

Calendar No. 204

117TH CONGRESS
1ST SESSION

S. 82

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

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. MARKEY (for himself, Mr. BLUMENTHAL, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 17, 2021

Reported by Ms. CANTWELL, without amendment

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Health Safe-
5 ty in the Skies Act of 2021”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

20 **SEC. 3. JOINT TASK FORCE ON AIR TRAVEL DURING AND**
21 **AFTER THE COVID–19 PUBLIC HEALTH EMER-**
22 **GENCY.**

23 (a) **IN GENERAL.**—Not later than 30 days after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation, the Secretary of Homeland Security, and the Sec-
26 retary of Health and Human Services shall establish the

1 Joint Task Force on Air Travel During and After the
2 COVID–19 Public Health Emergency.

3 (b) DUTIES.—

4 (1) IN GENERAL.—The Joint Task Force shall
5 develop recommended requirements, plans, and
6 guidelines to address the health, safety, security, and
7 logistical issues relating to—

8 (A) the continuation of air travel during
9 the COVID–19 public health emergency; and

10 (B) the resumption of full operations at
11 airports and increased passenger air travel after
12 the COVID–19 public health emergency.

13 (2) RECOMMENDATIONS.—The recommenda-
14 tions developed under paragraph (1), with respect to
15 the applicable periods described in paragraph (3),
16 shall include—

17 (A) modifying airport, air carrier, security
18 (including passenger security screening), and
19 other operations related to passenger air travel,
20 including passenger queuing, boarding,
21 deplaning, and baggage handling procedures, as
22 a result of—

23 (i) current and anticipated changes to
24 passenger air travel during and after the
25 COVID–19 public health emergency; and

1 (ii) anticipated changes to passenger
2 air travel resulting from any seasonal re-
3 currence of the coronavirus;

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

13 (C) addressing privacy and civil liberty
14 issues that may arise from passenger health
15 screenings, contact-tracing, or other processes
16 used to monitor the health of individuals en-
17 gaged in air travel; and

18 (D) operating procedures to manage future
19 public health crises that can be anticipated, to
20 the extent such public health crises may impact
21 air travel.

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

1 (A) The period beginning on the date of
2 the first meeting of the Joint Task Force and
3 ending on the last day of the COVID–19 public
4 health emergency.

5 (B) The 1-year period beginning on the
6 day after the end of the period described in
7 subparagraph (A).

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

9 (1) IN GENERAL.—In developing the rec-
10 ommended requirements, plans, and guidelines
11 under subsection (b), and prior to including such
12 recommendations in the final report required under
13 section 5(b), the Joint Task Force shall—

14 (A) conduct cost-benefit evaluations re-
15 garding such recommendations, including costs
16 impacting air operations and impacts on air
17 travel;

18 (B) consider funding constraints;

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

20 (D) consult with the Advisory Committee
21 established in section 4(a) and consider any
22 consensus policy recommendations of the Advi-
23 sory Committee submitted under section 4(b).

24 (2) INTERNATIONAL CONSULTATION.—The
25 Joint Task Force shall consult, as practicable, with

1 relevant international entities and operators, includ-
2 ing the International Civil Aviation Organization, to
3 harmonize (to the extent possible) recommended re-
4 quirements, plans, and guidelines for air travel dur-
5 ing and after the COVID–19 public health emer-
6 gency.

7 (d) MEMBERSHIP.—

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

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

14 (3) OTHER MEMBERS.—In addition to the
15 Chair and Vice-Chair, the members of the Joint
16 Task Force shall include representatives of the fol-
17 lowing:

18 (A) The Department of Transportation.

19 (B) The Department of Homeland Secu-
20 rity.

21 (C) The Department of Health and
22 Human Services.

23 (D) The Federal Aviation Administration.

24 (E) The Transportation Security Adminis-
25 tration.

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

2 (G) The Centers for Disease Control and
3 Prevention.

4 (H) The Occupational Safety and Health
5 Administration.

6 (I) The National Institute for Occupational
7 Safety and Health.

8 (J) The Pipeline and Hazardous Materials
9 Safety Administration.

10 (K) The Department of State.

11 (L) The Environmental Protection Agency.

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

13 (a) ESTABLISHMENT.—Not later than 15 days after
14 the date on which the Joint Task Force is established
15 under section 3(a), the Secretary of Transportation, in
16 consultation with the Secretary of Homeland Security and
17 the Secretary of Health and Human Services, shall estab-
18 lish a Joint Federal Advisory Committee to advise the
19 Joint Task Force.

20 (b) DUTIES OF THE ADVISORY COMMITTEE.—The
21 Advisory Committee shall develop and submit consensus
22 policy recommendations to the Joint Task Force for the
23 Joint Task Force to consider when developing rec-
24 ommendations under section 3(b).

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

3 (1) Airport operators designated by the Sec-
4 retary of Transportation in consultation with the
5 Secretary of Homeland Security.

6 (2) Air carriers designated by the Secretary of
7 Transportation.

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

10 (4) Labor organizations representing—

11 (A) aviation industry workers (including
12 pilots, flight attendants, engineers, mainte-
13 nance, mechanics, air traffic controllers, safety
14 inspectors, and workers performing airport
15 services such as security, terminal and cabin
16 cleaning, passenger assistance, and aircraft
17 loading) designated by the Secretary of Trans-
18 portation; and

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

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

23 (6) Organizations representing airline pas-
24 sengers designated by the Secretary of Transpor-
25 tation.

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

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

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

13 (10) Trade associations representing airport op-
14 erators (including large hub, medium hub, small
15 hub, nonhub primary, and nonprimary commercial
16 service airports) designated by the Secretary of
17 Transportation in consultation with the Secretary of
18 Homeland Security.

19 (11) Aviation contractors designated by the
20 Secretary of Transportation.

21 (d) VACANCIES.—Any vacancy in the membership of
22 the Advisory Committee shall not affect its responsibilities
23 but shall be filled in the same manner as the original ap-
24 pointment and in accordance with the Federal Advisory
25 Committee Act (5 U.S.C. App).

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

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

11 **SEC. 5. BRIEFINGS AND REPORTS.**

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

21 (b) FINAL REPORT.—

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

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

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

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

14 **SEC. 6. TERMINATION.**

15 The Joint Task Force and the Advisory Committee
16 shall terminate 30 days after the date on which the Joint
17 Task Force submits the final report required under sec-
18 tion 5(b).

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