

Calendar No. 508

116TH CONGRESS
2D SESSION**S. 3681****[Report No. 116–246]**

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

IN THE SENATE OF THE UNITED STATES

MAY 11, 2020

Mr. BLUMENTHAL (for Mr. MARKEY (for himself and Mr. BLUMENTHAL)) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 6, 2020

Reported by Mr. WICKER, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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

4 This Act may be cited as the “Restoring Safety in
5 the Skies Act of 2020”.

1 **SEC. 2. JOINT TASK FORCE ON THE OPERATION OF AIR**
2 **TRAVEL.**

3 (a) **IN GENERAL.**—The Secretary of Health and
4 Human Services, the Secretary of Homeland Security, and
5 the Secretary of Transportation shall form a Joint Task
6 Force on the Operation of Air Travel during and after
7 the COVID–19 pandemic (in this section referred to as
8 the “Joint Task Force”).

9 (b) **DUTIES.**—The Joint Task Force shall develop
10 plans, guidelines, and recommended requirements to ad-
11 dress the logistical, health, safety, and security issues re-
12 lating to the continued operation of air travel during the
13 COVID–19 pandemic, as well as the resumption of full
14 operations at airports and increased passenger air travel
15 after the COVID–19 pandemic ends. The Joint Task
16 Force shall develop, at a minimum, plans, guidelines, and
17 recommended requirements for—

18 (1) the immediate period after the end of the
19 COVID–19 pandemic;

20 (2) ongoing periods after the end of the
21 COVID–19 pandemic;

22 (3) reconfiguring and reforming airport and
23 travel operations, including passenger queuing and
24 security screening, as a result of current and antici-
25 pated permanent changes to passenger air travel
26 during and after the COVID–19 pandemic, as well

1 as the anticipated seasonal recurrence of the
2 coronavirus;

3 (4) reconfiguring and reforming the airplane
4 boarding and deplaning processes, as well as bag-
5 gage handling procedures, as a result of current and
6 anticipated permanent changes to passenger air
7 travel during and after the COVID-19 pandemic, as
8 well as the anticipated seasonal recurrence of the
9 coronavirus;

10 (5) mitigating the public health and economic
11 impacts of the COVID-19 pandemic and the antici-
12 pated seasonal recurrence of the coronavirus on air-
13 ports and passenger air travel, including, but not
14 limited to, the provision of personal protective equip-
15 ment to aviation employees, the need for travelers to
16 wear face masks, and the accommodation of social
17 distancing;

18 (6) addressing the privacy and civil liberty con-
19 cerns created by passenger health screenings, con-
20 tact-tracing, or any other process for monitoring the
21 health of individuals engaged in air travel; and

22 (7) operating procedures to manage future an-
23 ticipated public health crises affecting air travel.

24 (c) MEMBERSHIP.—The Joint Task Force shall in-
25 clude, at a minimum, representatives of the following:

- 1 (1) The Department of Transportation.
- 2 (2) The Department of Homeland Security.
- 3 (3) The Department of Health and Human
- 4 Services.
- 5 (4) The Federal Aviation Administration.
- 6 (5) The Transportation Security Administra-
- 7 tion.
- 8 (6) U.S. Customs and Border Protection.
- 9 (7) The Centers for Disease Control and Pre-
- 10 vention.
- 11 (8) Airport operators.
- 12 (9) Airlines.
- 13 (10) Aircraft manufacturers.
- 14 (11) Labor organizations representing aviation
- 15 industry workers, including pilots, flight attendants,
- 16 maintenance, and safety inspectors.
- 17 (12) Public health experts.
- 18 (13) Consumers and passenger rights organiza-
- 19 tions.
- 20 (14) Privacy and civil liberty organizations.
- 21 (15) Manufacturers of passenger screening
- 22 technologies.
- 23 (d) REPORTS.—
- 24 (1) PRELIMINARY REPORT WITH EMERGENCY
- 25 RECOMMENDATIONS.—As soon as practicable after

1 the establishment of the Joint Task Force, the Joint
2 Task Force shall submit a preliminary report to
3 Congress that contains the plans, guidelines, and
4 recommended requirements necessary to ensure safe
5 air travel before the COVID—19 pandemic ends and
6 during the immediate period after the end of such
7 pandemic. The Joint Task Force may submit the
8 preliminary report required under this paragraph in
9 installments and may include interim versions of the
10 Joint Task Force’s plans, guidelines, and rec-
11 ommended requirements.

12 (2) FINAL REPORT.—Not later than 6 months
13 after the date of the enactment of this Act, the Joint
14 Task Force shall submit a final report to Congress
15 that contains all of the plans, guidelines, and rec-
16 ommended requirements developed by the Joint
17 Task Force, including any revised or finalized plans,
18 guidelines, or recommended requirements that were
19 included in an interim version in the preliminary re-
20 port (or an installment of such report) submitted to
21 Congress as required under paragraph (1).

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Ensuring Health Safety*
24 *in the Skies Act of 2020”.*

1 **SEC. 2. JOINT TASK FORCE ON AIR TRAVEL.**

2 (a) *IN GENERAL.*—Not later than 30 days after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation, the Secretary of Homeland Security, and the Sec-
5 retary of Health and Human Services, shall establish a
6 Joint Task Force on Air Travel During and After the
7 COVID–19 Public Health Emergency (in this section re-
8 ferred to as the “Joint Task Force”).

9 (b) *DUTIES.*—

10 (1) *IN GENERAL.*—The Joint Task Force shall
11 develop recommended requirements, plans, and guide-
12 lines to address the health, safety, security, and
13 logistical issues relating to the continuation of air
14 travel during the COVID–19 Public Health Emer-
15 gency, and with respect to the resumption of full oper-
16 ations at airports and increased passenger air travel
17 after the COVID–19 Public Health Emergency ends.
18 The Joint Task Force shall develop, at a minimum,
19 recommended requirements, plans, and guidelines as
20 appropriate, with respect to each of the applicable pe-
21 riods described in paragraph (2) for—

22 (A) reforming airport, air carrier, security,
23 and other passenger air travel-related operations,
24 including passenger queuing, passenger security
25 screening, boarding, deplaning, and baggage
26 handling procedures, as a result of—

1 (i) *current and anticipated changes to*
2 *passenger air travel during the COVID–19*
3 *Public Health Emergency and after that*
4 *emergency ends; and*

5 (ii) *anticipated changes to passenger*
6 *air travel as a result of the projected sea-*
7 *sonal recurrence of the coronavirus;*

8 (B) *mitigating the public health and eco-*
9 *nomie impacts of the COVID–19 Public Health*
10 *Emergency and the projected seasonal recurrence*
11 *of the coronavirus on airports and passenger air*
12 *travel, including through the use of personal pro-*
13 *ective equipment for passengers and employees,*
14 *the implementation of strategies to promote over-*
15 *all passenger and employee safety, and the ac-*
16 *commodation of social distancing as necessary;*

17 (C) *addressing the privacy and civil liberty*
18 *concerns created by passenger health screenings,*
19 *contact-tracing, or any other process for moni-*
20 *toring the health of individuals engaged in air*
21 *travel; and*

22 (D) *operating procedures to manage future*
23 *public health crises affecting air travel.*

(2) *APPLICABLE PERIODS.*—For purposes of paragraph (1), the applicable periods are the following:

(A) *The period beginning with the date of the first meeting of the Joint Task Force and ending with the date on which the COVID–19 Public Health Emergency ends.*

(B) *The 1-year period beginning on the day after the period described in subparagraph (A) ends.*

(c) *REQUIREMENTS.*—

(1) *IN GENERAL.*—In developing the recommended requirements, plans, and guidelines under subsection (b), and prior to including them in the final report required under subsection (f)(2), the Joint Task Force shall—

(A) *consider the consensus recommendations of the Advisory Committee established under subsection (e);*

(B) *conduct cost-benefit evaluations;*

(C) *consider funding constraints; and*

(D) *use risk-based decision-making.*

(2) *INTERNATIONAL CONSULTATION.*—The Joint Task Force shall consult, as practicable, with relevant international entities and operators, including the

1 *International Civil Aviation Organization, towards*
 2 *the goal of maximizing the harmonization of rec-*
 3 *ommended requirements, plans, and guidelines for air*
 4 *travel during and after the COVID-19 Public Health*
 5 *Emergency.*

6 *(d) MEMBERSHIP.—*

7 *(1) CHAIR.—The Secretary of Transportation (or*
 8 *the Secretary’s designee) shall serve as Chair of the*
 9 *Joint Task Force.*

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

13 *(3) OTHER MEMBERS.—In addition to the Chair*
 14 *and Vice Chair, the members of the Joint Task Force*
 15 *shall include representatives of the following:*

16 *(A) The Department of Transportation.*

17 *(B) The Department of Homeland Security.*

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

20 *(D) The Federal Aviation Administration.*

21 *(E) The Transportation Security Adminis-*
 22 *tration.*

23 *(F) U.S. Customs and Border Protection.*

24 *(G) The Centers for Disease Control and*
 25 *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 (e) *ADVISORY COMMITTEE.*—

10 (1) *ESTABLISHMENT.*—*Not later than 15 days*
11 *after the date on which the Joint Task Force is estab-*
12 *lished under subsection (a), the Secretary of Trans-*
13 *portation, in consultation with the Secretary of*
14 *Homeland Security and the Secretary of Health and*
15 *Human Services, shall establish a Joint Federal Ad-*
16 *visory Committee to advise the Joint Task Force (in*
17 *this section referred to as the “Advisory Committee”).*

18 (2) *MEMBERSHIP.*—*The members of the Advisory*
19 *Committee shall include representatives of the fol-*
20 *lowing:*

21 (A) *Airport operators designated by the Sec-*
22 *retary of Transportation in consultation with*
23 *Secretary of Homeland Security.*

1 (B) Air carriers designated by the Secretary
2 of Transportation in consultation with Secretary
3 of Homeland Security.

4 (C) Aircraft and aviation manufacturers
5 designated by the Secretary of Transportation.

6 (D) Labor organizations representing avia-
7 tion industry workers, including, but not limited
8 to, pilots, flight attendants, maintenance, me-
9 chanics, air traffic controllers, and safety inspec-
10 tors, designated by the Secretary of Transpor-
11 tation.

12 (E) Public health experts designated by the
13 Secretary of Health and Human Services.

14 (F) Consumers and air passenger rights or-
15 ganizations designated by the Secretary of
16 Transportation in consultation with Secretary of
17 Homeland Security.

18 (G) Privacy and civil liberty organizations
19 designated by the Secretary of Homeland Secu-
20 rity.

21 (H) Manufacturers and integrators of air
22 passenger screening and identity verification
23 technologies designated by the Secretary of
24 Homeland Security.

1 (I) *Trade associations representing air car-*
2 *riers, including, but not limited to, major air*
3 *carriers, low cost carriers, regional air carriers,*
4 *cargo air carriers, and foreign air carriers, des-*
5 *ignated by the Secretary of Transportation in*
6 *consultation with Secretary of Homeland Secu-*
7 *rity.*

8 (J) *Trade associations representing airport*
9 *operators designated by the Secretary of Trans-*
10 *portation in consultation with Secretary of*
11 *Homeland Security.*

12 (3) *VACANCIES.—Any vacancy in the member-*
13 *ship of the Advisory Committee shall not affect its re-*
14 *sponsibilities, but shall be filled in the same manner*
15 *as the original appointment and in accordance with*
16 *the Federal Advisory Committee Act (5 U.S.C. App.).*

17 (4) *DUTIES.—*

18 (A) *IN GENERAL.—The Advisory Committee*
19 *shall develop and submit policy recommenda-*
20 *tions to the Joint Task Force regarding the rec-*
21 *ommended requirements, plans, and guidelines to*
22 *be developed by the Joint Task Force under sub-*
23 *section (b).*

24 (B) *PUBLICATION.—Not later than 14 days*
25 *after the date on which the Advisory Committee*

1 *submits policy recommendations to the Joint*
2 *Task Force in accordance with subparagraph*
3 *(A), the Secretary of Transportation shall pub-*
4 *lish the policy recommendations on a publicly*
5 *accessible website.*

6 *(5) PROHIBITION ON COMPENSATION.—The mem-*
7 *bers of the Advisory Committee shall not receive any*
8 *compensation from the Federal Government by reason*
9 *of their service on the Advisory Committee.*

10 *(f) BRIEFINGS AND REPORTS.—*

11 *(1) PRELIMINARY BRIEFINGS.—As soon as prac-*
12 *ticable, but not later than 6 months after the estab-*
13 *lishment of the Joint Task Force, the Joint Task*
14 *Force shall begin providing preliminary briefings for*
15 *Congress on the status of the development of the rec-*
16 *ommended requirements, plans, and guidelines under*
17 *subsection (b). The preliminary briefings shall include*
18 *interim versions, if any, of the Joint Task Force’s rec-*
19 *ommendations.*

20 *(2) FINAL REPORT.—*

21 *(A) DEADLINE.—As soon as practicable, but*
22 *not later than 18 months after the date of enact-*
23 *ment of this Act, the Joint Task Force shall sub-*
24 *mit a final report to Congress.*

1 (B) *CONTENT.*—*The final report shall in-*
 2 *clude the following:*

3 (i) *All of the recommended require-*
 4 *ments, plans, and guidelines developed by*
 5 *the Joint Task Force.*

6 (ii) *A description of any actions taken*
 7 *by the Federal Government as a result of*
 8 *such recommendations.*

9 (g) *TERMINATION.*—*The Joint Task Force and Advi-*
 10 *sory Committee shall terminate 30 days after the date on*
 11 *which the Joint Task Force submits the final report re-*
 12 *quired under subsection (f)(2).*

13 (h) *DEFINITION.*—*In this section, the term “COVID–*
 14 19 *Public Health Emergency” means the public health*
 15 *emergency first declared on January 31, 2020, by the Sec-*
 16 *retary of Health and Human Services under section 319*
 17 *of the Public Health Service Act (42 U.S.C. 247d) with re-*
 18 *spect to COVID–19 and includes any renewal of such dec-*
 19 *laration pursuant to such section 319.*

Amend the title so as to read: “A bill to require a joint task force on air travel during and after the COVID–19 Public Health Emergency, and for other purposes.”.

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