Congressional Budget Office
Cost Estimate

October 25, 2021

S. 316, Fly Safe and Healthy Act of 2021

As ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 12, 2021

By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	15	18	not estimated

		Mandate Effects	
Statutory pay-as-you-go procedures apply?	No	Contains intergovernmental mandate?	Yes, Under Threshold
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains private-sector mandate?	Yes, Under Threshold

S. 316 would require the Transportation Security Administration (TSA) to establish a 180-day pilot program to conduct temperature checks for passengers, crew members, and other people who pass through security checkpoints at airports. Anyone with a fever would be subject to secondary medical screening for COVID-19. Passengers with a fever who do not pass the secondary screening would be prohibited from flying but would be allowed to reschedule or to receive a voucher or a refund. Employees with a fever who do not pass the secondary screening would be prohibited from entering airport areas beyond the checkpoint and would be covered by their employer's current leave policies. Finally, the bill would require TSA to alert passengers to the program and to report to the Congress on the program's implementation.

CBO assumes that the bill will be enacted by the end of calendar year 2021. Using information from TSA about similar programs, and assuming that the pilot program would be conducted at one large, one medium, and one small airport, CBO estimates that it would cost $18 million to implement S. 316; such spending would be subject to the availability of appropriated funds. Of that amount, about $12 million would be for personnel, with the remainder for equipment (such as thermal cameras), site setup, administration, and reporting. Because the pilot program would only run for 180 days, CBO expects that most of the outlays would occur in 2022.

S. 316 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (URMA). CBO estimates that the aggregate cost would not exceed the thresholds established in UMRA ($85 million for intergovernmental and $170 million for private-sector mandates in 2021, respectively, adjusted annually for inflation).

The bill would incrementally increase federal workplace regulations for air carriers, employers operating in airports, and their employees. In addition, most commercial airports in the United States are publicly owned and operated. Thus, the bill would impose intergovernmental and private-sector mandates. Employees with a high fever who do not pass a secondary screening would be barred from entering TSA screening areas and prevented from working and subject to their employer's existing leave policies. The result would be lost productivity for employers and lost wages for employees without paid sick leave benefits. TSA would provide the screening without cost to airlines, workers, or passengers.

The bill also would impose a private-sector mandate on air carriers by requiring them to change, cancel, or refund tickets. The cost of the mandate would be the total of uncollected fees and refunded ticket fares, which ultimately would depend on the number of passengers screened and the prevalence of COVID-19 among those passengers. Some air carriers, however, already allow customers to change or cancel reservations without penalty.

Because the program is limited in duration and scope, CBO estimates that the cost of the mandates would be small.

The CBO staff contacts for this estimate are Aaron Krupkin (for federal costs) and Brandon Lever (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.