

116TH CONGRESS
2D SESSION

S. 4293

To promote airline passenger safety during the COVID–19 public health emergency.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2020

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To promote airline passenger safety during the COVID–19 public health emergency.

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 “Maintaining Important
5 Distance During Lengthy Epidemics Act of 2020” or the
6 “MIDDLE Act of 2020”.

7 **SEC. 2. PROMOTING AIRLINE PASSENGER SAFETY DURING**
8 **THE COVID–19 PUBLIC HEALTH EMERGENCY.**

9 (a) IN GENERAL.—Pursuant to the Rehabilitation
10 Act of 1973 (29 U.S.C. 701 et seq.), the Americans with

1 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and
2 section 41705 of title 49, United States Code (commonly
3 referred to as the “Air Carrier Access Act”), during the
4 period beginning on the date that is 14 days after the date
5 of the enactment of this Act and ending on the last day
6 of the emergency period described in section
7 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
8 1320b–5(g)(1)(B)), an air carrier (as defined in section
9 40102 of title 49, United States Code) shall be prohibited
10 from doing any of the following:

11 (1) Permit adjacent seats to be filled on a pas-
12 senger aircraft.

13 (2) Pass along the cost of any seat switch un-
14 dertaken by an air carrier in order to comply the
15 prohibition under paragraph (1).

16 (3) Permit a passenger or crewmember to board
17 a passenger aircraft if the passenger or crewmember
18 is not wearing a mask.

19 (b) EXCEPTIONS.—Not later than 14 days after the
20 date of the enactment of this Act, taking into account any
21 Federal health guidance from the Department of Health
22 and Human Services (including guidance related to the
23 COVID–19 public health emergency), the Administrator
24 of the Federal Aviation Administration shall, in consulta-
25 tion with the Secretary of Health and Human Services

1 (acting through the Director of the Centers for Disease
2 Control and Prevention), issue guidance that provides for
3 appropriate exceptions to the prohibitions under para-
4 graphs (1) and (3) of subsection (a).

5 (c) NONDISCRIMINATION.—In carrying out the provi-
6 sions of this section, an air carrier may not discriminate
7 against any person on the basis of race, color, religion,
8 genetic information, national origin, age, disability, or sex
9 (including sexual orientation and gender identity).

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