

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3681

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## 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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