

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

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

1 **SEC. 40101. REQUIREMENTS FOR OWNERS AND OPERATORS**
2 **OF EQUIPMENT OR FACILITIES USED BY PAS-**
3 **SENGER OR FREIGHT TRANSPORTATION EM-**
4 **PLOYERS.**

5 (a) DEFINITIONS.—In this section:

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

10 (A) whose job responsibilities involve inter-
11 action with—

12 (i) passengers;

13 (ii) the public; or

14 (iii) coworkers who interact with the
15 public;

16 (B) who handles items which are handled
17 or will be handled by the public; or

1 (C) who works in locations where social
2 distancing and other preventative measures
3 with respect to the Coronavirus Disease 2019
4 (COVID–19) are not possible.

5 (2) PASSENGER OR FREIGHT TRANSPORTATION
6 EMPLOYER.—The term “passenger or freight trans-
7 portation employer” includes—

8 (A) the owner, charterer, managing oper-
9 ator, master, or other individual in charge of a
10 passenger vessel (as defined in section 2101 of
11 title 46, United States Code);

12 (B) an air carrier (as defined in section
13 40102 of title 49, United States Code);

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

16 (D) an entity that provides intercity rail
17 passenger transportation (as defined in section
18 24102 of title 49, United States Code);

19 (E) a rail carrier (as defined in section
20 10102 of title 49, United States Code);

21 (F) a regional transportation authority (as
22 defined in section 24102 of title 49, United
23 States Code);

1 (G) a provider of public transportation (as
2 defined in section 5302 of title 49, United
3 States Code);

4 (H) a provider of motorcoach services (as
5 defined in section 32702 of the Motorcoach En-
6 hanced Safety Act of 2012 (49 U.S.C. 31136
7 note; Public Law 112–141));

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

12 (J) a sponsor, owner, or operator of a pub-
13 lic-use airport (as defined in section 47102 of
14 title 49, United States Code);

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

19 (L) the Transportation Security Adminis-
20 tration, exclusively with respect to Transpor-
21 tation Security Officers; and

22 (M) a marine terminal operator (as defined
23 in section 40102 of title 46, United States
24 Code) and the relevant authority or operator of
25 a port or harbor, or any other employer of indi-

1 viduals covered under section 2(3) of the
2 Longshore and Harbor Workers' Compensation
3 Act (33 U.S.C. 902(3)).

4 (b) REQUIREMENTS.—For the purposes of respond-
5 ing to, or for purposes relating to operations during the
6 national emergency declared by the President under the
7 National Emergencies Act (50 U.S.C. 1601 et seq.) re-
8 lated to the pandemic of SARS-CoV-2 or coronavirus
9 disease 2019 (COVID-19), the Secretary shall require—

10 (1) the owners or operators of equipment, sta-
11 tions, or facilities used by passenger or freight
12 transportation employers, as applicable—

13 (A) to clean, disinfect, and sanitize, in ac-
14 cordance with guidance issued by the Centers
15 for Disease Control and Prevention, the equip-
16 ment and facilities, including, as applicable—

17 (i) buses;

18 (ii) commercial motor vehicles;

19 (iii) freight and passenger rail loco-
20 motives;

21 (iv) freight and passenger rail cars;

22 (v) vessels;

23 (vi) airports;

24 (vii) fleet vehicles used for the trans-
25 portation of workers to job sites;

1 (viii) aircraft, including the cockpit
2 and the cabin; and

3 (ix) other equipment and facilities;

4 (B) to ensure that stations and facilities,
5 including enclosed facilities, owned, operated,
6 and used by passenger or freight transportation
7 employers, including facilities used for employee
8 training or the performance of indoor or out-
9 door maintenance, repair, or overhaul work, are
10 disinfected and sanitized frequently in accord-
11 ance with guidance issued by the Centers for
12 Disease Control and Prevention;

13 (C) to provide to at-risk employees—

14 (i) masks or protective face coverings;

15 (ii) gloves;

16 (iii) hand sanitizer;

17 (iv) sanitizing wipes with sufficient al-
18 cohol content; and

19 (v) training on the proper use of per-
20 sonal protective equipment and sanitizing
21 equipment;

22 (D) to ensure that employees whose job re-
23 sponsibilities include the cleaning, disinfecting,
24 or sanitizing described in subparagraph (A) or
25 (B) are provided—

- 1 (i) masks or protective face coverings;
2 (ii) gloves;
3 (iii) hand sanitizer; and
4 (iv) sanitizing wipes with sufficient al-
5cohol content;

6 (E) to establish guidelines, or adhere to
7 any existing applicable guidelines, for notifying
8 an employee of the owner or operator of a con-
9 firmed diagnosis of the Coronavirus Disease
10 2019 (COVID–19) with respect to any other
11 employee of the owner or operator with whom
12 the notified employee had physical contact or a
13 physical interaction during the 48-hour period
14 preceding the time at which the diagnosed em-
15 ployee developed symptoms;

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

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

24 (H) ensure that each contractor of an
25 owner or operator identified under this para-

1 graph provides masks or protective face cov-
2 erings, gloves, hand sanitizer, and sanitizing
3 wipes with sufficient alcohol content, to employ-
4 ees of such contractor whose job responsibilities
5 include the cleaning, disinfecting, or sanitizing
6 described in subparagraph (A) or (B).

7 (2) an air carrier to submit to the Adminis-
8 trator of the Federal Aviation Administration a pro-
9 posal to permit flight crew members to wear masks
10 or protective face coverings in the flight deck, in-
11 cluding a safety risk assessment with respect to that
12 proposal.

13 (c) MARKET UNAVAILABILITY OF NECESSARY
14 ITEMS.—

15 (1) NOTICE OF MARKET UNAVAILABILITY.—

16 (A) IN GENERAL.—If an owner or operator
17 described in paragraph (1) of subsection (b) is
18 unable to acquire 1 or more items necessary to
19 comply with the requirements prescribed under
20 that paragraph due to market unavailability of
21 the items, the owner or operator shall—

22 (i) not later than 7 days after the
23 date on which the owner or operator is un-
24 able to acquire each applicable item, sub-
25 mit to the Secretary a written notice ex-

1 plaining the efforts made and obstacles
2 faced by the owner or operator to acquire
3 that item; and

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

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

13 (2) REASONABLE EFFORT DETERMINATION.—
14 With respect to each notice submitted under para-
15 graph (1), the Secretary shall determine whether the
16 owner or operator submitting the notice has made
17 reasonable efforts to acquire the item described in
18 the notice.

19 (3) NOTICE OF COMPLIANCE.—Not later than 7
20 days after the date on which an owner or operator
21 acquires an item described in a notice submitted by
22 that owner or operator under paragraph (1) in a
23 quantity sufficient to comply with the requirements
24 prescribed under subsection (b)(1), the owner or op-

1 erator shall submit to the Secretary a written notice
2 of compliance with those requirements.

3 (4) LIST OF OWNERS AND OPERATORS MAKING
4 REASONABLE EFFORTS TO ACQUIRE UNAVAILABLE
5 ITEMS.—

6 (A) IN GENERAL.—The Secretary shall
7 publish on a public website of the Department
8 of Transportation a list that, with respect to
9 each notice submitted to the Secretary under
10 paragraph (1) for which the Secretary has
11 made a positive determination under paragraph
12 (2)—

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

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

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

20 (B) REMOVAL FROM LIST.—The Secretary
21 shall remove each entry on the list described in
22 subparagraph (A) on the earlier of—

23 (i) the date on which the applicable
24 owner or operator submits to the Secretary
25 a notice of compliance under paragraph (3)

1 with respect to the item that is the subject
2 of the entry; and

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

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

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

18 (A) provide any air traffic controller and
19 airway transportation systems specialist of the
20 Federal Aviation Administration with masks or
21 protective face coverings, gloves, and hand sani-
22 tizer and wipes of sufficient alcohol content,
23 and provide training on the proper use of per-
24 sonal protective equipment and sanitizing
25 equipment;

1 (B) ensure that each air traffic control fa-
2 cility is cleaned, disinfected, and sanitized fre-
3 quently in accordance with Centers for Disease
4 Control and Prevention guidance; and

5 (C) provide any employee of the Federal
6 Aviation Administration whose job responsibil-
7 ities involve cleaning, disinfecting, and sani-
8 tizing a facility described in subparagraph (B)
9 with masks or protective face coverings and
10 gloves, and ensure that each contractor of the
11 Federal Aviation Administration provides any
12 employee of the contractor with those materials.

13 (2) SOURCE OF EQUIPMENT.—The items de-
14 scribed in paragraph (1)(A) may be procured or pro-
15 vided under that paragraph through any source
16 available to the Administrator of the Federal Avia-
17 tion Administration.

