

**S. 4623 Fly Safe and Healthy Act of 2020**  
**Section by Section**

Sec.1. This section says the Act may be cited as the Fly Safe and Healthy Act of 2020.

Sec. 2. This section provides definitions that apply to the bill. It defines “COVID-19 Public Emergency” as that first declared by the Secretary of Health and Human Services on January 31, 2020 with respect to the 2019 Novel Coronavirus and any renewal of such declaration. It also defines a “fever” as 100.4 degrees Fahrenheit or higher, or the meaning given it by guidelines of the Centers for Disease Control and Prevention related to COVID-19.

Sec. 3. This section requires the Administrator of the Transportation Security Administration (TSA), in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Director of the Centers for Disease Control and Prevention, to establish within 30 days a 120-day pilot program to conduct temperature checks at airport screening locations. In choosing airports for the pilot program, the Administrator must select airports that represent diverse operating conditions, with high, medium, and low passenger throughput.

The pilot program will require any individual to be screened for a fever prior to entry into the sterile area of an airport. Any individual who registers a fever will be denied entry into the sterile area and be subject to secondary medical screening. As part of the pilot program, the Administrator must address the types of technology used to conduct the pilot program, policies for screening procedures, secondary screening procedures, mechanisms to protect for the privacy of individuals subjected to temperature screenings, procedures for accommodating individuals with disabilities or observing certain religious practices, procedures for exempting individuals who may have a fever unrelated to COVID-19, and training for employees that will implement the pilot program.

It permits the Administrator to coordinate with the Commissioner of the Customs and Border Protection (CBP) for the procurement of equipment and partner with a variety of entities to develop, evaluate or improve technology for screening or for secondary medical screening. It does not require CBP to conduct temperature screening.

The Administrator would be permitted to contract with private parties, universities or academic institutions, the national laboratories, public health authorities, or other entities to assist in the pilot program, including with technology development or improvement and for secondary screening. The Administrator could also partner with airports that are conducting their own temperature screening programs, but cannot shift the costs of the program to airports.

This section also requires airlines to permit passengers who are prohibited from flying as a result of having a fever to change or cancel their flight at no cost to the passenger. Employees who are denied admission into the sterile area of the airport would be subject to their employer’s leave policies and procedures.

Finally, this section requires the Administrator to, within 90 days of completion of the pilot program, to issue a policy for deploying a temperature check program for the remainder of the COVID-19 public health emergency. The policy must be based on the results of the pilot program and the most up-to-date and best available public health information, data, and evidenced-based or evidence-informed scientific information. The Administrator has the authority to issue regulations to implement a broader temperature check program.

Sec. 4 This section requires the Secretary of Transportation to update its passenger notification regulation to require airlines to notify passengers about relevant guidelines related to safe traveling in air transportation, discourage passengers with a fever from traveling, and notify passengers that they will be subject to a temperature check at the airport.