

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 3681

To require a joint task force on the operation of air travel during and after the COVID–19 pandemic, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MARKEY (for himself, Mr. WICKER, and Mr. BLUMENTHAL)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Health Safe-
5 ty in the Skies Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVISORY COMMITTEE.**—The term “Advi-
9 sory Committee” means the Joint Federal Advisory
10 Committee established under section 4.

1 (2) AIR TRAVEL.—The term “air travel” in-
2 cludes international air travel.

3 (3) COVID–19 PUBLIC HEALTH EMERGENCY.—
4 The term “COVID–19 public health emergency”
5 means the public health emergency first declared on
6 January 31, 2020, by the Secretary of Health and
7 Human Services under section 319 of the Public
8 Health Service Act (42 U.S.C. 247d) with respect to
9 COVID–19 and includes any renewal of such dec-
10 laration pursuant to such section 319.

11 (4) JOINT TASK FORCE.—The term “Joint
12 Task Force” means the Joint Task Force on Air
13 Travel During and After the COVID–19 Public
14 Health Emergency established under section 3(a).

15 **SEC. 3. JOINT TASK FORCE ON AIR TRAVEL DURING AND**
16 **AFTER THE COVID–19 PUBLIC HEALTH EMER-**
17 **GENCY.**

18 (a) IN GENERAL.—Not later than 30 days after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation, the Secretary of Homeland Security, and the Sec-
21 retary of Health and Human Services shall establish the
22 Joint Task Force on Air Travel During and After the
23 COVID–19 Public Health Emergency.

24 (b) DUTIES.—

1 (1) IN GENERAL.—The Joint Task Force shall
2 develop recommended requirements, plans, and
3 guidelines to address the health, safety, security, and
4 logistical issues relating to—

5 (A) the continuation of air travel during
6 the COVID–19 public health emergency; and

7 (B) the resumption of full operations at
8 airports and increased passenger air travel after
9 the COVID–19 public health emergency.

10 (2) RECOMMENDATIONS.—The recommenda-
11 tions developed under paragraph (1), with respect to
12 the applicable periods described in paragraph (3),
13 shall include—

14 (A) modifying airport, air carrier, security
15 (including passenger security screening), and
16 other operations related to passenger air travel,
17 including passenger queuing, boarding,
18 deplaning, and baggage handling procedures, as
19 a result of—

20 (i) current and anticipated changes to
21 passenger air travel during and after the
22 COVID–19 public health emergency; and

23 (ii) anticipated changes to passenger
24 air travel resulting from any seasonal re-
25 currence of the coronavirus;

1 (B) mitigating the public health and eco-
2 nomic impacts of the COVID–19 public health
3 emergency and any seasonal recurrence of the
4 coronavirus on airports and passenger air travel
5 (including through the use of personal protec-
6 tive equipment, the implementation of strategies
7 to promote overall passenger and employee safe-
8 ty, and the accommodation of social distancing
9 as feasible and necessary);

10 (C) addressing privacy and civil liberty
11 issues that may arise from passenger health
12 screenings, contact-tracing, or other processes
13 used to monitor the health of individuals en-
14 gaged in air travel; and

15 (D) operating procedures to manage future
16 public health crises that can be anticipated, to
17 the extent such public health crises may impact
18 air travel.

19 (3) APPLICABLE PERIODS.—For purposes of
20 paragraph (2), the applicable periods described in
21 this paragraph are the following periods:

22 (A) The period beginning on the date of
23 the first meeting of the Joint Task Force and
24 ending on the last day of the COVID–19 public
25 health emergency.

1 (B) The 1-year period beginning on the
2 day after the end of the period described in
3 subparagraph (A).

4 (c) ACTIVITIES OF THE JOINT TASK FORCE.—

5 (1) IN GENERAL.—In developing the rec-
6 ommended requirements, plans, and guidelines
7 under subsection (b), and prior to including such
8 recommendations in the final report required under
9 section 5(b), the Joint Task Force shall—

10 (A) conduct cost-benefit evaluations re-
11 garding such recommendations, including costs
12 impacting air operations and impacts on air
13 travel;

14 (B) consider funding constraints;

15 (C) use risk-based decision-making; and

16 (D) consult with the Advisory Committee
17 established in section 4(a) and consider any
18 consensus policy recommendations of the Advi-
19 sory Committee submitted under section 4(b).

20 (2) INTERNATIONAL CONSULTATION.—The
21 Joint Task Force shall consult, as practicable, with
22 relevant international entities and operators, includ-
23 ing the International Civil Aviation Organization, to
24 harmonize (to the extent possible) recommended re-
25 quirements, plans, and guidelines for air travel dur-

1 ing and after the COVID–19 public health emer-
2 gency.

3 (d) MEMBERSHIP.—

4 (1) CHAIR.—The Secretary of Transportation
5 (or the Secretary’s designee) shall serve as Chair of
6 the Joint Task Force.

7 (2) VICE-CHAIR.—The Secretary of Health and
8 Human Services (or the Secretary’s designee) shall
9 serve as Vice-Chair of the Joint Task Force.

10 (3) OTHER MEMBERS.—In addition to the
11 Chair and Vice-Chair, the members of the Joint
12 Task Force shall include representatives of the fol-
13 lowing:

14 (A) The Department of Transportation.

15 (B) The Department of Homeland Secu-
16 rity.

17 (C) The Department of Health and
18 Human Services.

19 (D) The Federal Aviation Administration.

20 (E) The Transportation Security Adminis-
21 tration.

22 (F) U.S. Customs and Border Protection.

23 (G) The Centers for Disease Control and
24 Prevention.

1 (H) The Occupational Safety and Health
2 Administration.

3 (I) The National Institute for Occupational
4 Safety and Health.

5 (J) The Pipeline and Hazardous Materials
6 Safety Administration.

7 (K) The Department of State.

8 (L) The Environmental Protection Agency.

9 **SEC. 4. JOINT FEDERAL ADVISORY COMMITTEE.**

10 (a) ESTABLISHMENT.—Not later than 15 days after
11 the date on which the Joint Task Force is established
12 under section 3(a), the Secretary of Transportation, in
13 consultation with the Secretary of Homeland Security and
14 the Secretary of Health and Human Services, shall estab-
15 lish a Joint Federal Advisory Committee to advise the
16 Joint Task Force.

17 (b) DUTIES OF THE ADVISORY COMMITTEE.—The
18 Advisory Committee shall develop and submit consensus
19 policy recommendations to the Joint Task Force for the
20 Joint Task Force to consider when developing rec-
21 ommendations under section 3(b).

22 (c) MEMBERSHIP.—The members of the Advisory
23 Committee shall include representatives of the following:

1 (1) Airport operators designated by the Sec-
2 retary of Transportation in consultation with the
3 Secretary of Homeland Security.

4 (2) Air carriers designated by the Secretary of
5 Transportation.

6 (3) Aircraft and aviation manufacturers des-
7 ignated by the Secretary of Transportation.

8 (4) Labor organizations representing—

9 (A) aviation industry workers (including
10 pilots, flight attendants, engineers, mainte-
11 nance, mechanics, air traffic controllers, and
12 safety inspectors) designated by the Secretary
13 of Transportation; and

14 (B) security screening personnel des-
15 ignated by the Secretary of Homeland Security.

16 (5) Public health experts designated by the Sec-
17 retary of Health and Human Services.

18 (6) Organizations representing airline pas-
19 sengers designated by the Secretary of Transpor-
20 tation.

21 (7) Privacy and civil liberty organizations des-
22 ignated by the Secretary of Homeland Security.

23 (8) Manufacturers and integrators of passenger
24 screening and identity verification technologies des-
25 ignated by the Secretary of Homeland Security.

1 (9) Trade associations representing air carriers
2 (including major passenger air carriers, low-cost
3 passenger air carriers, regional passenger air car-
4 riers, cargo air carriers, and foreign passenger air
5 carriers) designated by the Secretary of Transpor-
6 tation in consultation with the Secretary of Home-
7 land Security.

8 (10) Trade associations representing airport op-
9 erators (including large hub, medium hub, small
10 hub, nonhub primary, and nonprimary commercial
11 service airports) designated by the Secretary of
12 Transportation in consultation with the Secretary of
13 Homeland Security.

14 (d) VACANCIES.—Any vacancy in the membership of
15 the Advisory Committee shall not affect its responsibilities
16 but shall be filled in the same manner as the original ap-
17 pointment and in accordance with the Federal Advisory
18 Committee Act (5 U.S.C. App).

19 (e) PROHIBITION ON COMPENSATION.—The members
20 of the Advisory Committee shall not receive any compensa-
21 tion from the Federal Government by reason of their serv-
22 ice on the Advisory Committee.

23 (f) PUBLICATION.—Not later than 14 days after the
24 date on which the Advisory Committee submits policy rec-
25 ommendations to the Joint Task Force pursuant to sub-

1 section (b), the Secretary of Transportation shall publish
2 such policy recommendations on a publicly accessible
3 website.

4 **SEC. 5. BRIEFINGS AND REPORTS.**

5 (a) PRELIMINARY BRIEFINGS.—As soon as prac-
6 ticable, but not later than 6 months after the date on
7 which the Joint Task Force is established under section
8 3(a), the Joint Task Force shall begin providing prelimi-
9 nary briefings to Congress on the status of the develop-
10 ment of the recommended requirements, plan, and guide-
11 lines under section 3(b). The preliminary briefings shall
12 include interim versions, if any, of the recommendations
13 of the Joint Task Force.

14 (b) FINAL REPORT.—

15 (1) DEADLINE.—As soon as practicable, but
16 not later than 18 months after the date of enact-
17 ment of this Act, the Joint Task Force shall submit
18 a final report to Congress.

19 (2) CONTENT.—The final report shall include
20 the following:

21 (A) All of the recommended requirements,
22 plans, and guidelines developed by the Joint
23 Task Force under section 3(b), and a descrip-
24 tion of any action taken by the Federal Govern-
25 ment as a result of such recommendations.

1 (B) Consensus policy recommendations
2 submitted by the Advisory Committee under
3 section 4(b), and an explanation (including data
4 and risk analysis) of any action by the Joint
5 Task Force in response to such recommenda-
6 tions.

7 **SEC. 6. TERMINATION.**

8 The Joint Task Force and the Advisory Committee
9 shall terminate 30 days after the date on which the Joint
10 Task Force submits the final report required under sec-
11 tion 5(b).