



The House Committee on
Transportation & Infrastructure

Chairman Peter A. DeFazio

H.R. ____
“Healthy Flights Act of 2020”

**Introduced by T&I Committee Chair Peter DeFazio (D-OR),
Aviation Subcommittee Chair Rick Larsen (D-WA),
and 18 Members of Congress**

Original Co-Sponsors: Representatives Colin Allred (D-TX), Julia Brownley (D-CA), Salud Carbajal (D-CA), Andre Carson (D-IN), Steve Cohen (D-TN), Sharice Davids (D-KS), Mark DeSaulnier (D-CA), Jesus “Chuy” Garcia (D-IL), Jared Huffman (D-CA), Eddie Bernice Johnson (D-TX), Alan Lowenthal (D-CA), Stephen Lynch (D-MA), Debbie Mucarsel-Powell (D-FL), Eleanor Holmes Norton (D-DC), Donald Payne Jr. (D-NJ), Adam Schiff (D-CA), Albio Sires (D-NJ), and Frederica Wilson (D-FL)

July 30, 2020

BACKGROUND

As of July 29, 2020, more than 4.3 million people in the United States have been infected with COVID-19 and at least 148,000 people have died as a result of the virus. Yet each day brings new photographs in social media of airline passengers in open and unjustified defiance of the airlines’ voluntary policies that all passengers must wear masks. Recently, Dr. Anthony Fauci even testified before the Senate that the virus not only is not “under control,” but that he “would not be surprised” if new cases per day reached 100,000. Several States continue to set new record levels of infection every day—in many cases outpacing the infection rates of well-populated countries.

Although some disagree, many experts believe that flying carries with it a higher risk for community spread due to an airplane’s inherently high occupancy density, despite airplanes being equipped with HEPA filters and air conditioning systems that largely exchange all of the cabin air supply within two to three minutes. Screening policies, such as passenger temperature checks or precluding travelers with COVID-19 symptoms from flying, also do not eliminate the risk of the virus’s transmission; airline and airport workers and other passengers could still contract the virus from the 25 to 45 percent of infected people who have not yet developed symptoms or are asymptomatic. And the difference of opinion among experts as to the actual risk of infection on an airplane is a knowledge gap that we must close, so that aviation stakeholders can better prepare for the next infectious disease outbreak.

This already difficult challenge of keeping millions of airline and airport workers and travelers safe and healthy has only been exacerbated by a lack of Federal leadership and response, including requiring the use of masks or face coverings during air travel. For example, the Federal Aviation Administration (FAA) has refused to mandate that airline passengers wear masks during the COVID-19 pandemic despite having the authority to do so and the incontrovertible scientific truth that masks save lives by reducing infections. Federal inaction has resulted in a patchwork of disparate airline mask policies and enforcement of such policies, passenger misunderstandings and noncompliance, and increased demands and stress on our frontline aviation workers. The CEO of at least one major airline, as well as numerous labor stakeholders, have publicly called on the FAA to issue a uniform mask requirement to help improve efficacy of mask usage and compliance—a call, among other things, that this bill answers.

LEGISLATION

The bill will impose a set of uniform requirements to keep passengers and airline and airport workers healthy and minimize transmission of the virus through our air transportation system. It will also produce cutting-edge scientific research that could further inoculate the next generation of airplanes against transmission of a deadly virus like COVID-19. Specifically, the bill:

- **Authority of FAA Administrator.** Authorizes the FAA Administrator to impose any requirements on passenger and cargo air transportation, during a pandemic or epidemic, to protect the health and safety of airline workers and passengers and to reduce the spread of an infectious disease through the U.S. aviation system.
- **Mask requirement in airports and on airplanes.** Requires masks for passengers and airline and airport employees during any public health emergency that is caused by a disease, such as the coronavirus, that is transmitted via aerosols or respiratory droplets. The bill also creates a civil penalty for airline passengers who disobey a pilot or flight attendant’s instruction to wear a mask or protective face covering on an airplane; tightens up a pre-existing prohibition on interference with the duties of airline crewmembers by clarifying that refusal to wear a mask or protective face covering is tantamount to such unlawful interference; and creates a civil penalty for individuals who violate the requirement to wear a mask or protective face covering while in an airport.
- **Protective equipment for airline and certain FAA employees.** Mandates the provision of masks or protective face coverings, gloves, hand sanitizer, and alcohol wipes to pilots, flight attendants, customer-facing employees of an airline, and certain FAA employees (air traffic controllers, aviation safety inspectors, and airway transportation systems specialists). Ensures aircraft, airline facilities, and air traffic control facilities are cleaned and sanitized frequently in accordance with Centers for Disease Control and Prevention (CDC) guidance.
- **National aviation preparedness plan.** Mandates the development of a national preparedness plan for government and industry aviation stakeholders to respond to epidemics or pandemics of infectious diseases.
- **Regulations for air carriers to reduce spread of infectious diseases.** Requires the Secretary of Transportation, in coordination with the CDC, to issue appropriate regulations to reduce the spread of an infectious disease on flights during a national public health emergency.

- **Study on transmission of infectious diseases in airplane cabins.** Mandates an objective scientific study on the transmission of infectious diseases in airplane cabins and requires the FAA to use this study to identify and evaluate prospective new airline practices and aircraft designs that would reduce the extent of transmission of pathogens within the airplane cabin.
- **Center of Excellence for Infectious Disease Response and Prevention in Aviation.** Creates an FAA Center of Excellence for Infectious Disease Response and Prevention in Aviation to advise the FAA Administrator on infectious diseases in air travel.

Supporters of the bill include the following stakeholder groups:

- American Association of Airport Executives;
- Airports Council International;
- Air Line Pilots Association;
- Allied Pilots Association;
- Association of Flight Attendants;
- Association of Professional Flight Attendants;
- Coalition of Airline Pilots Associations;
- International Association of Machinists and Aerospace Workers;
- Professional Aviation Safety Specialists;
- Transportation Trades Department, AFL-CIO; and
- Transport Workers Union of America.