exhibitor, operator of
an auction sale, or department, agency, or instrumentality
of the United States or of any State or local government
and receives compensation for moving such animal in commerce.

“(q) The term ‘compensation’ means any act or consideration or thing of value received by a person directly, including cash or noncash benefits, cost-avoidance, obtaining positive or avoiding negative publicity, an exchange of services, or maintaining a license issued under local, State, or Federal government authority.

“(r) The term ‘sell’ or ‘resell’ means to transfer of ownership or control of an animal, including by sale, adoption, exchange, or donation.”.

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

(1) in subsection (a)(4)—

(A) in the first sentence, by striking “air carriers,” and inserting “transporters, air carriers,”; and

(B) by adding at the end the following:

“The Secretary shall provide, by regulation, that each transporter, intermediate handler, or carrier receiving a certificate of veterinary inspection required under this section shall submit a copy of the certificate to the Secretary, who shall record the information in a centralized, publicly available database.”; and
(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by striking “(f) No dogs or cats” and inserting “(g) No dogs or cats”;

(4) in subsection (g), as redesignated by paragraph (3)—

(A) in the first sentence—

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

(ii) by inserting “, transporter,” after “intermediate handler” each place it appears; and

(B) in the second sentence—

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

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

SEC. 4. REGULATIONS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall issue final regulations to implement the amendments made by this Act, including the verification upon arrival that each dog being imported into the United States from a foreign country meets all applicable importation requirements and the denial of entry into the
United States of any dog that fails to meet such require-
ments.

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