

**Calendar No. 281**

118TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
118-137

WORKING DOG HEALTH AND WELFARE  
ACT OF 2023

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R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 2414

TO REQUIRE AGENCIES WITH WORKING DOG PROGRAMS TO  
IMPLEMENT THE RECOMMENDATIONS OF THE GOVERNMENT  
ACCOUNTABILITY OFFICE RELATING TO THE HEALTH AND  
WELFARE OF WORKING DOGS, AND FOR OTHER PURPOSES



DECEMBER 13, 2023.—Ordered to be printed

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WORKING DOG HEALTH AND WELFARE ACT OF 2023

DECEMBER 13, 2023.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and  
Governmental Affairs, submitted the following

**R E P O R T**

[To accompany S. 2414]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2414) to require agencies with working dog programs to implement the recommendations of the Government Accountability Office relating to the health and welfare of working dogs, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 2414, the *Working Dog Health and Welfare Act of 2023*, requires agencies that manage working dog programs to implement recommendations made by the Government Accountability Office (GAO) to improve the health and welfare of working dogs. In particular, the bill provides for implementation of recommendations made in GAO’s 2022 report, “Working Dogs: Federal Agencies Need to Better Address Health and Welfare.” The bill extends this requirement to contractors that manage working dog programs on behalf of agencies and to foreign partners that receive working dogs

from the Department of State. The bill would also require agencies to implement GAO's recommendations in any new working dog programs.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

Agencies across the federal government use working dogs to fulfill critical mission areas, such as law enforcement and security. As of February 2022, federal government entities utilized over 5,100 working dogs across 64 programs of varying sizes, at 8 departments and 3 federal agencies. These dogs perform significant roles, including explosives detection, narcotics detection, patrol, human detection, suspect apprehension, search and rescue, wildlife management, and disease surveillance.<sup>1</sup>

To provide for the health and wellbeing of these working dogs, agencies publish specific policies for their working dog programs. In October 2022, GAO issued a report that identified 18 foundational issues "important to the health and welfare of working dogs" which agencies should address in their policies. These issues are: detection of abuse and neglect, emergency medical care, euthanasia, exercise, food and water, grooming, health and welfare training, housing, medical needs after retirement, medical records, medication, procurement, rest and length of on-duty time, retirement, routine veterinary care, routine welfare evaluations, sanitation, and transportation.<sup>2</sup>

In its report, GAO found that of the 40 federal working dog programs that are directly managed by federal agencies, only 9 programs addressed all 18 issues that GAO identified as important to working dogs' health and welfare. GAO also found that policies for federally-managed working dog programs typically addressed a range of health and welfare issues, but often omitted specific factors such as abuse and neglect, rest, and length of on-duty time.<sup>3</sup> Of the 21 federal working dog programs that are managed by contractors, only 3 programs addressed all 18 health and welfare criteria.<sup>4</sup> Finally, of the 3 Department of State programs that donate working dogs to foreign partners, only 1 program addressed all 18 of GAO's criteria.<sup>5</sup>

Several agencies have taken steps to address the gaps in working dog policies that GAO identified, while others are still working to update their policies to incorporate essential health and welfare criteria.<sup>6</sup> To ensure parity in working dog program policies across the federal government, this bill requires all departments, agencies, and contractors managing working dog programs on behalf of an agency to implement GAO's recommendations within 180 days of the bill's enactment. This legislation also ensures that any new working dog program policies created after the enactment of this bill address GAO's recommendations.

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<sup>1</sup> Government Accountability Office, *Working Dogs: Federal Agencies Need to Better Address Health and Welfare* (GAO-23-104489) (Oct. 19, 2022).

<sup>2</sup> *Id.* at 16-17.

<sup>3</sup> *Id.* at 19-20.

<sup>4</sup> *Id.* at 22.

<sup>5</sup> *Id.* at 30.

<sup>6</sup> *Id.* at 35-36.

### III. LEGISLATIVE HISTORY

Senator Mike Braun (R-IN) introduced S. 2414, the *Working Dog Health and Welfare Act of 2023*, on July 20, 2023, with original cosponsor Senator Kyrsten Sinema (I-AZ). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2414 at a business meeting on October 25, 2023. At the business meeting, Senator Sinema offered a substitute amendment to the bill, as well as a modification to the substitute amendment. The Sinema substitute amendment, as modified, removed Congress, the courts of the United States, the governments of the territories or possessions of the United States, and the government of the District of Columbia as entities that need to reissue working dog program policies. The Sinema substitute amendment, as modified, also added section (e), which disallows the authorization of additional funds to carry out the bill.

The Committee adopted the modification to the Sinema substitute amendment, and the Sinema substitute amendment as modified, by unanimous consent, with Senators Peters, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Butler, Paul, Lankford, Romney, and Scott present. The bill, as amended by the Sinema substitute amendment as modified, was ordered reported favorably by roll call vote of 11 yeas to 0 nays, with Senators Peters, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Butler, Paul, Lankford, Romney, and Scott voting in the affirmative. Senators Carper, Johnson, Hawley, and Marshall voted yea by proxy, for the record only.

Consistent with Committee Rule 3(G), the Committee reports the bill with a technical amendment by mutual agreement of the Chairman and Ranking Member.

### IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

#### *Section 1. Short title*

This section establishes the short title of the bill as the “Working Dog Health and Welfare Act of 2023.”

#### *Section 2. Implementation of working dog recommendations*

Subsection (a) defines the terms “agency,” “working dog,” “working dog program,” and “working dog recommendations.” The “working dog recommendations” are those included in GAO’s October 2022 report “Working Dogs: Federal Agencies Need to Better Address Health and Welfare.”

Subsection (b)(1) requires the head of each agency that manages a working dog program to implement the working dog recommendations within 180 days of the enactment of the bill.

Subsection (b)(2) requires contractors that manage a working dog program on behalf of an agency to implement the working dog recommendations within 180 days of the enactment of the bill.

Subsection (b)(3) requires the head of each agency that manages a working dog program to submit a report to the Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Accountability within 60 days of the completion of subsection (b)(1) or subsection (b)(2) on the explicit steps agencies and contractors have taken to complete the implementation.

Subsection (c) requires the Secretary of State to ensure that donations of working dogs by the Department of State to foreign partners are executed and monitored according to the working dog recommendations within 180 days of the enactment of the bill.

Subsection (d) requires agency heads to ensure that the working dog recommendations are implemented in any new working dog program established by an agency after the date of enactment of the bill.

Subsection (e) specifies that no additional funds are authorized to be appropriated for the purposes of carrying out the bill.

#### V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

#### VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

<b>S. 2414, Working Dog Health and Welfare Act of 2023</b>			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on October 25, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	*	*	*
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

S. 2414 would require federal agencies and contractors that use dogs to implement the recommendations outlined in the Government Accountability Office (GAO) report "Working Dogs: Federal Agencies Need to Better Address Health and Welfare," published on October 19, 2022, within 180 days of enactment. Within 60 days of implementing the recommendations, the bill would require each of those agencies to submit a report to the Congress outlining the steps they took to comply with GAO's recommendations. Additionally, S. 2414 would require the Department of State to ensure that the foreign countries to which it provides dogs also comply with the report's recommendations.

The GAO report identified 18 issues important to dogs' health and welfare, including emergency medical care, grooming, housing, retirement, and transportation. GAO recommended that federal agencies that directly employ dogs or contract with entities that employ dogs revise their policies to ensure all the issues are addressed.

Based on information from GAO, CBO estimates that about 10 federal agencies directly employ about 5,200 dogs. Additionally, federal contractors employ about 400 dogs and the Department of State provides about 1,000 dogs to foreign partners to assist with counterterrorism and security. Most agencies already address some of or all 18 recommended issues. Based on the costs of similar activities, CBO estimates that each agency would incur small administrative and personnel costs to update policies and issue the report.

Most agencies would use discretionary funds to meet the requirements under S. 2414; CBO estimates that it would cost less than \$500,000 over the 2024–2028 period for those agencies to implement the bill. Such spending would be subject to the availability of appropriated funds.

Two agencies that employ dogs have direct spending authority for administrative expenses: the Tennessee Valley Authority (TVA) and the Postal Service. (Cash flows for the Postal Service are recorded in the federal budget in the Postal Service Fund and are classified as off-budget direct spending.) CBO estimates that the costs to those agencies would be negligible. Furthermore, under current law, TVA sells electricity at prices sufficient to recover any costs it incurs in lieu of receiving annual appropriations. On that basis, CBO expects that any increase in spending would be treated as an operating expense and recovered quickly in TVA's rates for electricity.

S. 2414 would also affect the Federal Reserve. Costs incurred by the Federal Reserve reduce remittances to the Treasury, which are recorded in the budget as revenues; CBO estimates that the reduction in revenues under the bill would be negligible.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by Emily Stern, Senior Adviser for Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.