

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.

○