

Markey_Substitute

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 and Mr. BLUMENTHAL)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

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

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

7 (a) IN GENERAL.—Not later than 30 days after the
8 date of enactment of this Act, the Secretary of Transportation, the Secretary of Homeland Security, and the Secretary of Health and Human Services, shall establish a
9
10 Joint Task Force on Air Travel During and After the
11

1 COVID–19 Public Health Emergency (in this section re-
2 ferred to as the “Joint Task Force”).

3 (b) DUTIES.—

4 (1) IN GENERAL.—The Joint Task Force shall
5 develop recommended plans, guidelines, and require-
6 ments to address the health, safety, security, and
7 logistical issues relating to the continuation of air
8 travel during the COVID–19 Public Health Emer-
9 gency, and with respect to the resumption of full op-
10 erations at airports and increased passenger air
11 travel after the COVID–19 Public Health Emer-
12 gency ends. The Joint Task Force shall develop, at
13 a minimum, recommended plans, guidelines, and re-
14 quirements, as appropriate, with respect to each of
15 the applicable periods described in paragraph (2)
16 for—

17 (A) reforming airport, air carrier, security,
18 and other passenger air travel-related oper-
19 ations, including passenger queuing, passenger
20 security screening, boarding, deplaning, and
21 baggage handling procedures, as a result of—

22 (i) current and anticipated changes to
23 passenger air travel during the COVID–19
24 Public Health Emergency and after that
25 emergency ends; and

1 (ii) anticipated changes to passenger
2 air travel as a result of the projected sea-
3 sonal recurrence of the coronavirus;

4 (B) mitigating the public health and eco-
5 nomic impacts of the COVID–19 Public Health
6 Emergency and the projected seasonal recur-
7 rence of the coronavirus on airports and pas-
8 senger air travel, including through the use of
9 personal protective equipment for passengers
10 and employees, the implementation of strategies
11 to promote overall passenger and employee safe-
12 ty, and the accommodation of social distancing
13 as necessary;

14 (C) addressing the privacy and civil liberty
15 concerns created by passenger health
16 screenings, contact-tracing, or any other proc-
17 ess for monitoring the health of individuals en-
18 gaged in air travel; and

19 (D) operating procedures to manage future
20 public health crises affecting air travel.

21 (2) APPLICABLE PERIODS.—For purposes of
22 paragraph (1), the applicable periods are the fol-
23 lowing:

24 (A) The period beginning with the date of
25 the first meeting of the Joint Task Force and

1 ending with the date on which the COVID–19
2 Public Health Emergency ends.

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

6 (c) REQUIREMENTS.—

7 (1) IN GENERAL.—In developing the rec-
8 ommended plans, guidelines, and requirements under
9 subsection (b), and prior to including them in the
10 final report required under subsection (f)(2), the
11 Joint Task Force shall—

12 (A) consider the consensus recommenda-
13 tions of the Advisory Committee established
14 under subsection (e);

15 (B) conduct cost-benefit evaluations;

16 (C) consider funding constraints; and

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

18 (2) INTERNATIONAL CONSULTATION.—The
19 Joint Task Force shall consult, as practicable, with
20 relevant international entities and operators, includ-
21 ing the International Civil Aviation Organization, to-
22 wards the goal of maximizing the harmonization of
23 recommended plans, guidelines, and requirements
24 for air travel during and after the COVID-19 Public
25 Health Emergency.

1 (d) MEMBERSHIP.—

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

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

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

12 (A) The Department of Transportation.

13 (B) The Department of Homeland Secu-
14 rity.

15 (C) The Department of Health and
16 Human Services.

17 (D) The Federal Aviation Administration.

18 (E) The Transportation Security Adminis-
19 tration.

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

21 (G) The Centers for Disease Control and
22 Prevention.

23 (H) The Occupational Safety and Health
24 Administration.

1 (I) The National Institute for Occupational
2 Safety and Health.

3 (J) The Pipeline and Hazardous Materials
4 Safety Administration.

5 (K) The Department of State.

6 (L) The Environmental Protection Agency.

7 (e) ADVISORY COMMITTEE.—

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

17 (2) MEMBERSHIP.—The members of the Advi-
18 sory Committee shall include representatives of the
19 following:

20 (A) Airport operators designated by the
21 Secretary of Transportation in consultation
22 with Secretary of Homeland Security.

23 (B) Air carriers designated by the Sec-
24 retary of Transportation in consultation with
25 Secretary of Homeland Security.

1 (C) Aircraft and aviation manufacturers
2 designated by the Secretary of Transportation.

3 (D) Labor organizations representing avia-
4 tion industry workers, including, but not limited
5 to, pilots, flight attendants, maintenance, me-
6 chanics, air traffic controllers, and safety in-
7 spectors, designated by the Secretary of Trans-
8 portation.

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

11 (F) Consumers and air passenger rights
12 organizations designated by the Secretary of
13 Transportation in consultation with Secretary
14 of Homeland Security.

15 (G) Privacy and civil liberty organizations
16 designated by the Secretary of Homeland Secu-
17 rity.

18 (H) Manufacturers and integrators of air
19 passenger screening and identity verification
20 technologies designated by the Secretary of
21 Homeland Security.

22 (I) Trade associations representing air car-
23 riers, including, but not limited to, major air
24 carriers, low cost carriers, regional air carriers,
25 cargo air carriers, and foreign air carriers, des-

1 ignated by the Secretary of Transportation in
2 consultation with Secretary of Homeland Secu-
3 rity.

4 (J) Trade associations representing airport
5 operators designated by the Secretary of Trans-
6 portation in consultation with Secretary of
7 Homeland Security.

8 (3) VACANCIES.—Any vacancy in the member-
9 ship of the Advisory Committee shall not affect its
10 responsibilities, but shall be filled in the same man-
11 ner as the original appointment and in accordance
12 with the Federal Advisory Committee Act (5 U.S.C.
13 App.).

14 (4) DUTIES.—

15 (A) IN GENERAL.—The Advisory Com-
16 mittee shall develop and submit policy rec-
17 ommendations to the Joint Task Force regard-
18 ing the recommended plans, guidelines, and re-
19 quirements to be developed by the Joint Task
20 Force under subsection (b).

21 (B) PUBLICATION.—Not later than 14
22 days after the date on which the Advisory Com-
23 mittee submits policy recommendations to the
24 Joint Task Force in accordance with subpara-
25 graph (A), the Secretary of Transportation

1 shall publish the policy recommendations on a
2 publicly accessible website.

3 (f) BRIEFINGS AND REPORTS.—

4 (1) PRELIMINARY BRIEFINGS.—As soon as
5 practicable, but not later than 6 months after the
6 establishment of the Joint Task Force, the Joint
7 Task Force shall begin providing preliminary brief-
8 ings for Congress on the status of the development
9 of the recommended plans, guidelines, and require-
10 ments under subsection (b). The preliminary brief-
11 ings shall include interim versions, if any, of the
12 Joint Task Force’s recommendations.

13 (2) FINAL REPORT.—

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

18 (B) CONTENT.—The final report shall in-
19 clude the following:

20 (i) All of the recommended plans,
21 guidelines, and requirements developed by
22 the Joint Task Force.

23 (ii) A description of any actions taken
24 by the Federal Government as a result of
25 such recommendations.

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

5 (h) DEFINITION.—In this section, the term
6 “COVID–19 Public Health Emergency” means the public
7 health emergency first declared on January 31, 2020, by
8 the Secretary of Health and Human Services under sec-
9 tion 319 of the Public Health Service Act (42 U.S.C.
10 247d) with respect to COVID–19 and includes any re-
11 newal of such declaration pursuant to such section 319.