AMENDMENT TO
RULES COMMITTEE PRINT 116–54
OFFERED BY MR. GARCIA OF ILLINOIS

At the end of division H, add the following new section:

SEC. 40101. REQUIREMENTS FOR OWNERS AND OPERATORS OF EQUIPMENT OR FACILITIES USED BY PASSENGER OR FREIGHT TRANSPORTATION EMPLOYERS.

(a) DEFINITIONS.—In this section:

(1) AT-RISK EMPLOYEE.—The term “at-risk employee” means an employee (including a Federal employee) or contractor of a passenger or freight transportation employer—

(A) whose job responsibilities involve interaction with—

(i) passengers;

(ii) the public; or

(iii) coworkers who interact with the public;

(B) who handles items which are handled or will be handled by the public; or
(C) who works in locations where social distancing and other preventative measures with respect to the Coronavirus Disease 2019 (COVID–19) are not possible.

(2) PASSENGER OR FREIGHT TRANSPORTATION EMPLOYER.—The term “passenger or freight transportation employer” includes—

(A) the owner, charterer, managing operator, master, or other individual in charge of a passenger vessel (as defined in section 2101 of title 46, United States Code);

(B) an air carrier (as defined in section 40102 of title 49, United States Code);

(C) a commuter authority (as defined in section 24102 of title 49, United States Code);

(D) an entity that provides intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code);

(E) a rail carrier (as defined in section 10102 of title 49, United States Code);

(F) a commuter authority (as defined in section 24102 of title 49, United States Code);

(G) a regional transportation authority (as defined in section 24102 of title 49, United States Code);
(H) a provider of public transportation (as defined in section 5302 of title 49, United States Code);

(I) a provider of motorcoach services (as defined in section 32702 of the Motorcoach Enhanced Safety Act of 2012 (49 U.S.C. 31136 note; Public Law 112–141));

(J) a motor carrier that owns or operates more than 100 motor vehicles (as those terms are defined in section 390.5 of title 49, Code of Federal Regulations (or successor regulations));

(K) a sponsor, owner, or operator of a public-use airport (as defined in section 47102 of title 49, United States Code);

(L) a marine terminal operator (as defined in section 40102 of title 46, United States Code) and the relevant authority or operator of a port or harbor;

(M) the Transportation Security Administration, exclusively with respect to Transportation Security Officers; and

(N) a marine terminal operator (as defined in section 40102 of title 46, United States Code) and the relevant authority or operator of a port or harbor, or any other employer of indi-
individuals covered under section 2(3) of the Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 902(3)).

(b) REQUIREMENTS.—For the purposes of responding to, or for purposes relating to operations during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) related to the pandemic of SARS–4CoV–2 or coronavirus disease 2019 (COVID–19), the Secretary shall require—

(1) the owners or operators of equipment, stations, or facilities used by passenger or freight transportation employers, as applicable—

(A) to clean, disinfect, and sanitize, in accordance with guidance issued by the Centers for Disease Control and Prevention, the equipment and facilities, including, as applicable—

(i) buses;

(ii) commercial motor vehicles;

(iii) freight and passenger rail locomotives;

(iv) freight and passenger rail cars;

(v) vessels;

(vi) airports;

(vii) fleet vehicles used for the transportation of workers to job sites;
(viii) aircraft, including the cockpit and the cabin; and

(ix) other equipment and facilities;

(B) to ensure that stations and facilities, including enclosed facilities, owned, operated, and used by passenger or freight transportation employers, including facilities used for employee training or the performance of indoor or outdoor maintenance, repair, or overhaul work, are disinfected and sanitized frequently in accordance with guidance issued by the Centers for Disease Control and Prevention;

(C) to provide to at-risk employees—

(i) masks or protective face coverings;

(ii) gloves;

(iii) hand sanitizer;

(iv) sanitizing wipes with sufficient alcohol content; and

(v) training on the proper use of personal protective equipment and sanitizing equipment;

(D) to ensure that employees whose job responsibilities include the cleaning, disinfecting, or sanitizing described in subparagraphs (A) and (B) are provided—
(i) masks or protective face coverings;
(ii) gloves;
(iii) hand sanitizer; and
(iv) sanitizing wipes with sufficient alcohol content;

(E) to establish guidelines, or adhere to any existing applicable guidelines, for notifying an employee of the owner or operator of a confirmed diagnosis of the Coronavirus Disease 2019 (COVID–19) with respect to any other employee of the owner or operator with whom the notified employee had physical contact or a physical interaction during the 48-hour period preceding the time at which the diagnosed employee developed symptoms;

(F) to require that passengers and cabin crew members wear masks or protective face coverings while in or using a passenger aircraft of an air carrier;

(G) to require each flight crew member to wear a mask or protective face covering while on board an aircraft and outside the flight deck; and

(H) ensure that each contractor of an owner or operator identified under this para-
graph provides masks or protective face coverings, gloves, hand sanitizer, and sanitizing wipes with sufficient alcohol content, to employees of such contractor whose job responsibilities include the cleaning, disinfecting, or sanitizing described in subparagraph (A) or (B).

(2) an air carrier to submit to the Administrator of the Federal Aviation Administration a proposal to permit flight crew members to wear masks or protective face coverings in the flight deck, including a safety risk assessment with respect to that proposal.

(c) Market Unavailability of Necessary Items.—

(1) Notice of Market Unavailability.—

(A) In General.—If an owner or operator described in paragraph (1) of subsection (b) is unable to acquire 1 or more items necessary to comply with the requirements prescribed under that paragraph due to market unavailability of the items, the owner or operator shall—

(i) not later than 7 days after the date on which the owner or operator is unable to acquire each applicable item, submit to the Secretary a written notice ex-
plaining the efforts made and obstacles faced by the owner or operator to acquire that item; and

(ii) continue making efforts to acquire that item until the item is acquired.

(B) UPDATED NOTICE WITH RESPECT TO THE SAME ITEM.—If an owner or operator is unable to acquire an item described in a notice submitted under subparagraph (A) by the date described in paragraph (4)(B)(ii) with respect to the notice, the owner or operator may submit an updated notice with respect to that item.

(2) REASONABLE EFFORT DETERMINATION.—With respect to each notice submitted under paragraph (1), the Secretary shall determine whether the owner or operator submitting the notice has made reasonable efforts to acquire the item described in the notice.

(3) NOTICE OF COMPLIANCE.—Not later than 7 days after the date on which an owner or operator acquires an item described in a notice submitted by that owner or operator under paragraph (1) in a quantity sufficient to comply with the requirements prescribed under subsection (b)(1), the owner or op-
erator shall submit to the Secretary a written notice of compliance with those requirements.

(4) List of Owners and Operators Making Reasonable Efforts to Acquire Unavailable Items.—

(A) In General.—The Secretary shall publish on a public website of the Department of Transportation a list that, with respect to each notice submitted to the Secretary under paragraph (1) for which the Secretary has made a positive determination under paragraph (2)—

(i) identifies the owner or operator that submitted the notice;

(ii) identifies the item that the owner or operator was unable to acquire; and

(iii) describes the reasonable efforts made by the owner or operator to acquire that item.

(B) Removal from List.—The Secretary shall remove each entry on the list described in subparagraph (A) on the earlier of—

(i) the date on which the applicable owner or operator submits to the Secretary a notice of compliance under paragraph (3)
with respect to the item that is the subject
of the entry; and

(ii) the date that is 90 days after the
date on which the entry was added to the
list.

(d) PROTECTION OF CERTAIN FEDERAL AVIATION
ADMINISTRATION EMPLOYEES.—

(1) IN GENERAL.—For the purposes of re-
sponding to, or for purposes relating to operations
during the national emergency declared by the Presi-
dent under the National Emergencies Act (50
U.S.C. 1601 et seq.) related to the pandemic of
SARS–4CoV–2 or coronavirus disease 2019
(COVID–19), in order to maintain the safe and effi-
cient operation of the air traffic control system, the
Administrator of the Federal Aviation Administra-
tion shall—

(A) provide any air traffic controller and
airway transportation systems specialist of the
Federal Aviation Administration with masks or
protective face coverings, gloves, and hand san-
titizer and wipes of sufficient alcohol content,
and provide training on the proper use of per-
sonal protective equipment and sanitizing
equipment;
(B) ensure that each air traffic control facility is cleaned, disinfected, and sanitized frequently in accordance with Centers for Disease Control and Prevention guidance; and

(C) provide any employee of the Federal Aviation Administration whose job responsibilities involve cleaning, disinfecting, and sanitizing a facility described in subparagraph (B) with masks or protective face coverings and gloves, and ensure that each contractor of the Federal Aviation Administration provides any employee of the contractor with those materials.

(2) SOURCE OF EQUIPMENT.—The items described in paragraph (1)(A) may be procured or provided under that paragraph through any source available to the Administrator of the Federal Aviation Administration.