

116TH CONGRESS
2D SESSION

H. R. 7867

To amend title 49, United States Code, to provide for aviation system enhancements during public health emergencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2020

Mr. DEFAZIO (for himself, Mr. LARSEN of Washington, Ms. BROWNLEY of California, Mr. LOWENTHAL, Mr. CARSON of Indiana, Ms. NORTON, Mr. GARCÍA of Illinois, Mr. HUFFMAN, Ms. DAVIDS of Kansas, Mr. DESAULNIER, Mr. ALLRED, Ms. MUCARSEL-POWELL, Ms. WILSON of Florida, Mr. LYNCH, Mr. COHEN, Ms. JOHNSON of Texas, Mr. CARBAJAL, Mr. PAYNE, Mr. SCHIFF, and Mr. SIREs) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to provide for aviation system enhancements during public health emergencies, 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 “Healthy Flights Act
5 of 2020”.

1 **SEC. 2. AVIATION SYSTEM ENHANCEMENTS DURING PUB-**
2 **LIC HEALTH EMERGENCIES.**

3 (a) PUBLIC HEALTH EMERGENCIES.—Part E of sub-
4 title VII of title 49, United States Code, is amended by
5 adding at the end the following:

6 **“CHAPTER 502—PUBLIC HEALTH**
7 **EMERGENCIES**

“50201. Authority of the FAA Administrator.

“50202. Protective masks among airline passengers on board aircraft during public health emergencies.

“50203. Protective masks in airports during public health emergencies.

“50204. Protective masks and equipment among air carrier employees during public health emergencies.

“50205. Protection of certain Federal Aviation Administration employees during public health emergencies.

“50206. National plan for aviation system preparedness.

“50207. Definitions.

8 **“§ 50201. Authority of the FAA Administrator**

9 “With respect to the occurrence of a pandemic or epi-
10 demic of an infectious disease, the Administrator shall
11 have authority to impose, by emergency order or other-
12 wise, such requirements related to the operation of a pas-
13 senger or cargo aircraft of an air carrier in air transpor-
14 tation as the Administrator determines are necessary to
15 protect the health and safety of air carrier crewmembers
16 and passengers and to reduce the spread of such infectious
17 disease through the aviation system.

1 **“§ 50202. Protective masks among airline passengers**
2 **on board aircraft during public health**
3 **emergencies**

4 “(a) IN GENERAL.—During the period of any na-
5 tional emergency declared by the President under the Na-
6 tional Emergencies Act (50 U.S.C. 1601 et seq.) with re-
7 spect to an airborne disease, each air carrier operating
8 under part 121 of title 14, Code of Federal Regulations,
9 shall require each passenger of such air carrier to wear
10 a mask or protective face covering while such passenger
11 is on board an aircraft of such air carrier.

12 “(b) RESPONSIBILITIES.—

13 “(1) AIR CARRIER RESPONSIBILITIES.—An air
14 carrier operating under part 121 of title 14, Code of
15 Federal Regulations, shall—

16 “(A) notify the Administrator within 7
17 days of each instance in which a passenger vio-
18 lates the requirement of subsection (a) without
19 a valid exception from such requirements under
20 subsection (c) or subsection (d)(3) by providing
21 the Administrator with such information re-
22 garding a violation as the Administrator may
23 require;

24 “(B) designate an appropriate office or de-
25 partment of the air carrier to receive notifica-
26 tions from crewmembers under paragraph (2)

1 and to provide information to the Administrator
2 in accordance with this subsection; and

3 “(C) provide flight and cabin crewmembers
4 with specific, easily followed instructions for
5 contacting the office or department described in
6 subparagraph (B) with a notification under
7 paragraph (2).

8 “(2) CREWMEMBER RESPONSIBILITIES.—Not
9 later than the termination of passenger disembarka-
10 tion from an aircraft described in subsection (a), the
11 flight or cabin crew of such aircraft shall notify an
12 employee of the air carrier office or department des-
13 ignated under paragraph (1) of a violation of the re-
14 quirements of subsection (a) and shall provide infor-
15 mation necessary to identify the passenger who com-
16 mitted such violation. For purposes of this sub-
17 section, a notification shall not include removal of a
18 mask or face covering pursuant to an exception
19 under subsection (c) or subsection (d)(3).

20 “(c) EXCEPTIONS.—An air carrier may allow an indi-
21 vidual to temporarily remove a mask or face covering re-
22 quired under subsection (a) only—

23 “(1) while consuming food or beverage;

24 “(2) to address a medical need that justifies
25 temporary removal of the mask or face covering;

1 “(3) to don a supplemental oxygen mask in the
2 event of a reduction in the pressure altitude inside
3 the cabin of an aircraft; or

4 “(4) for another reason identified by the Ad-
5 ministrator in a regulation issued pursuant to this
6 section.

7 “(d) RESPONSIBILITIES TO INDIVIDUALS WITH DIS-
8 ABILITIES.—

9 “(1) RELATIONSHIP TO OTHER LAWS.—Noth-
10 ing in this section shall be construed to abridge any
11 right, or excuse the performance of any duty, arising
12 under section 41705 of this title or regulations pro-
13 mulgated pursuant to such section, including the
14 duty of an air carrier to assist passengers covered
15 under such section.

16 “(2) ADDITIONAL DUTIES OF AIR CARRIERS.—
17 Each air carrier shall require employees and con-
18 tractors of such air carrier to provide assistance to
19 an individual described in section 41705(a) who re-
20 quires such assistance—

21 “(A) in donning or removing a mask or
22 face covering required under subsection (a);

23 “(B) in disinfecting or sanitizing an aisle
24 chair, an airport push chair, or personal mobil-
25 ity aid or other device, if such personal mobility

1 aid or other device was tendered to the air car-
2 rier for a flight and delivered to the individual
3 after the flight's arrival;

4 “(C) in taking any other reasonable meas-
5 ures, consistent with any applicable guidelines
6 of the Centers for Disease Control and Preven-
7 tion, necessary for the individual to reduce the
8 chance of infection with an airborne disease;
9 and

10 “(D) in complying with any legal, air car-
11 rier, or airport requirement intended to reduce
12 the spread of an airborne disease.

13 “(3) LIMITED EXCEPTION.—With respect to an
14 individual covered under section 41705 who is un-
15 able to wear a mask or face covering and objects to
16 such a requirement, an air carrier may deny board-
17 ing to such individual for a flight in air transpor-
18 tation only if such air carrier performs the individ-
19 ualized analysis described under section 382.19(c) of
20 title 14, Code of Federal Regulations, and concludes
21 that the individual poses a direct threat pursuant to
22 such analysis. Each air carrier shall develop policies
23 and procedures to ensure that—

24 “(A) the outcome of such analysis is reli-
25 able, including through consultation with a

1 medical consulting or advisory service to deter-
2 mine whether the individual poses a risk to oth-
3 ers;

4 “(B) the individual and the air carrier’s
5 employees or contractors are afforded an appro-
6 priate amount of time for such analysis before
7 departure of a flight; and

8 “(C) with respect to any individual who is
9 permitted to board a flight without a mask or
10 protective face covering, other reasonable meas-
11 ures are available to minimize the individual’s
12 risk of infection and the risk of the individual
13 spreading the airborne disease.

14 “(e) SAVINGS PROVISION.—Nothing in this section
15 shall be construed to prioritize any interest over the public
16 interest in aviation safety or the health and safety of air
17 carrier employees or contractors.

18 **“§ 50203. Protective masks in airports during public**
19 **health emergencies**

20 “(a) IN GENERAL.—During the period of any na-
21 tional emergency declared by the President under the Na-
22 tional Emergencies Act (50 U.S.C. 1601 et seq.) with re-
23 spect to an airborne disease, the operator of a covered air-
24 port shall require that any individual within any indoor
25 public space on the airport premises and under the control

1 of such operator is wearing a mask or other protective face
2 covering except when such individual—

3 “(1) is consuming food or beverage;

4 “(2) is attending to a medical need that justi-
5 fies temporary removal of the mask or face covering;

6 “(3) is directed to remove a mask or face cov-
7 ering by an air carrier employee, a law enforcement
8 officer, or a person performing functions governed
9 under chapter 449; or

10 “(4) has another reason identified by the Ad-
11 ministrator in any regulations promulgated under
12 this section.

13 “(b) RESPONSIBILITIES TO INDIVIDUALS WITH DIS-
14 ABILITIES.—

15 “(1) RELATIONSHIP TO OTHER LAWS.—Noth-
16 ing in this section shall be construed to abridge any
17 right, or excuse the performance of any duty, arising
18 under any applicable requirements of chapter 126 of
19 title 42 or, to the extent applicable, section 41705
20 of this title or regulations issued pursuant to such
21 chapter or section.

22 “(2) ADDITIONAL DUTIES OF AIRPORT OPER-
23 ATOR.—If an employee or contractor of an airport
24 operator is providing assistance to an air carrier
25 passenger covered under chapter 126 of title 42 or

1 section 41705 of this title, such employee or con-
2 tractor shall assist such individual—

3 “(A) in donning or removing a mask or
4 face covering required under subsection (a);

5 “(B) in taking any reasonable measures,
6 consistent with any applicable guidelines of the
7 Centers for Disease Control and Prevention,
8 necessary for the individual to reduce the
9 chance of infection with the disease; and

10 “(C) in complying with any legal, air car-
11 rier, or airport requirement intended to reduce
12 the spread of the disease.

13 **“§ 50204. Protective masks and equipment among air**
14 **carrier employees during public health**
15 **emergencies**

16 “(a) IN GENERAL.—During the period of any na-
17 tional emergency declared by the President under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et seq.) with re-
19 spect to an airborne disease, each air carrier operating
20 under part 121 of title 14, Code of Federal Regulations,
21 shall—

22 “(1) require each cabin crewmember to wear a
23 mask or protective face covering and permit such
24 crewmember to wear protective eyewear or a face

1 shield while on board an aircraft or in a vehicle of
2 the air carrier;

3 “(2) require each flight crewmember to wear a
4 mask or protective face covering and permit such
5 crewmember to wear protective eyewear or a face
6 shield while on board an aircraft but outside the
7 flight deck of the air carrier or in a vehicle of the
8 air carrier;

9 “(3) require each employee or contractor of the
10 air carrier to wear a mask or protective face cov-
11 ering while within any indoor public space of a cov-
12 ered airport;

13 “(4) submit to the Administrator a proposal to
14 permit flight crewmembers of the air carrier to wear
15 a mask or protective face covering while at their sta-
16 tions in the flight deck of an aircraft of the air car-
17 rier, including a safety risk assessment with respect
18 to such proposal;

19 “(5) provide flight and cabin crewmembers, air-
20 port customer service agents, and other employees
21 whose job responsibilities involve interaction with
22 passengers with masks or protective face coverings,
23 gloves, and hand sanitizer and wipes with sufficient
24 alcohol content, and provide training on the proper
25 use of such items and equipment;

1 “(6) ensure aircraft, including the cockpit and
2 cabin, operated by such carrier are cleaned, dis-
3 infected, and sanitized by cleaners who are not flight
4 or cabin crewmembers after each use in accordance
5 with Centers for Disease Control and Prevention
6 guidance;

7 “(7) ensure enclosed facilities owned, operated,
8 or used by such air carrier, including facilities used
9 for flight or cabin crewmember training or perform-
10 ance of indoor maintenance, repair, or overhaul
11 work, are cleaned, disinfected, and sanitized fre-
12 quently in accordance with Centers for Disease Con-
13 trol and Prevention guidance;

14 “(8) provide air carrier employees whose job re-
15 sponsibilities involve cleaning, disinfecting, and sani-
16 tizing aircraft or enclosed facilities described in
17 paragraphs (6) and (7) with masks or protective
18 face coverings and gloves, and ensure that each con-
19 tractor of the air carrier provides employees of such
20 contractor with such materials; and

21 “(9) establish guidelines, or adhere to existing
22 applicable guidelines, for notifying or contacting em-
23 ployees who may have come into physical contact or
24 interaction with an employee who has been diag-
25 nosed with such airborne disease.

1 “(b) LIMITED EXCEPTIONS.—The requirement for
2 cabin and flight crewmembers to wear a mask or protec-
3 tive face covering under subsections (a)(1) and (a)(2) shall
4 not apply while—

5 “(1) consuming food or beverage;

6 “(2) addressing a legitimate medical need that
7 justifies temporary removal of the mask or face cov-
8 ering;

9 “(3) donning a supplemental oxygen mask in
10 the event of a reduction in the pressure altitude in-
11 side the cabin;

12 “(4) assisting another crewmember or pas-
13 senger in distress; or

14 “(5) performing another legitimate action iden-
15 tified by the air carrier or Administrator in any reg-
16 ulation issued pursuant to this section.

17 **“§ 50205. Protection of certain Federal Aviation Ad-**
18 **ministration employees during public**
19 **health emergencies**

20 “(a) IN GENERAL.—During the period of any na-
21 tional emergency declared by the President under the Na-
22 tional Emergencies Act (50 U.S.C. 1601 et seq.) with re-
23 spect to an airborne disease, in order to maintain the safe
24 and efficient operation of the air traffic control system,
25 the Administrator shall—

1 “(1) provide air traffic controllers, aviation
2 safety inspectors, and airway transportation systems
3 specialists of the Administration with masks or pro-
4 tective face coverings, gloves, and hand sanitizer and
5 wipes with sufficient alcohol content;

6 “(2) ensure air traffic control facilities are
7 cleaned, disinfected, and sanitized frequently in ac-
8 cordance with Centers for Disease Control and Pre-
9 vention guidance; and

10 “(3) provide employees of the Administration
11 whose job responsibilities involve cleaning, dis-
12 infecting, and sanitizing facilities described in para-
13 graph (2) with masks or protective face coverings
14 and gloves, and ensure that each contractor of the
15 Administration provides employees of such con-
16 tractor with such materials.

17 “(b) SOURCE OF EQUIPMENT.—The items described
18 in subsection (a) may be procured or provided under such
19 subsection through any sources available to the Adminis-
20 trator.

21 **“§ 50206. National plan for aviation system prepared-**
22 **ness**

23 “(a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this section, the Secretary, in coordi-
25 nation with the Secretary of Health and Human Services,

1 the Secretary of Homeland Security, Director of the Cen-
2 ters for Disease Control and Prevention, and the heads
3 of such other Federal departments or agencies as the Sec-
4 retary considers appropriate, shall develop and regularly
5 update a national aviation preparedness plan to ensure the
6 aviation system is prepared to respond to epidemics and
7 pandemics of infectious diseases.

8 “(b) CONTENTS OF PLAN.—A plan developed under
9 subsection (a) shall, at a minimum—

10 “(1) fully incorporate elements referenced in
11 the recommendation of the Comptroller General of
12 the United States to the Secretary of Transportation
13 titled ‘Air Travel and Communicable Diseases: Com-
14 prehensive Federal Plan Needed for U.S. Aviation
15 System’s Preparedness’, dated December 2015 (No.
16 GAO 16–127);

17 “(2) clearly delineate the responsibilities of the
18 sponsors or operators of covered airports, air car-
19 riers, and Federal agencies in responding to an in-
20 fectionous disease epidemic or pandemic; and

21 “(3) include provisions for improving coordina-
22 tion among air carriers, airport sponsors, United
23 States Customs and Border Protection, the Centers
24 for Disease Control and Prevention, other appro-
25 priate Federal stakeholders, labor organizations rep-

1 resenting groups listed in subsection (c), and other
2 appropriate stakeholders for the rapid and orderly
3 implementation of measures including health screen-
4 ing, quarantining, and contact-tracing with respect
5 to air carrier passengers.

6 “(c) CONSULTATION.—When developing a plan under
7 subsection (a), the Secretary shall consult with aviation
8 industry and labor stakeholders, including representatives
9 of—

10 “(1) air carriers;

11 “(2) small, medium, and large hub airports;

12 “(3) labor organizations that represent flight
13 crewmembers, cabin crewmembers, air carrier air-
14 port customer service representatives, and air carrier
15 maintenance, repair, and overhaul workers;

16 “(4) the labor organization certified under sec-
17 tion 7111 of title 5 as the exclusive bargaining rep-
18 resentative of air traffic controllers of the Federal
19 Aviation Administration;

20 “(5) the labor organization certified under such
21 section as the exclusive bargaining representative of
22 airway transportation systems specialists and avia-
23 tion safety inspectors of the Federal Aviation Ad-
24 ministration; and

1 “(6) other stakeholders as the Secretary con-
2 siders appropriate.

3 “(d) REPORT.—Not later than 30 days after the plan
4 is developed under subsection (a), the Secretary shall sub-
5 mit to the appropriate committees of Congress such plan.

6 **“§ 50207. Definitions**

7 “The definitions in section 40102(a) of this title shall
8 apply to terms in this chapter, except that the following
9 terms have the following meanings:

10 “(1) ADMINISTRATOR.—The term ‘Adminis-
11 trator’ means the Administrator of the Federal Avia-
12 tion Administration.

13 “(2) AIRBORNE DISEASE.—The term ‘airborne
14 disease’ means an infectious disease that is, or is
15 reasonably believed to be, caused by a pathogen
16 transmissible by aerosols or respiratory droplets ex-
17 pelled from the nose or mouth.

18 “(3) COVERED AIRPORT.—The term ‘covered
19 airport’ means a public-use airport that receives
20 flights of an air carrier operating under the provi-
21 sions of part 121 of title 14, Code of Federal Regu-
22 lations.

23 “(4) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of Transportation.”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-
2 title VII of title 49, United States Code, is amended by
3 adding at the end the following:

“502. PUBLIC HEALTH EMERGENCIES 50201”.

4 (c) INTERFERENCE WITH CREWMEMBERS.—Section
5 46504 of title 49, United States Code, is amended—

6 (1) by inserting “(a) IN GENERAL.—” before
7 “An individual”; and

8 (2) by adding at the end the following:

9 “(b) FAILURE TO WEAR MASKS DURING PUBLIC
10 HEALTH EMERGENCY.—For purposes of subsection (a),
11 an individual interferes with the performance of the duties
12 of a flight crew member or flight attendant if such indi-
13 vidual, without justification, disobeys a flight crew mem-
14 ber’s or flight attendant’s instruction to wear a mask or
15 protective face covering during the period of any national
16 emergency declared by the President under the National
17 Emergencies Act (50 U.S.C. 1601 et seq.) with respect
18 to an infectious disease that is, or is reasonably believed
19 to be, caused by a pathogen transmissible by respiratory
20 droplets expelled from the nose or mouth.”.

21 (d) CONFORMING AMENDMENT.—Section 46301 of
22 title 49, United States Code, is amended—

23 (1) in subsection (a)(5) by inserting “section
24 50202, section 50203,” after “chapter 451,”; and

1 (2) in subsection (d)(2) by inserting “, section
2 50202, section 50203,” after “of this title”.

3 **SEC. 3. REGULATIONS FOR AIR CARRIERS TO REDUCE**
4 **SPREAD OF INFECTIOUS DISEASES.**

5 (a) **IN GENERAL.**—In coordination with the Director
6 of the Centers for Disease Control and Prevention, the
7 Secretary shall promulgate regulations requiring each air
8 carrier operating under part 121 of title 14, Code of Fed-
9 eral Regulations, and operating aircraft with a seating ca-
10 pacity of 20 or more to implement appropriate measures
11 on a flight in air transportation for the purpose of reduc-
12 ing the likelihood of any passenger or crewmember con-
13 tracting an infectious disease. Such regulations shall be
14 effective only during the period of a national emergency
15 declared by the President under the National Emergencies
16 Act (50 U.S.C. 1601 et seq.) relating to a public health
17 emergency.

18 (b) **DEADLINES.**—In conducting the rulemaking re-
19 quired under subsection (a), the Secretary shall issue—

20 (1) a notice of proposed rulemaking not later
21 than 180 days after the date of enactment of this
22 Act; and

23 (2) a final rule not later than 1 year after the
24 date of enactment of this Act.

1 (c) CONSULTATION.—In conducting the rulemaking
2 proceeding required under subsection (a), the Secretary
3 may consult with the heads of such other Federal depart-
4 ments or agencies as the Secretary considers appropriate.

5 **SEC. 4. STUDY ON TRANSMISSION OF INFECTIOUS DIS-**
6 **EASES IN AIRPLANE CABINS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Administrator shall seek
9 to enter into an agreement with the National Academies
10 to conduct a study on the transmission of infectious dis-
11 eases, including airborne diseases, in the cabins of pas-
12 senger airplanes.

13 (b) PARAMETERS OF STUDY.—The study required
14 under subsection (a) shall consider, at a minimum—

15 (1) air flow patterns and humidity levels in the
16 cabins of passenger airplanes and the extent to
17 which such patterns and humidity levels increase or
18 decrease the possibility that a passenger may be ex-
19 posed to an airborne pathogen communicated by an-
20 other individual on board an airplane;

21 (2) how uniformly the cabin air supply is com-
22 pletely exchanged and whether air in certain areas
23 of the cabin is exchanged more quickly or slowly
24 than in other areas of the cabin;

1 (3) the extent to which various recirculation
2 systems and the respective filtration systems of such
3 recirculation systems increase or decrease the likeli-
4 hood of exposure to a pathogen;

5 (4) the extent to which the use of
6 preconditioned air during embarkation and disem-
7 barkation changes the likelihood of a passenger's ex-
8 posure to a pathogen as opposed to the use of air
9 conditioning packs fed by the auxiliary power unit;
10 and

11 (5) other variables that determine the likelihood
12 of an individual's exposure to a pathogen on a pas-
13 senger airplane, including the use or location of per-
14 sonal air outlets, seating location, load factor, move-
15 ment of cabin crewmembers and passengers through-
16 out the cabin during the flight, embarkation, and
17 disembarkation, testing and replacement frequency
18 of air filters, commonly touched surfaces, use or lo-
19 cation of lavatories, and such other variables as the
20 National Academies consider relevant.

21 (c) REPORT TO CONGRESS.—Not later than 1 year
22 after the date of enactment of this Act, the Administrator
23 shall—

1 (1) submit to the congressional committees of
2 jurisdiction a report on the results of the study re-
3 quired under this section; and

4 (2) publish such report on the website of the
5 Federal Aviation Administration.

6 **SEC. 5. AIR CARRIER PRACTICES AND AIRPLANE DESIGN**
7 **IMPROVEMENTS.**

8 (a) **IN GENERAL.**—Based on the results of the study
9 required under section 4 and such other information as
10 the Administrator considers relevant, the Administrator
11 shall identify and evaluate prospective air carrier practices
12 or procedures, and prospective features in the design or
13 configuration of cabin surfaces and air conditioning and
14 pressurization systems in passenger airplanes, that would
15 reduce the extent of transmission of pathogens within the
16 cabin.

17 (b) **REPORT.**—

18 (1) **FOLLOW-UP REPORT.**—Not later than 270
19 days after the submission of the report under section
20 4(c), the Administrator shall publish a report that
21 lists each practice, procedure, and feature that the
22 Administrator considered under subsection (a), along
23 with an assessment of the extent to which such prac-
24 tice, procedure, or feature would reduce the trans-

1 mission of pathogens, irrespective of the cost of such
2 implementing such practice, procedure, or feature.

3 (2) PUBLICATION OF REPORT.—The Adminis-
4 trator shall—

5 (A) transmit the report required under this
6 subsection to the congressional committees of
7 jurisdiction; and

8 (B) publish such report on the website of
9 the Federal Aviation Administration.

10 (c) RULEMAKING.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the issuance of the report required under subsection
13 (b), the Administrator shall initiate one or more
14 rulemaking proceedings to—

15 (A) amend part 25 of title 14, Code of
16 Federal Regulations, to require that applica-
17 tions for new type certificates (including
18 amended type certificates) for new passenger
19 airplanes must include such features described
20 in subsection (a) as the Administrator deter-
21 mines appropriate; and

22 (B) require air carriers to implement such
23 air carrier practices and procedures described
24 in subsection (a) as the Administrator deter-
25 mines appropriate.

1 (2) EXCEPTION.—Notwithstanding paragraph
2 (1), the Administrator may decline to initiate a rule-
3 making proceeding under paragraph (1) if the Ad-
4 ministrator—

5 (A) determines that the practices, proce-
6 dures, or features described under paragraph
7 (1) would not reduce the transmission of patho-
8 gens on board passenger airplanes by a reason-
9 able degree; and

10 (B) not later than 60 days after the sub-
11 mission of the report required under subsection
12 (b), submits to the congressional committees of
13 jurisdiction a thorough justification describing
14 in detail the Administrator’s rationale for de-
15 clining to initiate a rulemaking proceeding.

16 **SEC. 6. CENTER OF EXCELLENCE FOR INFECTIOUS DIS-**
17 **EASE RESPONSE AND PREVENTION IN AVIA-**
18 **TION.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Administrator shall es-
21 tablish a Center of Excellence for Infectious Disease Re-
22 sponse and Prevention in Aviation (in this section referred
23 to as the “Center of Excellence”).

24 (b) FUNCTIONS.—The Center of Excellence estab-
25 lished under this section shall—

1 (1) study, and provide educational, technical,
2 and analytical assistance to the Administrator on,
3 the transmissibility of infectious diseases, including
4 airborne diseases, during air travel and such dis-
5 eases' effects on the United States aviation system
6 and air commerce;

7 (2) report to the Administrator on architecture,
8 design, layout, technologies, industry practices, pro-
9 cedures, or policies, and other advancements that
10 can be used by airports, air carriers, aircraft manu-
11 facturers, and other aviation stakeholders, as the
12 case may be, to reduce the spread of infectious dis-
13 eases during air travel; and

14 (3) make recommendations to the Adminis-
15 trator on regulations, policies, and guidance the Ad-
16 ministrators should develop or issue to meet the goals
17 of this section.

18 (c) INDUSTRY AND LABOR PARTICIPATION.—The
19 Center of Excellence may request or receive data, statis-
20 tics, or other information from aviation industry and labor
21 stakeholders to help inform and carry out the functions
22 described in this section. If any such materials requested
23 or received inform recommendations of the Center of Ex-
24 cellence under subsection (b)(3), the Center of Excellence

1 shall clearly disclose the source of such materials in any
2 such recommendations.

3 **SEC. 7. DEFINITIONS.**

4 For purposes of this Act, the definitions in section
5 40102(a) of title 49, United States Code, shall apply to
6 terms in this Act, except that the following terms have
7 the following meanings:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Aviation Administration.

11 (2) AIRBORNE DISEASE.—The term “airborne
12 disease” means an infectious disease that is, or is
13 reasonably believed to be, caused by a pathogen
14 transmissible by aerosols or respiratory droplets ex-
15 pelled from the nose or mouth.

16 (3) CONGRESSIONAL COMMITTEES OF JURISDIC-
17 TION.—The term “congressional committees of juris-
18 diction” means the Committee on Transportation
19 and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and
21 Transportation of the Senate.

22 (4) PASSENGER AIRPLANE.—The term “pas-
23 senger airplane” means a turbine-powered, trans-
24 port-category airplane certificated under the provi-
25 sions of subchapter C of title 14, Code of Federal

1 Regulations, with a passenger seating capacity of 20
2 or more.

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of Transportation.

○