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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To require the Director of U.S. Immigration and Customs Enforcement to ensure that foreign nationals test negative for SARS-CoV-2 before repatriation or removal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NADLER introduced the following bill; which was referred to the
Committee on _____

A BILL

To require the Director of U.S. Immigration and Customs Enforcement to ensure that foreign nationals test negative for SARS-CoV-2 before repatriation or removal, 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 “Coronavirus Contain-
5 ment Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) U.S. Immigration and Customs Enforce-
2 ment repatriated or attempted to repatriate dozens
3 of foreign nationals who tested positive for SARS-
4 CoV-2 prior to departure from the United States or
5 upon arrival in their country of destination.

6 (2) Haiti is one of the most vulnerable nations
7 in the world to SARS-CoV-2 with only a few dozen
8 ventilators for 11 million people. Yet, in April 2020,
9 multiple individuals who were repatriated or other-
10 wise removed to Haiti on a single flight tested posi-
11 tive for SARS-CoV-2 upon their arrival. In May,
12 U.S. Immigration and Customs Enforcement
13 planned to repatriate more than 100 individuals to
14 Haiti, including individuals known to have COVID-
15 19, but abandoned these plans after media scrutiny
16 and pressure from the Haitian government.

17 (3) As of mid-May 2020, more than 100 indi-
18 viduals have tested positive for SARS-CoV-2 upon
19 arrival in Guatemala, prompting Guatemala to sus-
20 pend repatriation flights from the United States on
21 several occasions.

22 (4) U.S. Immigration and Customs Enforce-
23 ment's patch work approach to the screening and
24 testing of deportees prior to repatriation has failed,
25 leading to the removal of dozens of individuals in-

1 fected with SARS–CoV–2 to countries with over-
2 taxed healthcare infrastructures, furthering the glob-
3 al spread of the disease.

4 **SEC. 3. TESTING BEFORE REPATRIATION OR REMOVAL.**

5 (a) IN GENERAL.—During the period described in
6 subsection (c), the Director of U.S. Immigration and Cus-
7 toms Enforcement shall, prior to the repatriation or re-
8 moval of any individual—

9 (1) conduct a viral test to determine if such an
10 individual is infected with SARS–CoV–2; and

11 (2) engage with the receiving country to ensure,
12 subject to subsection (b), that such an individual can
13 be safely removed or otherwise repatriated.

14 (b) LIMITATION ON REPATRIATION OR REMOVAL.—
15 In the case that an individual tested under subsection
16 (a)(1) tests positive for SARS–CoV–2, such individual
17 may not be removed or otherwise repatriated until such
18 individual—

19 (1) exhibits no symptoms of COVID–19 for at
20 least 10 days; and

21 (2) is administered 2 additional viral tests more
22 than 24 hours apart and tests negative for SARS–
23 CoV–2 each time such a viral test is administered.

24 (c) PERIOD DESCRIBED.—The period described in
25 this section is the period beginning on the date of the en-

1 actment of this Act and ending 180 days after the date
2 on which the public health emergency declared by the Sec-
3 retary of Health and Human Services under section 319
4 of the Public Health Service Act (42 U.S.C. 247d) with
5 respect to COVID–19 is terminated.

6 **SEC. 4. REPORTING REQUIREMENTS.**

7 Not later than 60 days after the date of the enact-
8 ment of this Act, the Director of U.S. Immigration and
9 Customs Enforcement shall publish on its public website,
10 and update on a weekly basis, information related to test-
11 ing of individuals it intends to remove or repatriate. Such
12 information shall be delineated by facility and shall in-
13 clude—

14 (1) the number of removals and repatriations,
15 delineated by country of origin;

16 (2) the results of the viral tests administered to
17 individuals U.S. Immigration and Customs Enforce-
18 ment intends to remove or repatriate; and

19 (3) in the case of individuals U.S. Immigration
20 and Customs Enforcement intends to remove or re-
21 patriate who test positive for SARS–CoV–2, the av-
22 erage length of stay in detention for such individ-
23 uals.

24 **SEC. 5. DEFINITIONS.**

25 In this Act:

1 (1) SYMPTOMS OF COVID-19.—The term “symp-
2 toms of COVID-19” includes—

3 (A) fever or chills;

4 (B) cough;

5 (C) shortness of breath or difficulty
6 breathing;

7 (D) fatigue;

8 (E) muscle or body aches;

9 (F) headaches;

10 (G) new loss of taste or smell;

11 (H) sore throat;

12 (I) congestion or runny nose;

13 (J) nausea or vomiting;

14 (K) diarrhea; or

15 (L) any other symptom that the Director
16 of the Centers for Disease Control and Preven-
17 tion determines to be a symptom of COVID-19.

18 (2) VIRAL TEST.—The term “viral test” means
19 a diagnostic test with respect to SARS-CoV-2 that
20 is approved, cleared, or authorized under section
21 510(k), 513, 515 or 564 of the Federal Food, Drug,
22 and Cosmetic Act (21 U.S.C. 360(k), 360e, 360e, or
23 360bbb-3).