

117TH CONGRESS
1ST SESSION

H. R. 2770

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

APRIL 22, 2021

Mr. DEFAZIO (for himself, Mr. LARSEN of Washington, Ms. BROWNLEY, Mr. CARBAJAL, Mr. COHEN, Mr. DESAULNIER, Mr. GARAMENDI, Ms. JOHNSON of Texas, Mr. KAHELE, Mr. LOWENTHAL, Ms. NEWMAN, Ms. NORTON, Mr. PAYNE, Mr. SIRES, Ms. STRICKLAND, Ms. TITUS, and Ms. WILSON of Florida) 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 2021”.

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 dur-
 ing public health emergencies.

“50206. National aviation preparedness plan.

“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 a respiratory 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 requirements of this section by pro-
19 viding the Administrator with such information
20 regarding a violation as the Administrator may
21 require;

22 “(B) designate an appropriate office or de-
23 partment of the air carrier to receive notifica-
24 tions from crewmembers under paragraph (2)
25 and to provide information to the Administrator
26 in accordance with this subsection; and

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

6 “(2) CREWMEMBER RESPONSIBILITIES.—Not
7 later than the termination of passenger disembarka-
8 tion from an aircraft described in subsection (a), the
9 flight or cabin crew of such aircraft shall notify an
10 employee of the air carrier office or department des-
11 ignated under paragraph (1) of each instance in
12 which a passenger violates the requirements of this
13 section and shall provide information necessary to
14 identify the passenger who committed such violation.

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

18 “(1) while consuming food or beverage;

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

21 “(3) to don a supplemental oxygen mask in the
22 event of a reduction in air pressure inside the cabin
23 of an aircraft; or

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

4 “(d) RESPONSIBILITIES TO INDIVIDUALS WITH DIS-
5 ABILITIES.—

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

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

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

20 “(B) in disinfecting or sanitizing an aisle
21 chair, an airport push chair, or personal mobil-
22 ity aid or other device, if such personal mobility
23 aid or other device was tendered to the air car-
24 rier for a flight and delivered to the individual
25 after the flight’s arrival;

1 “(C) in taking any other reasonable meas-
2 ures, consistent with any applicable guidelines
3 of the Centers for Disease Control and Preven-
4 tion, necessary for the individual to reduce the
5 chance of infection with a respiratory disease;
6 and

7 “(D) in complying with any legal, air car-
8 rier, or airport requirement intended to reduce
9 the spread of a respiratory disease.

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

21 “(A) the outcome of such analysis is reli-
22 able, including through consultation with a
23 medical consulting or advisory service to deter-
24 mine whether the individual poses a risk to oth-
25 ers;

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

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

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

15 **“§ 50203. Protective masks in airports during public**
16 **health emergencies**

17 “(a) IN GENERAL.—During the period of any na-
18 tional emergency declared by the President under the Na-
19 tional Emergencies Act (50 U.S.C. 1601 et seq.) with re-
20 spect to a respiratory disease, the operator of a covered
21 airport shall require that any individual within any indoor
22 public space on the airport premises and under the control
23 of such operator is wearing a mask or other protective face
24 covering except when such individual—

25 “(1) is consuming food or beverage;

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

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

7 “(4) has another reason identified by the Ad-
8 ministrator in any regulations promulgated under
9 this section.

10 “(b) RESPONSIBILITIES TO INDIVIDUALS WITH DIS-
11 ABILITIES.—

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

19 “(2) ADDITIONAL DUTIES OF AIRPORT OPER-
20 ATOR.—If an employee or contractor of an airport
21 operator is providing assistance to an air carrier
22 passenger covered under chapter 126 of title 42 or
23 section 41705 of this title, such employee or con-
24 tractor shall assist such individual—

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

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

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

11 **“§ 50204. Protective masks and equipment among air**
12 **carrier employees during public health**
13 **emergencies**

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

20 “(1) require each cabin crewmember to wear a
21 mask or protective face covering and permit such
22 crewmember to wear protective eyewear or a face
23 shield while on board an aircraft or in a vehicle of
24 the air carrier;

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

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

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

17 “(5) provide flight and cabin crewmembers, air-
18 port customer service agents, and other employees
19 whose job responsibilities involve interaction with
20 passengers with masks or protective face coverings,
21 gloves, and hand sanitizer and cleaning products,
22 such as disinfecting wipes, with sufficient active in-
23 gredient content of the disinfectant to stop the
24 spread of such respiratory disease, and provide

1 training on the proper use of such items and equip-
2 ment;

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

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

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

23 “(9) establish guidelines, or adhere to existing
24 applicable guidelines, for notifying or contacting em-
25 ployees who may have come into physical contact or

1 interaction with an employee who has been diag-
2 nosed with such respiratory disease.

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

7 “(1) consuming food or beverage;

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

11 “(3) donning a supplemental oxygen mask in
12 the event of a reduction in air pressure inside the
13 cabin;

14 “(4) assisting another crewmember or pas-
15 senger in distress; or

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

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

22 “(a) IN GENERAL.—During the period of any na-
23 tional emergency declared by the President under the Na-
24 tional Emergencies Act (50 U.S.C. 1601 et seq.) with re-
25 spect to a respiratory disease, in order to maintain the

1 safe and efficient operation of the air traffic control sys-
2 tem, the Administrator shall—

3 “(1) provide air traffic controllers, aviation
4 safety inspectors, and airway transportation systems
5 specialists of the Administration with masks or pro-
6 tective face coverings, gloves, and hand sanitizer and
7 cleaning products, such as disinfecting wipes, with
8 sufficient active ingredient content of the disinfect-
9 ant to stop the spread of such respiratory disease;

10 “(2) ensure air traffic control facilities are
11 cleaned, disinfected, and sanitized frequently in ac-
12 cordance with Centers for Disease Control and Pre-
13 vention guidance; and

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

21 “(b) SOURCE OF EQUIPMENT.—The items described
22 in subsection (a) may be procured or provided under such
23 subsection through any sources available to the Adminis-
24 trator.

1 **“§ 50206. National aviation preparedness plan**

2 “(a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this section, the Secretary of Trans-
4 portation, in coordination with the Secretary of Health
5 and Human Services, the Secretary of Homeland Security,
6 and the heads of such other Federal departments or agen-
7 cies as the Secretary of Transportation considers appro-
8 priate, shall develop a national aviation preparedness plan
9 for communicable disease outbreaks.

10 “(b) CONTENTS OF PLAN.—The plan developed
11 under subsection (a) shall, at a minimum—

12 “(1) provide airports and air carriers with an
13 adaptable and scalable framework with which to
14 align the individual plans, including the emergency
15 response plans, of such airports and air carriers and
16 provide guidance as to each individual plan;

17 “(2) improve coordination among airports, air
18 carriers, U.S. Customs and Border Protection, the
19 Centers for Disease Control and Prevention, other
20 appropriate Federal entities, and State and local
21 governments and health agencies with respect to de-
22 veloping policies that increase the effectiveness of
23 screening, testing, quarantining, and contact-tracing
24 with respect to air carrier passengers;

25 “(3) to the extent practicable, improve coordi-
26 nation among relevant international entities;

1 “(4) ensure that frontline at-risk employees are
2 equipped with appropriate personal protective equip-
3 ment to reduce the likelihood of exposure to a cov-
4 ered communicable disease;

5 “(5) ensure frontline at-risk employees are suf-
6 ficiently considered for prioritized access to nec-
7 essary and available vaccines and therapeutics to re-
8 duce the effect and likelihood of exposure to and
9 transmission of a covered communicable disease;

10 “(6) ensure aircraft and enclosed facilities
11 owned, operated, or used by an air carrier or airport
12 are cleaned, disinfected, and sanitized, and can have
13 installed and maintained protective infrastructure
14 where appropriate, in accordance with Centers for
15 Disease Control and Prevention guidelines for pre-
16 venting and containing the spread of covered com-
17 municable diseases;

18 “(7) identify and assign Federal agency roles in
19 the development and deployment of emerging and
20 existing solutions to reduce covered communicable
21 diseases in the aviation ecosystem;

22 “(8) clearly delineate the responsibilities of the
23 sponsors and operators of airports, air carriers, and
24 Federal agencies in responding to a covered commu-
25 nicable disease;

1 “(9) incorporate the recommendations made by
2 the Comptroller General of the United States to the
3 Secretary of Transportation contained in the report
4 titled ‘Air Travel and Communicable Diseases: Com-
5 prehensive Federal Plan Needed for U.S. Aviation
6 System’s Preparedness’, issued in December 2015
7 (GAO–16–127); and

8 “(10) consider the latest peer-reviewed scientific
9 studies that address communicable disease with re-
10 spect to air transportation.

11 “(c) CONSULTATION.—In developing the plan under
12 subsection (a), the Secretary of Transportation shall con-
13 sult with aviation industry and labor stakeholders, includ-
14 ing representatives of—

15 “(1) air carriers operating under part 121 of
16 title 14, Code of Federal Regulations;

17 “(2) airport operators, including operators of
18 large hub, medium hub, small hub, and nonhub com-
19 mercial service airports;

20 “(3) labor organizations that represent airline
21 pilots, flight attendants, air carrier airport customer
22 service representatives, and air carrier maintenance,
23 repair, and overhaul workers;

24 “(4) the labor organization certified under sec-
25 tion 7111 of title 5 as the exclusive bargaining rep-

1 representative of air traffic controllers of the Federal
2 Aviation Administration;

3 “(5) the labor organization certified under sec-
4 tion 7111 of title 5 as the exclusive bargaining rep-
5 resentative of airway transportation systems special-
6 ists and aviation safety inspectors of the Federal
7 Aviation Administration;

8 “(6) trade associations representing air carriers
9 and airports; and

10 “(7) such other stakeholders as the Secretary
11 considers appropriate.

12 “(d) REPORT.—Not later than 30 days after the plan
13 is developed under subsection (a), the Secretary shall sub-
14 mit to the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 a report that includes such plan.

18 “(e) REVIEW OF PLAN.—Not later than 1 year after
19 the date on which a report is submitted under subsection
20 (d), and every 2 years thereafter, the Secretary shall re-
21 view the plan included in such report and make changes
22 by rule as the Secretary considers appropriate.

23 “(f) GAO STUDY.—Not later than 18 months after
24 the date of enactment of this section, the Comptroller
25 General shall conduct and submit to the Committee on

1 Transportation and Infrastructure of the House of Rep-
 2 resentatives and the Committee on Commerce, Science,
 3 and Transportation of the Senate a study assessing the
 4 national aviation preparedness plan developed under sub-
 5 section (a), including—

6 “(1) whether such plan—

7 “(A) is responsive to any previous rec-
 8 ommendations relating to aviation preparedness
 9 with respect to an outbreak of a covered com-
 10 municable disease or global health emergency
 11 made by the Comptroller General; and

12 “(B) meets the obligations of the United
 13 States under international conventions and
 14 treaties; and

15 “(2) the extent to which the United States avia-
 16 tion system is prepared to respond to an outbreak
 17 of a covered communicable disease.

18 “(g) DEFINITIONS.—In this section:

19 “(1) FRONTLINE AT-RISK EMPLOYEE.—The
 20 term ‘frontline at-risk employee’ means—

21 “(A) an individual whose job duties require
 22 interaction with air carrier passengers on a reg-
 23 ular and continuing basis and who is an em-
 24 ployee of—

25 “(i) an air carrier;

1 “(ii) an air carrier contractor;

2 “(iii) an airport; or

3 “(iv) the Federal Government; or

4 “(B) an air traffic controller or systems
5 safety specialist of the Federal Aviation Admin-
6 istration.

7 “(2) COVERED COMMUNICABLE DISEASE.—The
8 term ‘covered communicable disease’ means a com-
9 municable disease that has the potential to cause an
10 epidemic or pandemic of infectious disease that
11 would constitute a public health emergency of inter-
12 national concern as declared by the Secretary of
13 Health and Human Services under section 319 of
14 the Public Health Service Act (42 U.S.C. 247d).

15 **“§ 50207. Definitions**

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

19 “(1) ADMINISTRATOR.—The term ‘Adminis-
20 trator’ means the Administrator of the Federal Avia-
21 tion Administration.

22 “(2) RESPIRATORY DISEASE.—The term ‘res-
23 piratory disease’ means an infectious disease that is,
24 or is reasonably believed to be, caused by a pathogen

1 transmissible by aerosols or respiratory droplets ex-
 2 pelled from the nose or mouth.

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

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

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

“502. PUBLIC HEALTH EMERGENCIES 50201”.

13 (c) INTERFERENCE WITH CREWMEMBERS.—Section
 14 46504 of title 49, United States Code, is amended—

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

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

18 “(b) FAILURE TO WEAR MASKS DURING PUBLIC
 19 HEALTH EMERGENCY.—For purposes of subsection (a),
 20 an individual interferes with the performance of the duties
 21 of a flight crew member or flight attendant if such indi-
 22 vidual, without justification, disobeys a flight crew mem-
 23 ber’s or flight attendant’s instruction to wear a mask or
 24 protective face covering during the period of any national
 25 emergency declared by the President under the National

1 Emergencies Act (50 U.S.C. 1601 et seq.) with respect
2 to an infectious disease that is, or is reasonably believed
3 to be, caused by a pathogen transmissible by respiratory
4 droplets expelled from the nose or mouth.”.

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

7 (1) in subsection (a)(5) by inserting “section
8 50202, section 50203,” after “chapter 451,”; and

9 (2) in subsection (d)(2) by inserting “, section
10 50202, section 50203,” after “of this title”.

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

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

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

3 (1) a notice of proposed rulemaking not later
4 than 180 days after the date of enactment of this
5 Act; and

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

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

12 **SEC. 4. STUDY ON TRANSMISSION OF INFECTIOUS DIS-**
13 **EASES IN AIRPLANE CABINS.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of enactment of this Act, the Administrator shall seek
16 to enter into an agreement with the National Academies
17 to conduct a study on the transmission of infectious dis-
18 eases, including respiratory diseases, in the cabins of pas-
19 senger airplanes.

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

22 (1) air flow patterns and humidity levels in the
23 cabins of passenger airplanes and the extent to
24 which such patterns and humidity levels increase or
25 decrease the possibility that a passenger may be ex-

1 posed to an airborne pathogen communicated by an-
2 other individual on board a passenger airplane;

3 (2) how uniformly the cabin air supply is com-
4 pletely exchanged and whether air in certain areas
5 of the cabin is exchanged more quickly or slowly
6 than in other areas of the cabin;

7 (3) the extent to which various recirculation
8 systems and the respective filtration systems of such
9 recirculation systems increase or decrease the likeli-
10 hood of exposure to a pathogen;

11 (4) the extent to which the use of
12 preconditioned air during embarkation and disem-
13 barkation changes the likelihood of a passenger's ex-
14 posure to a pathogen as opposed to the use of air
15 conditioning packs fed by the auxiliary power unit;
16 and

17 (5) other variables that determine the likelihood
18 of an individual's exposure to a pathogen on a pas-
19 senger airplane, including the use or location of per-
20 sonal air outlets, seating location, load factor, move-
21 ment of cabin crewmembers and passengers through-
22 out the cabin during the flight, embarkation, and
23 disembarkation, testing and replacement frequency
24 of air filters, types of face coverings worn, commonly
25 touched surfaces, use or location of lavatories, and

1 such other variables as the National Academies con-
2 sider relevant.

3 (c) REPORT TO CONGRESS.—Not later than 1 year
4 after the date of enactment of this Act, the Administrator
5 shall—

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

9 (2) publish such report on the website of the
10 Federal Aviation Administration.

11 **SEC. 5. AIR CARRIER PRACTICES AND AIRPLANE DESIGN**
12 **IMPROVEMENTS.**

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

22 (b) REPORT.—

23 (1) FOLLOW-UP REPORT.—Not later than 270
24 days after the submission of the report under section
25 4(c), the Administrator shall publish a report that

1 lists each practice, procedure, and feature that the
2 Administrator considered under subsection (a), along
3 with an assessment of the extent to which such prac-
4 tice, procedure, or feature would reduce the trans-
5 mission of pathogens, irrespective of the cost of such
6 implementing such practice, procedure, or feature.

7 (2) PUBLICATION OF REPORT.—The Adminis-
8 trator shall—

9 (A) transmit the report required under this
10 subsection to the congressional committees of
11 jurisdiction; and

12 (B) publish such report on the website of
13 the Federal Aviation Administration.

14 (c) RULEMAKING.—

15 (1) IN GENERAL.—Not later than 60 days after
16 the issuance of the report required under subsection
17 (b), the Administrator shall initiate one or more
18 rulemaking proceedings to—

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

1 (B) require air carriers to implement such
2 air carrier practices and procedures described
3 in subsection (a) as the Administrator deter-
4 mines appropriate.

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

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

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

20 **SEC. 6. CENTER OF EXCELLENCE FOR INFECTIOUS DIS-**
21 **EASE RESPONSE AND PREVENTION IN AVIA-**
22 **TION.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Administrator shall es-
25 tablish a Center of Excellence for Infectious Disease Re-

1 sponse and Prevention in Aviation (in this section referred
2 to as the “Center of Excellence”).

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

5 (1) study, and provide educational, technical,
6 and analytical assistance to the Administrator on,
7 the transmissibility of infectious diseases, including
8 respiratory diseases, during air travel and such dis-
9 eases’ effects on the United States aviation system
10 and air commerce;

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

18 (3) make recommendations to the Adminis-
19 trator on regulations, policies, and guidance the Ad-
20 ministrator should develop or issue to meet the goals
21 of this section.

22 (c) INDUSTRY AND LABOR PARTICIPATION.—The
23 Center of Excellence may request or receive data, statis-
24 tics, or other information from aviation industry and labor
25 stakeholders to help inform and carry out the functions

1 described in this section. The Center of Excellence shall
2 clearly disclose the source of any materials requested or
3 received that inform the recommendations under sub-
4 section (b)(3).

5 **SEC. 7. CABIN INSTRUCTION FOR PUBLIC HEALTH EMER-**
6 **GENCY ANNOUNCEMENTS.**

7 (a) IN GENERAL.—Not later than 14 days after the
8 date of enactment of this Act, the Administrator shall ini-
9 tiate a rulemaking proceeding to amend the requirements
10 for the briefing of passengers before takeoff under section
11 121.571 of title 14, Code of Federal Regulations, to in-
12 clude the announcements described in subsection (b).

13 (b) PUBLIC HEALTH EMERGENCY ANNOUNCE-
14 MENTS.—During the period of any national emergency de-
15 clared by the President under the National Emergencies
16 Act (50 U.S.C. 1601 et seq.) with respect to a respiratory
17 disease, each air carrier operating a passenger airplane
18 under part 121 of title 14, Code of Federal Regulations,
19 shall ensure that all passengers are orally briefed before
20 each takeoff by the appropriate crewmember on each of
21 the following:

22 (1) An announcement of any temporary in-
23 flight passenger requirements issued pursuant to
24 section 50201 of title 49, United States Code, and
25 proper compliance with such requirements.

1 (2) An announcement demonstrating the re-
2 quirements of, and proper compliance with, section
3 50202 of title 49, United States Code, including how
4 and under what conditions face masks or protective
5 face coverings must be worn and a statement that
6 the regulations of the Federal Aviation Administra-
7 tion require passenger compliance with crewmember
8 instructions concerning the use of protective masks.

9 (3) An announcement of any fines that may be
10 assessed for violating any of the in-flight passenger
11 requirements issued pursuant to sections 50201 and
12 50202 of title 49, United States Code.

13 **SEC. 8. DEFINITIONS.**

14 For purposes of this Act, the definitions in section
15 40102(a) of title 49, United States Code, shall apply to
16 terms in this Act, except that the following terms have
17 the following meanings:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Federal
20 Aviation Administration.

21 (2) RESPIRATORY DISEASE.—The term “res-
22 piratory disease” means an infectious disease that
23 is, or is reasonably believed to be, caused by a
24 pathogen transmissible by aerosols or respiratory
25 droplets expelled from the nose or mouth.

1 (3) CONGRESSIONAL COMMITTEES OF JURISDIC-
2 TION.—The term “congressional committees of juris-
3 diction” means the Committee on Transportation
4 and Infrastructure of the House of Representatives
5 and the Committee on Commerce, Science, and
6 Transportation of the Senate.

7 (4) PASSENGER AIRPLANE.—The term “pas-
8 senger airplane” means a turbine-powered, trans-
9 port-category airplane certificated under the provi-
10 sions of subchapter C of title 14, Code of Federal
11 Regulations, with a passenger seating capacity of 20
12 or more.

13 (5) SECRETARY.—The term “Secretary” means
14 the Secretary of Transportation.

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