

116TH CONGRESS
2D SESSION

H. R. 8737

To establish a temperature checks pilot program for air transportation, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 12, 2020

Mr. CARBAJAL (for himself, Mr. NORMAN, Mr. BUDD, and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a temperature checks pilot program for air
transportation, 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 “Fly Safe and Healthy
5 Act of 2020”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Transpor-
3 tation Security Administration.

4 (2) AIR TRANSPORTATION.—The term “air
5 transportation” has the meaning given that term in
6 section 40102 of title 49, United States Code.

7 (3) APPROPRIATE COMMITTEES OF CON-
8 GRESS.—The term “appropriate committees of Con-
9 gress” means the Committee on Commerce, Science,
10 and Transportation of the Senate, the Committee on
11 Homeland Security and Governmental Affairs of the
12 Senate, the Committee on Transportation and Infra-
13 structure of the House of Representatives, and the
14 Committee on Homeland Security of the House of
15 Representatives.

16 (4) COVID–19 PUBLIC HEALTH EMERGENCY.—
17 The term “COVID–19 public health emergency”
18 means the public health emergency first declared on
19 January 31, 2020, by the Secretary of Health and
20 Human Services under section 319 of the Public
21 Health Service Act (42 U.S.C. 247d) with respect to
22 the 2019 Novel Coronavirus (COVID–19) and in-
23 cludes any renewal of such declaration pursuant to
24 such section 319.

1 (5) FEVER.—The term “fever” means 100.4
2 degrees Fahrenheit or higher, or the meaning given
3 that term pursuant to guidelines of the Centers for
4 Disease Control and Prevention related to COVID-
5 19.

6 (6) SECRETARY.—The term “Secretary” means
7 the Secretary of Transportation.

8 (7) STERILE AREA.—The term “sterile area”
9 has the meaning given that term in section 1540.5
10 of title 49, Code of Federal Regulations (or any suc-
11 cessor regulation).

12 (8) TEMPERATURE CHECK.—The term “tem-
13 perature check” means the screening of individuals
14 for a fever.

15 **SEC. 3. TEMPERATURE CHECKS PILOT PROGRAM.**

16 (a) IN GENERAL.—Not later than 30 days after the
17 enactment of this Act, the Administrator, in consultation
18 with the Secretary, the Secretary of Homeland Security,
19 the Secretary of Health and Human Services, and the Di-
20 rector of the Centers for Disease Control and Prevention,
21 shall establish a 120-day pilot program to conduct tem-
22 perature checks for domestic and international passengers,
23 individuals accompanying those passengers, crew mem-
24 bers, and other individuals who pass through airports and
25 airport security screening locations (referred to in this sec-

tion as the “pilot program”). The Administrator shall select airports that represent diverse operating conditions, such as high, medium, and low passenger throughput, and locations for the pilot program.

(b) SCREENING.—The pilot program shall require screening of passengers, individuals accompanying those passengers, crew members, and other individuals who pass through airports and airport security screening locations for fevers. An individual who is found to have a fever may be subject to secondary medical screening. An individual who registers a fever during a temperature check conducted under the pilot program shall be denied admission to the sterile area of the airport.

(c) ELEMENTS.—In developing the pilot program, the Administrator shall address—

(1) the types of technology that may be used to conduct temperature checks;

(2) policies applicable to screening procedures;

(3) procedures for individuals who register a fever, which may include secondary screening by a medical professional;

(4) mechanisms for protecting the privacy and medical information of individuals subjected to temperature checks;

1 (5) procedures for accommodating individuals
2 with disabilities or observing certain religious prac-
3 tices, as appropriate;

4 (6) procedures for exempting individuals who
5 may have a fever unrelated to COVID–19; and

6 (7) training on the policies, procedures, and
7 equipment for employees responsible for imple-
8 menting the pilot program.

9 (d) EQUIPMENT.—The Administrator only may con-
10 duct temperature checks under the program established
11 under this section using a device lawfully manufactured
12 and distributed, or a device manufactured and distributed
13 in accordance with guidance issued by the Secretary of
14 Health and Human Services, to measure the body tem-
15 perature of a person.

16 (e) PROCUREMENT AND COORDINATION.—The Ad-
17 ministrator, in coordination with the Commissioner of
18 U.S. Customs and Border Protection, shall procure tem-
19 perature screening equipment and implement best prac-
20 tices for conducting passenger temperature checks under
21 the pilot program.

22 (f) PARTNERSHIPS.—The Administrator may enter
23 into partnerships or contracts with private entities, univer-
24 sities or other academic institutions, national laboratories,
25 or public health authorities to develop, evaluate, or im-

1 prove technology for purposes of detecting fevers or con-
2 ducting secondary medical screening under the pilot pro-
3 gram.

4 (g) TREATMENT OF PASSENGERS PROHIBITED FROM
5 FLYING.—The pilot program shall require air carriers to
6 permit a passenger who is prohibited from flying because
7 they have a fever or as a result of a secondary medical
8 screening to reschedule or cancel the flight the passenger
9 was ticketed for at no cost to the passenger.

10 (h) PROGRAM FOR REMAINDER OF COVID–19 PUB-
11 LIC HEALTH EMERGENCY.—Not later than 90 days after
12 the completion of the pilot program, based on the results
13 of the pilot program and the most up-to-date and best
14 available public health information, data, and evidence-
15 based or evidence-informed scientific information, the Ad-
16 ministrator, in coordination with the Secretary, the Sec-
17 retary of Homeland Security, the Secretary of Health and
18 Human Services, and the Director of the Centers for Dis-
19 ease Control and Prevention, shall issue policy for deploy-
20 ing a temperature check program at airports and airport
21 security screening locations through the end of the
22 COVID–19 public health emergency for domestic and
23 international passengers, individuals accompanying those
24 passengers, crew members, and other individuals who pass
25 through airports and airport security screening locations.

1 (i) AUTHORITY.—The Administrator may issue regu-
2 lations to implement the temperature check program
3 under subsection (g), including with respect to secondary
4 screening requirements.

5 **SEC. 4. INCLUSION OF INFORMATION ABOUT TRAVELING**
6 **DURING PUBLIC HEALTH EMERGENCIES IN**
7 **PASSENGER NOTIFICATION SYSTEM.**

8 (a) IN GENERAL.—The Secretary shall revise section
9 175.25 of title 49, Code of Federal Regulations, to require
10 the inclusion in the passenger notification system during
11 the COVID–19 public health emergency of—

12 (1) relevant guidelines relating to safe traveling
13 in air transportation;

14 (2) a message discouraging any individual who
15 has a fever from traveling in air transportation; and

16 (3) a notification that each passenger and any
17 individual accompanying a passenger into the sterile
18 area of the airport will undergo a temperature check
19 if the pilot program established under section 3 is in
20 effect in that airport.

21 (b) TIMELINES.—The Secretary shall—

22 (1) revise section 175.25 of title 49, Code of
23 Federal Regulations, in accordance with the require-
24 ments of subsection (a) not later than 30 days after
25 the date of enactment of this Act; and

1 (2) provide for the implementation of such revi-
2 sions not later than 90 days after such date of en-
3 actment.

○