

United States Senate

February 26, 2021

The Honorable Pete Buttigieg
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Norris Cochran
Acting Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Secretary Buttigieg, Acting Secretary Cochran, and Secretary Mayorkas:

As we approach the first anniversary of the COVID-19 pandemic, the aviation industry continues to face complex questions with enormous implications for public health, passenger safety, and employee welfare. To best address these immediate challenges, as well as lay a strong foundation for the industry's recovery, we believe that your agencies should convene a joint task force — advised by aviation, security, and public health experts — that would develop national strategies for air travel moving forward. We specifically urge your agencies to create a joint task force modeled after our bipartisan legislation, the *Ensuring Health Safety in the Skies Act of 2021*.¹

During the ongoing emergency, airlines and airports have largely had to develop their own rules for ensuring coronavirus-related health and safety, including policies for social distancing during air travel, cleaning aircraft, and, until recently, facemasks for travelers.² Unfortunately, a patchwork of rules, no matter how well-intentioned, simply cannot address the interconnected and widespread risks of a global pandemic. Air travel is an inherently interstate and international issue, with enormous implications for both health and commerce. It demands strong leadership from the federal government, including the promulgation of clear and consistent safety standards that apply across the entire aviation industry.

¹ Ensuring Health Safety in the Skies Act of 2021, S. 82, 117th Cong. (2021); Press Release, *Bipartisan Support Continues for Legislation to Convene a Coronavirus Task Force on Aviation Health and Safety, With Senator Wicker Joining Markey, Blumenthal, and Lynch* (Feb. 1, 2021), <https://www.markey.senate.gov/news/press-releases/bipartisan-support-continues-for-legislation-to-convene-a-coronavirus-task-force-on-aviation-health-and-safety-with-senator-wicker-joining-markey-blumenthal-and-lynch>.

² Becky Pokora & Caroline Lupini, *Master List of U.S. Airline Seating and Mask COVID-19 Policies*, FORBES (Dec. 7, 2020), <https://www.forbes.com/sites/advisor/2020/12/07/master-list-of-us-airline-seating-and-mask-covid-19-policies/?sh=44423f051bb4>.

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That is why we were pleased when the Biden administration recently called for interagency cooperation to develop national public health recommendations for domestic travel.³ However, we believe that a more structured process remains necessary — one that includes robust collaboration among government, industry, labor, and other experts, with the goals of solving the pressing problems created by the pandemic and charting a path forward as vaccinations accelerate and travel demand returns.

For these reasons, we have reintroduced our bipartisan legislation — the *Ensuring Health Safety in the Skies Act* — that would require the Departments of Transportation (DOT), Health and Human Services (HHS), and Homeland Security (DHS) to establish a joint task force on air travel during and after the COVID-19 public health emergency.⁴ This task force, advised by aviation, security, and public health experts, would develop recommended requirements, plans, and guidelines to address the health, safety, security, and logistical challenges for air travel moving forward. Our legislation would build on the president’s recent actions by identifying the health risks in aviation that we must address, naming the expert stakeholders that your agencies should consult, and detailing the process for developing national safety standards.

We are proud of the strong bipartisan support that exists for our legislation, which passed the Senate unanimously in the last Congress,⁵ and we note that a wide range of aviation industry and labor organizations have endorsed our proposal.⁶ In the days ahead, we will continue to fight for our legislation to become law. However, the DOT, HHS, and DHS need not wait for our bill to pass before acting on this initiative. Your agencies have the power to immediately convene a task force modeled on our legislation, and you can quickly begin the process for developing national solutions for safe air travel. In light of this, and given the urgency of the moment, we urge you to act without delay.

Thank you for your continued attention to this important matter. Due to the telework policies of many congressional offices during the coronavirus outbreak, physical signatures are unavailable. The listed Senators have asked to sign this letter

Sincerely,

Edward J. Markey
United States Senator

Roger F. Wicker
United States Senator

Richard Blumenthal
United States Senator

³ Exec. Order No. 13998, 86 FR 7205 (Jan. 21, 2021).

⁴ Ensuring Health Safety in the Skies Act, S. 82, 117th Cong. (2021); Press Release, *supra* note 1.

⁵ 166 CONG. REC. S6002-03 (daily ed. Sept. 30, 2020).

⁶ Press Release, *supra* note 1.