To reduce passenger, crewmember, and airport personnel risk of exposure to COVID–19, decrease the risk of transmission of COVID–19 on board aircraft and to United States destination communities through air travel, and protect children and other vulnerable individuals by preventing further spread of COVID–19 in the United States.

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on ________________

A BILL

To reduce passenger, crewmember, and airport personnel risk of exposure to COVID–19, decrease the risk of transmission of COVID–19 on board aircraft and to United States destination communities through air travel, and protect children and other vulnerable individuals by preventing further spread of COVID–19 in the United States.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “U.S. Air Travel Public

Safety Act”.

1

2

3

4

5
SEC. 2. DOMESTIC AIR TRANSPORTATION WITHIN THE UNITED STATES.

(a) Travel Requirement.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), in consultation with the Federal Aviation Administration, shall develop national vaccination verification standards and procedures in accordance with this section. Such standards and procedures shall require that all covered air carriers require that, before any passenger may board an aircraft for a covered flight, such passenger shall—

(1) provide the covered air carrier with documentation demonstrating that the passenger is fully vaccinated (as defined by the Secretary or any successor guidance) against the COVID–19 (SARS–CoV–2) novel coronavirus; or

(2) attest under penalty of perjury that the passenger has adhered to the international travel recommendations and requirements for individuals who are not fully vaccinated (issued by the Centers for Disease Control and Prevention) prior to boarding, including requirements to provide proof of a negative pre-departure qualifying test result for SARS–CoV–2 or, alternatively, written or electronic documentation of recovery from COVID–19 after previous SARS–CoV–2 infection, in accordance with the Cen-
ters for Disease Control and Prevention’s testing re-
quirements and applicable guidance.

(b) Regulations.—

(1) In general.—The Secretary shall promul-
gate interim final rules to ensure that the standards
and procedures developed under subsection (a) are
applied to covered air carriers beginning on the date
that is not later than 30 days after the date of en-
actment of this Act.

(2) Exception.—The interim final rules pro-
mulgated under paragraph (1) shall include a list of
those categories of individuals and organizations
that are exempt from the standards and procedures
developed under this section. Such list shall be devel-
oped by the Secretary in accordance with the Cen-
ters for Disease Control and Prevention’s applicable
guidance.

(c) Definitions.—In this section:

(1) Air carrier.—The term “air carrier” has
the meaning given that term in section 40102 of
title 49, United States Code.

(2) Aircraft.—The term “aircraft” has the
meaning given that term in section 40102 of title
49, United States Code.
(3) AIRPORT.—The term “airport” has the meaning given that term in section 40102 of title 49, United States Code.

(4) ATTEST; ATTESTATION.—The terms “attest” and “attestation” with respect to a passenger mean the passenger having completed the attestation described in this section. Such attestation may be completed in written or electronic form. The attestation is a statement, writing, entry, or other representation under section 1001 of title 18, United States Code.

(5) COVERED AIR CARRIER.—The term “covered air carrier” means—

(A) any air carrier engaged in passenger-carrying operations; or

(B) any foreign air carrier authorized to engage in passenger-carrying operations.

(6) COVERED FLIGHT.—The term “covered flight” means a flight of a covered carrier that is scheduled to depart from, and arrive at, an airport located in the United States.

(7) DOCUMENTATION OF RECOVERY.—The term “documentation of recovery” with respect to a passenger means a confirmation that—
(A) the passenger has presented documentation of a positive test result and a signed letter on official letterhead that contains the name, address, and phone number of a licensed health care provider or public health official stating that the passenger has been cleared for travel;

(B) the positive test result occurred within the last three months (90 days) preceding the passenger’s flight in the United States, or at such other intervals as specified in guidance issued by the Secretary;

(C) the personal identifiers (including the name and date of birth) on the positive test result and signed letter match the personal identifiers on the passenger’s passport or other travel documents;

(D) the test performed was a viral test; and

(E) the test result states “POSITIVE”, “SARS-CoV-2 RNA DETECTED”, “SARS-CoV-2 ANTIGEN DETECTED”, or “COVID-19 DETECTED”.

A test marked “invalid” is not acceptable.
(8) Foreign Air Carrier.—The term “foreign air carrier” has the meaning given that term in section 40102 of title 49, United States Code.

(9) Qualifying Test Result.—The term “qualifying test result” with respect to a passenger means confirmation that—

(A) the personal identifiers (including the name and date of birth) on the negative Qualifying Test result match the personal identifiers on the passenger’s passport or other travel documents;

(B) the specimen was collected within the 3 days (or a lesser number of days if determined appropriate by the Secretary) preceding the flight’s departure;

(C) the test performed was a viral test; and

(D) the test result states “NEGATIVE”, “SARS-CoV-2 RNA NOT DETECTED”, “SARS-CoV-2 ANTIGEN NOT DETECTED”, or “COVID-19 NOT DETECTED”.

A test marked “invalid” is not acceptable.

(10) United States.—The term “United States” has the meaning given that term in section 40102 of title 49, United States Code.
SEC. 3. RECOMMENDATIONS FOR COVID–19 VACCINE USE.

Not later than 30 days after the date of enactment of this Act, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention shall review data on the transmission of COVID–19 in health care settings and among health care personnel in other settings, and develop and make recommendations for COVID–19 vaccine use on the basis of transmission in health care settings and among health care personnel in other settings.