AMENDMENT NO._______ Calendar No._______

Purpose: In the nature of a substitute.


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 follow:
2 ing:

3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Ensuring Health Safety in the Skies Act of 2020”.

6 SEC. 2. JOINT TASK FORCE ON AIR TRAVEL.
7 (a) IN GENERAL.—Not later than 30 days after the 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 Joint Task Force on Air Travel During and After the
COVID–19 Public Health Emergency (in this section referred to as the “Joint Task Force”).

(b) DUTIES.—

(1) IN GENERAL.—The Joint Task Force shall develop recommended plans, guidelines, and requirements to address the health, safety, security, and logistical issues relating to the continuation of air travel during the COVID–19 Public Health Emergency, and with respect to the resumption of full operations at airports and increased passenger air travel after the COVID–19 Public Health Emergency ends. The Joint Task Force shall develop, at a minimum, recommended plans, guidelines, and requirements, as appropriate, with respect to each of the applicable periods described in paragraph (2) for—

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

(i) current and anticipated changes to passenger air travel during the COVID–19 Public Health Emergency and after that emergency ends; and
(ii) anticipated changes to passenger air travel as a result of the projected seasonal recurrence of the coronavirus;

(B) mitigating the public health and economic impacts of the COVID–19 Public Health Emergency and the projected seasonal recurrence of the coronavirus on airports and passenger air travel, including through the use of personal protective equipment for passengers and employees, the implementation of strategies to promote overall passenger and employee safety, and the accommodation of social distancing as necessary;

(C) addressing the privacy and civil liberty concerns created by passenger health screenings, contact-tracing, or any other process for monitoring the health of individuals engaged in air travel; and

(D) operating procedures to manage future 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 plans, guidelines, and requirements 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 International Civil Aviation Organization, towards the goal of maximizing the harmonization of recommended plans, guidelines, and requirements for air travel during and after the COVID-19 Public Health Emergency.
(d) MEMBERSHIP.—

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

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

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

(A) The Department of Transportation.

(B) The Department of Homeland Security.

(C) The Department of Health and Human Services.

(D) The Federal Aviation Administration.

(E) The Transportation Security Administration.

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

(G) The Centers for Disease Control and Prevention.

(H) The Occupational Safety and Health Administration.
(I) The National Institute for Occupational Safety and Health.

(J) The Pipeline and Hazardous Materials Safety Administration.

(K) The Department of State.

(L) The Environmental Protection Agency.

(e) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 15 days after the date on which the Joint Task Force is established under subsection (a), the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a Joint Federal Advisory Committee to advise the Joint Task Force (in this section referred to as the “Advisory Committee”).

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

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

(B) Air carriers designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.
(C) Aircraft and aviation manufacturers designated by the Secretary of Transportation.

(D) Labor organizations representing aviation industry workers, including, but not limited to, pilots, flight attendants, maintenance, mechanics, air traffic controllers, and safety inspectors, designated by the Secretary of Transportation.

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

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

(G) Privacy and civil liberty organizations designated by the Secretary of Homeland Security.

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

(I) Trade associations representing air carriers, including, but not limited to, major air carriers, low cost carriers, regional air carriers, cargo air carriers, and foreign air carriers, des-
ignated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(J) Trade associations representing airport operators designated by the Secretary of Transportation in consultation with Secretary of Homeland Security.

(3) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall not affect its responsibilities, but shall be filled in the same manner as the original appointment and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(4) DUTIES.—

(A) IN GENERAL.—The Advisory Committee shall develop and submit policy recommendations to the Joint Task Force regarding the recommended plans, guidelines, and requirements to be developed by the Joint Task Force under subsection (b).

(B) PUBLICATION.—Not later than 14 days after the date on which the Advisory Committee submits policy recommendations to the Joint Task Force in accordance with subparagraph (A), the Secretary of Transportation
shall publish the policy recommendations on a
publicly accessible website.

(f) Briefings and Reports.—

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

(2) Final Report.—

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

(B) Content.—The final report shall in-
clude the following:

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

(ii) A description of any actions taken
by the Federal Government as a result of
such recommendations.
(g) TERMINATION.—The Joint Task Force and Advisory Committee shall terminate 30 days after the date on which the Joint Task Force submits the final report required under subsection (f)(2).

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