



Animal Welfare Institute

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The original Safe Air Travel for Animals Act (S. 1193 and H.R. 2776) was introduced in 1999 by Sen. Frank Lautenberg (D-NJ) and Rep. Robert Menendez (D-NJ). It was a far-reaching bill that would have addressed the many problems animals encounter when they are put on a plane - from careless handling to dangerous conditions in the cargo hold.

Had this legislation passed, airlines would have been required to do the following:

- Provide the Secretary of Agriculture with advance notice of flights that are transporting animals so that inspections could be performed;
- Report the death, injury, or loss of any animal while that animal was in the “care and custody” of that airline, with the information being made available to the public;
- Improve training for employees who handle animals; and
- Improve cargo holds to make them safer for animals.

The protections afforded by this bill would have applied to all animals covered under the Animal Welfare Act, and airlines would have been liable for civil penalties and compensation.

S. 1193 Safe Air Travel for Animals Act [As Introduced in the Senate; House bill was H.R. 2776. House Sponsor was Rep. Robert Menendez (D-NJ)]

106th CONGRESS

1st Session

S. 1193

To improve the safety of animals transported on aircraft, and for other purposes.

IN THE SENATE OF THE UNITED STATES

June 9, 1999

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the safety of animals transported on aircraft, 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; TABLE OF CONTENTS.

(a) SHORT TITLE- This Act may be cited as the 'Safe Air Travel for Animals Act'.

(b) TABLE OF CONTENTS- The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I — ANIMAL WELFARE

Sec. 101. Definition of transport.

Sec. 102. Information on incidence of animals in air transport.

Sec. 103. Reports by carriers on incidents involving animals during air transport.

Sec. 104. Annual reports.

TITLE II — TRANSPORTATION

Sec. 201. Policies and procedures for transporting animals.

Sec. 202. Civil penalties and compensation for loss, injury, or death of animals during air transport.

Sec. 203. Cargo hold improvements to protect animal health and safety.

SEC. 2. FINDINGS.

Congress finds that—

- (1) animals are live, sentient creatures, with the ability to feel pain and suffer;
- (2) it is inappropriate for animals transported by air to be treated as baggage;
- (3) according to the Air Transport Association, over 500,000 animals are transported by air each year and as many as 5,000 of those animals are lost, injured, or killed;
- (4) most injuries to animals traveling by airplane are due to mishandling by baggage personnel, severe temperature fluctuations, insufficient oxygen in cargo holds, or damage to kennels;
- (5) there are no Federal requirements that airlines report incidents of animal loss, injury, or death;
- (6) members of the public have no information to use in choosing an airline based on its record of safety with regard to transporting animals;
- (7) the last congressional action on animals transported by air was conducted over 22 years ago; and
- (8) the conditions of cargo holds of airplanes must be improved to protect the health, and ensure the safety, of transported animals.

TITLE I — ANIMAL WELFARE

SEC. 101. DEFINITION OF TRANSPORT.

Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following:

- (p) **TRANSPORT-** The term 'transport', when used with respect to the air transport of an animal by a carrier, means the transport of the animal during the period the animal is in the custody of the carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.'

SEC. 102. INFORMATION ON INCIDENCE OF ANIMALS IN AIR TRANSPORT.

Section 6 of the Animal Welfare Act (7 U.S.C. 2136) is amended—

- (1) by striking 'SEC. 6. Every' and inserting the following:

'SEC. 6. REGISTRATION.

'(a) **IN GENERAL-** Each'; and

- (2) by adding at the end the following:

'(b) INFORMATION ON INCIDENCE OF ANIMALS IN AIR TRANSPORT- Not later than 2 years after the date of enactment of this subsection, the Secretary shall require each airline carrier to—

'(1) submit to the Secretary real-time information (as the information becomes available, but at least 24 hours in advance of a departing flight) on each flight that will be carrying a live animal, including—

'(A) the flight number;

'(B) the arrival and departure points of the flight;

'(C) the date and times of the flight; and

'(D) a description of the number and types of animals aboard the flight; and

'(2) ensure that the flight crew of an aircraft is notified of the number and types of animals, if any, on each flight of the crew.'

SEC. 103. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.

Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended by adding at the end the following:

'(e) REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT-

'(1) IN GENERAL- An airline carrier that causes, or is otherwise involved in or associated with, an incident involving the loss, injury, death or mishandling of an animal during air transport shall submit a report to the Secretary of Agriculture and the Secretary of Transportation that provides a complete description of the incident.

'(2) ADMINISTRATION- Not later than 90 days after the date of enactment of this subsection, the Secretary of Agriculture, in consultation with the Secretary of Transportation, shall issue regulations that specify—

'(A) the type of information that shall be included in a report required under paragraph (1), including—

'(i) the date and time of an incident;

'(ii) the location and environmental conditions of the incident site;

'(iii) the probable cause of the incident; and

'(iv) the remedial action of the carrier; and

'(B) a mechanism for notifying the public concerning the incident.

'(3) CONSUMER INFORMATION- The Secretary of Transportation shall include information received under paragraph (1) in the Air Travel Consumer Reports and other consumer publications of the Department of Transportation in a separate category of information.

'(4) CONSUMER COMPLAINTS- Not later than 15 days after receiving a consumer complaint concerning the loss, injury, death or mishandling of an animal during air transport, the Secretary of Transportation shall provide a description of the complaint to the Secretary of Agriculture.'

SEC. 104. ANNUAL REPORTS.

Section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended in the first sentence—

(1) in paragraph (4), by striking 'and' at the end;

(2) in paragraph (5), by striking the period at the end and inserting '; and'; and

(3) by adding at the end the following:

'(6) a summary of—

'(A) incidents involving the loss, injury, or death of animals transported by airline carriers; and

'(B) consumer complaints regarding the incidents.'

TITLE II — TRANSPORTATION

SEC. 201. POLICIES AND PROCEDURES FOR TRANSPORTING ANIMALS.

(a) IN GENERAL- Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

'Sec. 41716. Policies and procedures for transporting animals

'An air carrier shall establish and include in each contract of carriage under part 253 of title 14, Code of Federal Regulations (or any successor regulation) policies and procedures of the carrier for transporting animals safely, including—

'(1) training requirements for airline personnel in the proper treatment of animals being transported;

'(2) information on the risks associated with air travel for animals ;

'(3) a description of the conditions under which animals are transported;

'(4) the safety record of the carrier with respect to transporting animals ; and

'(5) plans for handling animals prior to and after flight, and when there are flight delays or other circumstances that may affect the health or safety of an animal during transport.'

(b) TABLE OF CONTENTS- The analysis for chapter 417 of title 49, United States Code, is amended by adding at the end of the items relating to subchapter I the following:

'41716. Policies and procedures for transporting animals.'

SEC. 202. CIVIL PENALTIES AND COMPENSATION FOR LOSS, INJURY, OR DEATH OF ANIMALS DURING AIR TRANSPORT.

(a) IN GENERAL- Chapter 463 of title 49, United States Code, is amended by adding at the end the following:

'Sec. 46317. Civil penalties and compensation for loss, injury, or death of animals during air transport

'(a) DEFINITIONS- In this section:

'(1) CARRIER- The term 'carrier' means a person (including any employee, contractor, or agent of the person) operating an aircraft for the transportation of passengers or property for compensation.

'(2) TRANSPORT- The term 'transport', when used with respect to the air transport of an animal by a carrier, means the transport of the animal during the period the animal is in the custody of a carrier, from check-in of the animal prior to departure until the animal is returned to the

owner or guardian of the animal at the final destination of the animal.

'(b) CIVIL PENALTIES-

'(1) IN GENERAL- The Secretary may assess a civil penalty of not more than \$5,000 for each violation on, or issue a cease and desist order against, any carrier that causes, or is otherwise involved in or associated with, the loss, injury, or death of an animal during air transport.

'(2) CEASE AND DESIST ORDERS- A carrier who knowingly fails to obey a cease and desist order issued by the Secretary under this subsection shall be subject to a civil penalty of \$1,500 for each offense.

'(3) SEPARATE OFFENSES- For purposes of determining the amount of a penalty imposed under this subsection, each violation and each day during which a violation continues shall be a separate offense.

'(4) FACTORS- In determining whether to assess a civil penalty under this subsection and the amount of the civil penalty, the Secretary shall consider—

'(A) the size and financial resources of the business of the carrier;

'(B) the gravity of the violation;

'(C) the good faith of the carrier; and

'(D) any history of previous violations by the carrier.

'(5) COLLECTION OF PENALTIES-

'(A) IN GENERAL- On the failure of a carrier to pay a civil penalty assessed by a final order under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which the carrier is found or resides or transacts business, to collect the penalty.

'(B) PENALTIES- The court shall have jurisdiction to hear and decide an action brought under subparagraph (A).

'(C) COMPENSATION- If an animal is lost, injured, or dies in transport by a carrier, unless the carrier proves that the carrier did not cause, and was not otherwise involved in or associated with, the loss, injury, or death of the animal, the owner of the animal shall be entitled to compensation from the carrier in an amount that—

'(1) is not less than 2 times any limitation established by the carrier for loss or damage to baggage under part 254 of title 14, Code of Federal Regulations (or any successor regulation); and

'(2) includes all veterinary and other related costs that are documented and initiated not later than 1 year after the incident that caused the loss, injury, or death of the animal.'

(b) TABLE OF CONTENTS- The analysis for chapter 463 of title 49, United States Code, is amended by adding at the end the following:

'46317. Civil penalties and compensation for loss, injury, or death of animals during air transport.'

SEC. 203. CARGO HOLD IMPROVEMENTS TO PROTECT ANIMAL HEALTH AND SAFETY.

(a) IN GENERAL- To protect the health and safety of animals in transport, the Secretary of Transportation shall—

- (1) in conjunction with requiring certain transport category airplanes used in passenger service to replace class D cargo or baggage compartments with class C cargo or baggage compartments under parts 25, 121, and 135 of title 14, Code of Federal Regulations, to install, to the maximum extent practicable, systems that permit positive airflow and heating and cooling for animals that are present in cargo or baggage compartments; and
 - (2) effective beginning January 1, 2001, prohibit the transport of an animal by any carrier in a cargo or baggage compartment that fails to include a system described in paragraph (1).
- (b) REPORT- Not later than March 31, 2002, the Secretary shall submit a report to Congress that describes actions that have been taken to carry out subsection (a).