

116TH CONGRESS
2^D SESSION

S. 3681

AN ACT

To require a joint task force on air travel during and after the COVID–19 Public Health Emergency, 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

11 (3) **COVID–19 PUBLIC HEALTH EMERGENCY.**—
12 The term “COVID–19 public health emergency”
13 means the public health emergency first declared on
14 January 31, 2020, by the Secretary of Health and
15 Human Services under section 319 of the Public
16 Health Service Act (42 U.S.C. 247d) with respect to
17 COVID–19 and includes any renewal of such dec-
18 laration pursuant to such section 319.

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

1 **SEC. 3. JOINT TASK FORCE ON AIR TRAVEL DURING AND**
2 **AFTER THE COVID-19 PUBLIC HEALTH EMER-**
3 **GENCY.**

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

10 (b) **DUTIES.**—

11 (1) **IN GENERAL.**—The Joint Task Force shall
12 develop recommended requirements, plans, and
13 guidelines to address the health, safety, security, and
14 logistical issues relating to—

15 (A) the continuation of air travel during
16 the COVID-19 public health emergency; and

17 (B) the resumption of full operations at
18 airports and increased passenger air travel after
19 the COVID-19 public health emergency.

20 (2) **RECOMMENDATIONS.**—The recommenda-
21 tions developed under paragraph (1), with respect to
22 the applicable periods described in paragraph (3),
23 shall include—

24 (A) modifying airport, air carrier, security
25 (including passenger security screening), and
26 other operations related to passenger air travel,

1 including passenger queuing, boarding,
2 deplaning, and baggage handling procedures, as
3 a result of—

4 (i) current and anticipated changes to
5 passenger air travel during and after the
6 COVID–19 public health emergency; and

7 (ii) anticipated changes to passenger
8 air travel resulting from any seasonal re-
9 currence of the coronavirus;

10 (B) mitigating the public health and eco-
11 nomic impacts of the COVID–19 public health
12 emergency and any seasonal recurrence of the
13 coronavirus on airports and passenger air travel
14 (including through the use of personal protec-
15 tive equipment, the implementation of strategies
16 to promote overall passenger and employee safe-
17 ty, and the accommodation of social distancing
18 as feasible and necessary);

19 (C) addressing privacy and civil liberty
20 issues that may arise from passenger health
21 screenings, contact-tracing, or other processes
22 used to monitor the health of individuals en-
23 gaged in air travel; and

24 (D) operating procedures to manage future
25 public health crises that can be anticipated, to

1 the extent such public health crises may impact
2 air travel.

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

6 (A) The period beginning on the date of
7 the first meeting of the Joint Task Force and
8 ending on the last day of the COVID–19 public
9 health emergency.

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

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

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

19 (A) conduct cost-benefit evaluations re-
20 garding such recommendations, including costs
21 impacting air operations and impacts on air
22 travel;

23 (B) consider funding constraints;

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

1 (D) consult with the Advisory Committee
2 established in section 4(a) and consider any
3 consensus policy recommendations of the Advi-
4 sory Committee submitted under section 4(b).

5 (2) INTERNATIONAL CONSULTATION.—The
6 Joint Task Force shall consult, as practicable, with
7 relevant international entities and operators, includ-
8 ing the International Civil Aviation Organization, to
9 harmonize (to the extent possible) recommended re-
10 quirements, plans, and guidelines for air travel dur-
11 ing and after the COVID–19 public health emer-
12 gency.

13 (d) MEMBERSHIP.—

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

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

20 (3) OTHER MEMBERS.—In addition to the
21 Chair and Vice-Chair, the members of the Joint
22 Task Force shall include representatives of the fol-
23 lowing:

24 (A) The Department of Transportation.

1 (B) The Department of Homeland Security.
2

3 (C) The Department of Health and
4 Human Services.

5 (D) The Federal Aviation Administration.

6 (E) The Transportation Security Administration.
7

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

9 (G) The Centers for Disease Control and
10 Prevention.

11 (H) The Occupational Safety and Health
12 Administration.

13 (I) The National Institute for Occupational
14 Safety and Health.

15 (J) The Pipeline and Hazardous Materials
16 Safety Administration.

17 (K) The Department of State.

18 (L) The Environmental Protection Agency.

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

20 (a) ESTABLISHMENT.—Not later than 15 days after
21 the date on which the Joint Task Force is established
22 under section 3(a), the Secretary of Transportation, in
23 consultation with the Secretary of Homeland Security and
24 the Secretary of Health and Human Services, shall estab-

1 lish a Joint Federal Advisory Committee to advise the
2 Joint Task Force.

3 (b) DUTIES OF THE ADVISORY COMMITTEE.—The
4 Advisory Committee shall develop and submit consensus
5 policy recommendations to the Joint Task Force for the
6 Joint Task Force to consider when developing rec-
7 ommendations under section 3(b).

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

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

13 (2) Air carriers designated by the Secretary of
14 Transportation.

15 (3) Aircraft and aviation manufacturers des-
16 igned by the Secretary of Transportation.

17 (4) Labor organizations representing—

18 (A) aviation industry workers (including
19 pilots, flight attendants, engineers, mainte-
20 nance, mechanics, air traffic controllers, and
21 safety inspectors) designated by the Secretary
22 of Transportation; and

23 (B) security screening personnel des-
24 igned by the Secretary of Homeland Security.

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

3 (6) Organizations representing airline pas-
4 sengers designated by the Secretary of Transpor-
5 tation.

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

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

11 (9) Trade associations representing air carriers
12 (including major passenger air carriers, low-cost
13 passenger air carriers, regional passenger air car-
14 riers, cargo air carriers, and foreign passenger air
15 carriers) designated by the Secretary of Transpor-
16 tation in consultation with the Secretary of Home-
17 land Security.

18 (10) Trade associations representing airport op-
19 erators (including large hub, medium hub, small
20 hub, nonhub primary, and nonprimary commercial
21 service airports) designated by the Secretary of
22 Transportation in consultation with the Secretary of
23 Homeland Security.

24 (d) VACANCIES.—Any vacancy in the membership of
25 the Advisory Committee shall not affect its responsibilities

1 but shall be filled in the same manner as the original ap-
2 pointment and in accordance with the Federal Advisory
3 Committee Act (5 U.S.C. App).

4 (e) PROHIBITION ON COMPENSATION.—The members
5 of the Advisory Committee shall not receive any compensa-
6 tion from the Federal Government by reason of their serv-
7 ice on the Advisory Committee.

8 (f) PUBLICATION.—Not later than 14 days after the
9 date on which the Advisory Committee submits policy rec-
10 ommendations to the Joint Task Force pursuant to sub-
11 section (b), the Secretary of Transportation shall publish
12 such policy recommendations on a publicly accessible
13 website.

14 **SEC. 5. BRIEFINGS AND REPORTS.**

15 (a) PRELIMINARY BRIEFINGS.—As soon as prac-
16 ticable, but not later than 6 months after the date on
17 which the Joint Task Force is established under section
18 3(a), the Joint Task Force shall begin providing prelimi-
19 nary briefings to Congress on the status of the develop-
20 ment of the recommended requirements, plan, and guide-
21 lines under section 3(b). The preliminary briefings shall
22 include interim versions, if any, of the recommendations
23 of the Joint Task Force.

24 (b) FINAL REPORT.—

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

5 (2) CONTENT.—The final report shall include
6 the following:

7 (A) All of the recommended requirements,
8 plans, and guidelines developed by the Joint
9 Task Force under section 3(b), and a descrip-
10 tion of any action taken by the Federal Govern-
11 ment as a result of such recommendations.

12 (B) Consensus policy recommendations
13 submitted by the Advisory Committee under
14 section 4(b), and an explanation (including data
15 and risk analysis) of any action by the Joint
16 Task Force in response to such recommenda-
17 tions.

18 **SEC. 6. TERMINATION.**

19 The Joint Task Force and the Advisory Committee
20 shall terminate 30 days after the date on which the Joint

- 1 Task Force submits the final report required under sec-
- 2 tion 5(b).

Passed the Senate September 30 (legislative day,
September 29), 2020.

Attest:

Secretary.

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