

117TH CONGRESS  
1ST SESSION

# S. 2888

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

SEPTEMBER 29, 2021

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## 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.

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 “U.S. Air Travel Public  
5 Safety Act”.

1 **SEC. 2. DOMESTIC AIR TRANSPORTATION WITHIN THE**  
2 **UNITED STATES.**

3 (a) TRAVEL REQUIREMENT.—The Secretary of  
4 Health and Human Services (referred to in this section  
5 as the “Secretary”), in consultation with the Federal Avia-  
6 tion Administration, shall develop national vaccination  
7 verification standards and procedures in accordance with  
8 this section. Such standards and procedures shall require  
9 that all covered air carriers require that, before any pas-  
10 senger may board an aircraft for a covered flight, such  
11 passenger shall—

12 (1) provide the covered air carrier with docu-  
13 mentation demonstrating that the passenger is fully  
14 vaccinated (as defined by the Secretary or any suc-  
15 cessor guidance) against the COVID–19 (SARS–  
16 CoV–2) novel coronavirus; or

17 (2) attest under penalty of perjury that the pas-  
18 senger has adhered to the international travel rec-  
19 ommendations and requirements for individuals who  
20 are not fully vaccinated (issued by the Centers for  
21 Disease Control and Prevention) prior to boarding,  
22 including requirements to provide proof of a negative  
23 pre-departure qualifying test result for SARS–CoV–  
24 2 or, alternatively, written or electronic documenta-  
25 tion of recovery from COVID–19 after previous  
26 SARS–CoV–2 infection, in accordance with the Cen-

1       ters for Disease Control and Prevention’s testing re-  
2       quirements and applicable guidance.

3       (b) REGULATIONS.—

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

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

18       (c) DEFINITIONS.—In this section:

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

22           (2) AIRCRAFT.—The term “aircraft” has the  
23       meaning given that term in section 40102 of title  
24       49, United States Code.

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

4           (4) ATTEST; ATTESTATION.—The terms “at-  
5 test” and “attestation” with respect to a passenger  
6 mean the passenger having completed the attestation  
7 described in this section. Such attestation may be  
8 completed in written or electronic form. The attesta-  
9 tion is a statement, writing, entry, or other rep-  
10 resentation under section 1001 of title 18, United  
11 States Code.

12           (5) COVERED AIR CARRIER.—The term “cov-  
13 ered air carrier” means—

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

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

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

22           (7) DOCUMENTATION OF RECOVERY.—The  
23 term “documentation of recovery” with respect to a  
24 passenger means a confirmation that—

1 (A) the passenger has presented docu-  
2 mentation of a positive test result and a signed  
3 letter on official letterhead that contains the  
4 name, address, and phone number of a licensed  
5 health care provider or public health official  
6 stating that the passenger has been cleared for  
7 travel;

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

13 (C) the personal identifiers (including the  
14 name and date of birth) on the positive test re-  
15 sult and signed letter match the personal identi-  
16 fiers on the passenger's passport or other travel  
17 documents;

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

20 (E) the test result states "POSITIVE",  
21 "SARS-CoV-2 RNA DETECTED", "SARS-  
22 CoV-2 ANTIGEN DETECTED", or "COVID-  
23 19 DETECTED".

24 A test marked "invalid" is not acceptable.

1           (8) FOREIGN AIR CARRIER.—The term “foreign  
2 air carrier” has the meaning given that term in sec-  
3 tion 40102 of title 49, United States Code.

4           (9) QUALIFYING TEST RESULT.—The term  
5 “qualifying test result” with respect to a passenger  
6 means confirmation that—

7           (A) the personal identifiers (including the  
8 name and date of birth) on the negative Quali-  
9 fying Test result match the personal identifiers  
10 on the passenger’s passport or other travel doc-  
11 uments;

12           (B) the specimen was collected within the  
13 3 days (or a lesser number of days if deter-  
14 mined appropriate by the Secretary) preceding  
15 the flight’s departure;

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

18           (D) the test result states “NEGATIVE”,  
19 “SARS-CoV-2 RNA NOT DETECTED”,  
20 “SARS-CoV-2 ANTIGEN NOT DE-  
21 TECTED”, or “COVID-19 NOT DE-  
22 TECTED”.

23 A test marked “invalid” is not acceptable.

1           (10) UNITED STATES.—The term “United  
2 States” has the meaning given that term in section  
3 40102 of title 49, United States Code.

4 **SEC. 3. RECOMMENDATIONS FOR COVID-19 VACCINE USE.**

5           Not later than 30 days after the date of enactment  
6 of this Act, the Advisory Committee on Immunization  
7 Practices of the Centers for Disease Control and Preven-  
8 tion shall review data on the transmission of COVID-19  
9 in health care settings and among health care personnel  
10 in other settings, and develop and make recommendations  
11 for COVID-19 vaccine use on the basis of transmission  
12 in health care settings and among health care personnel  
13 in other settings.

○