

106TH CONGRESS  
1ST SESSION

# H. R. 2776

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

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. MENENDEZ (for himself, Mr. BLUMENAUER, Mr. CAPUANO, Mr. FARR of California, Mr. LANTOS, Ms. LEE, Ms. MCKINNEY, Mrs. MORELLA, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. SHAYS, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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;

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

4           (7) the last congressional action on animals  
5           transported by air was conducted over 22 years ago;  
6           and

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

## 10           **TITLE I—ANIMAL WELFARE**

### 11           **SEC. 101. DEFINITION OF TRANSPORT.**

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

14           “(p) TRANSPORT.—The term ‘transport’, when used  
15           with respect to the air transport of an animal by a carrier,  
16           means the transport of the animal during the period the  
17           animal is in the custody of the carrier, from check-in of  
18           the animal prior to departure until the animal is returned  
19           to the owner or guardian of the animal at the final des-  
20           tination of the animal.”.

### 21           **SEC. 102. INFORMATION ON INCIDENCE OF ANIMALS IN AIR** 22           **TRANSPORT.**

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

1           (1) by striking “SEC. 6. Every” and inserting  
2           the following:

3   **“SEC. 6. REGISTRATION.**

4           “(a) IN GENERAL.—Each”; and

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

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

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

15                   “(A) the flight number;

16                   “(B) the arrival and departure points of  
17 the flight;

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

19                   “(D) a description of the number and  
20 types of animals aboard the flight; and

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

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

3 Section 19 of the Animal Welfare Act (7 U.S.C.  
4 2149) is amended by adding at the end the following:

5 “(e) **REPORTS BY CARRIERS ON INCIDENTS INVOLV-**  
6 **ING ANIMALS DURING AIR TRANSPORT.—**

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

14 “(2) **ADMINISTRATION.—**Not later than 90  
15 days after the date of enactment of this subsection,  
16 the Secretary of Agriculture, in consultation with the  
17 Secretary of Transportation, shall issue regulations  
18 that specify—

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

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

23 “(ii) the location and environmental  
24 conditions of the incident site;

25 “(iii) the probable cause of the inci-  
26 dent; and

1                   “(iv) the remedial action of the car-  
2                   rier; and

3                   “(B) a mechanism for notifying the public  
4                   concerning the incident.

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

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

17 **SEC. 104. ANNUAL REPORTS.**

18                  Section 25 of the Animal Welfare Act (7 U.S.C.  
19 2155) is amended in the first sentence—

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

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

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

25                  “(6) a summary of—

1           “(A) incidents involving the loss, injury, or  
2           death of animals transported by airline carriers;  
3           and

4           “(B) consumer complaints regarding the  
5           incidents.”.

## 6           **TITLE II—TRANSPORTATION**

### 7           **SEC. 201. POLICIES AND PROCEDURES FOR TRANSPORTING** 8           **ANIMALS.**

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

#### 12          **“§ 41717. Policies and procedures for transporting** 13          **animals**

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

19                 “(1) training requirements for airline personnel  
20                 in the proper treatment of animals being trans-  
21                 ported;

22                 “(2) information on the risks associated with  
23                 air travel for animals;

24                 “(3) a description of the conditions under which  
25                 animals are transported;

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

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

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

          “41717. Policies and procedures for transporting animals.”.

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

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

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

20           “(a) DEFINITIONS.—In this section:

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



1           “(2) TRANSPORT.—The term ‘transport’, when  
2           used with respect to the air transport of an animal  
3           by a carrier, means the transport of the animal dur-  
4           ing the period the animal is in the custody of a car-  
5           rier, from check-in of the animal prior to departure  
6           until the animal is returned to the owner or guard-  
7           ian of the animal at the final destination of the ani-  
8           mal.

9           “(b) CIVIL PENALTIES.—

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

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

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

1           “(4) FACTORS.—In determining whether to as-  
2           sess a civil penalty under this subsection and the  
3           amount of the civil penalty, the Secretary shall  
4           consider—

5                   “(A) the size and financial resources of the  
6           business of the carrier;

7                   “(B) the gravity of the violation;

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

9                   “(D) any history of previous violations by  
10          the carrier.

11          “(5) COLLECTION OF PENALTIES.—

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

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

23          “(c) COMPENSATION.—If an animal is lost, injured,  
24          or dies in transport by a carrier, unless the carrier proves  
25          that the carrier did not cause, and was not otherwise in-

1 volved in or associated with, the loss, injury, or death of  
2 the animal, the owner of the animal shall be entitled to  
3 compensation from the carrier in an amount that—

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

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

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

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

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

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

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

1 lations, to install, to the maximum extent prac-  
2 ticable, systems that permit positive airflow and  
3 heating and cooling for animals that are present in  
4 cargo or baggage compartments; and

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

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

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