

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.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Safe Air Travel for Animals Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 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.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) animals are live, sentient creatures, with the
4 ability to feel pain and suffer;

5 (2) it is inappropriate for animals transported
6 by air to be treated as baggage;

7 (3) according to the Air Transport Association,
8 over 500,000 animals are transported by air each
9 year and as many as 5,000 of those animals are lost,
10 injured, or killed;

11 (4) most injuries to animals traveling by air-
12 plane are due to mishandling by baggage personnel,
13 severe temperature fluctuations, insufficient oxygen
14 in cargo holds, or damage to kennels;

15 (5) there are no Federal requirements that air-
16 lines report incidents of animal loss, injury, or
17 death;

18 (6) members of the public have no information
19 to use in choosing an airline based on its record of
20 safety with regard to transporting animals;

(8) the conditions of cargo holds of airplanes must be improved to protect the health, and ensure the safety, of transported animals.

8 SEC. 101. DEFINITION OF TRANSPORT.

“(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.”.

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

24 **“SEC. 6. REGISTRATION.**

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

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

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

11 “(A) the flight number;

12 “(B) the arrival and departure points of
13 the flight;

14 “(C) the date and times of the flight; and

15 “(D) a description of the number and
16 types of animals aboard the flight; and

17 “(2) ensure that the flight crew of an aircraft
18 is notified of the number and types of animals, if
19 any, on each flight of the crew.”.

20 **SEC. 103. REPORTS BY CARRIERS ON INCIDENTS INVOLV-**
21 **ING ANIMALS DURING AIR TRANSPORT.**

22 Section 19 of the Animal Welfare Act (7 U.S.C.
23 2149) is amended by adding at the end the following:

24 “(e) REPORTS BY CARRIERS ON INCIDENTS INVOLV-
25 ING ANIMALS DURING AIR TRANSPORT.—

1 “(1) IN GENERAL.—An airline carrier that
2 causes, or is otherwise involved in or associated with,
3 an incident involving the loss, injury, death or mis-
4 handling of an animal during air transport shall
5 submit a report to the Secretary of Agriculture and
6 the Secretary of Transportation that provides a com-
7 plete description of the incident.

8 “(2) ADMINISTRATION.—Not later than 90
9 days after the date of enactment of this subsection,
10 the Secretary of Agriculture, in consultation with the
11 Secretary of Transportation, shall issue regulations
12 that specify—

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

16 “(i) the date and time of an incident;

17 “(ii) the location and environmental
18 conditions of the incident site;

19 “(iii) the probable cause of the inci-
20 dent; and

21 “(iv) the remedial action of the car-
22 rier; and

23 “(B) a mechanism for notifying the public
24 concerning the incident.

1 “(3) CONSUMER INFORMATION.—The Secretary
 2 of Transportation shall include information received
 3 under paragraph (1) in the Air Travel Consumer
 4 Reports and other consumer publications of the De-
 5 partment of Transportation in a separate category
 6 of information.

7 “(4) CONSUMER COMPLAINTS.—Not later than
 8 15 days after receiving a consumer complaint con-
 9 cerning the loss, injury, death or mishandling of an
 10 animal during air transport, the Secretary of Trans-
 11 portation shall provide a description of the complaint
 12 to the Secretary of Agriculture.”.

13 **SEC. 104. ANNUAL REPORTS.**

14 Section 25 of the Animal Welfare Act (7 U.S.C.
 15 2155) is amended in the first sentence—

16 (1) in paragraph (4), by striking “and” at the
 17 end;

18 (2) in paragraph (5), by striking the period at
 19 the end and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(6) a summary of—

22 “(A) incidents involving the loss, injury, or
 23 death of animals transported by airline carriers;
 24 and

1 “(B) consumer complaints regarding the
2 incidents.”.

3 **TITLE II—TRANSPORTATION**

4 **SEC. 201. POLICIES AND PROCEDURES FOR TRANSPORTING** 5 **ANIMALS.**

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

9 **“§ 41716. Policies and procedures for transporting** 10 **animals**

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

16 “(1) training requirements for airline personnel
17 in the proper treatment of animals being trans-
18 ported;

19 “(2) information on the risks associated with
20 air travel for animals;

21 “(3) a description of the conditions under which
22 animals are transported;

23 “(4) the safety record of the carrier with re-
24 spect to transporting animals; and

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

5 (b) TABLE OF CONTENTS.—The analysis for chapter
 6 417 of title 49, United States Code, is amended by adding
 7 at the end of the items relating to subchapter I the fol-
 8 lowing:

“41716. Policies and procedures for transporting animals.”.

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

12 (a) IN GENERAL.—Chapter 463 of title 49, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing:

15 **“§ 46317. Civil penalties and compensation for loss,**
 16 **injury, or death of animals during air**
 17 **transport**

18 “(a) DEFINITIONS.—In this section:

19 “(1) CARRIER.—The term ‘carrier’ means a
 20 person (including any employee, contractor, or agent
 21 of the person) operating an aircraft for the transpor-
 22 tation of passengers or property for compensation.

23 “(2) TRANSPORT.—The term ‘transport’, when
 24 used with respect to the air transport of an animal
 25 by a carrier, means the transport of the animal dur-

1 ing the period the animal is in the custody of a car-
2 rier, from check-in of the animal prior to departure
3 until the animal is returned to the owner or guard-
4 ian of the animal at the final destination of the ani-
5 mal.

6 “(b) CIVIL PENALTIES.—

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

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

18 “(3) SEPARATE OFFENSES.—For purposes of
19 determining the amount of a penalty imposed under
20 this subsection, each violation and each day during
21 which a violation continues shall be a separate of-
22 fense.

23 “(4) FACTORS.—In determining whether to as-
24 sess a civil penalty under this subsection and the

1 amount of the civil penalty, the Secretary shall
2 consider—

3 “(A) the size and financial resources of the
4 business of the carrier;

5 “(B) the gravity of the violation;

6 “(C) the good faith of the carrier; and

7 “(D) any history of previous violations by
8 the carrier.

9 “(5) COLLECTION OF PENALTIES.—

10 “(A) IN GENERAL.—On the failure of a
11 carrier to pay a civil penalty assessed by a final
12 order under this section, the Secretary shall re-
13 quest the Attorney General to institute a civil
14 action in a district court of the United States
15 or other United States court for any district in
16 which the carrier is found or resides or trans-
17 acts business, to collect the penalty.

18 “(B) PENALTIES.—The court shall have
19 jurisdiction to hear and decide an action
20 brought under subparagraph (A).

21 “(c) COMPENSATION.—If an animal is lost, injured,
22 or dies in transport by a carrier, unless the carrier proves
23 that the carrier did not cause, and was not otherwise in-
24 volved in or associated with, the loss, injury, or death of

1 the animal, the owner of the animal shall be entitled to
 2 compensation from the carrier in an amount that—

3 “(1) is not less than 2 times any limitation es-
 4 tablished by the carrier for loss or damage to bag-
 5 gage under part 254 of title 14, Code of Federal
 6 Regulations (or any successor regulation); and

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

11 (b) TABLE OF CONTENTS.—The analysis for chapter
 12 463 of title 49, United States Code, is amended by adding
 13 at the end the following:

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

14 **SEC. 203. CARGO HOLD IMPROVEMENTS TO PROTECT ANI-**
 15 **MAL HEALTH AND SAFETY.**

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

19 (1) in conjunction with requiring certain trans-
 20 port category airplanes used in passenger service to
 21 replace class D cargo or baggage compartments with
 22 class C cargo or baggage compartments under parts
 23 25, 121, and 135 of title 14, Code of Federal Regu-
 24 lations, to install, to the maximum extent prac-

1 ticable, systems that permit positive airflow and
2 heating and cooling for animals that are present in
3 cargo or baggage compartments; and

4 (2) effective beginning January 1, 2001, pro-
5 hibit the transport of an animal by any carrier in a
6 cargo or baggage compartment that fails to include
7 a system described in paragraph (1).

8 (b) REPORT.—Not later than March 31, 2002, the
9 Secretary shall submit a report to Congress that describes
10 actions that have been taken to carry out subsection (a).

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