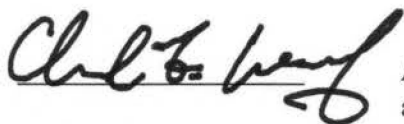


Decision Document

CBP/TSA Notice: Notification of Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled from or Were Otherwise Present Within the United Kingdom or the Republic of Ireland



Approve the notice for publication in the Federal Register and delegate the authority to electronically sign the document to Christina E. McDonald, the Federal Register Liaison for DHS.

Disapprove the notice for publication in the Federal Register and do not delegate the authority to electronically sign the document to Christina E. McDonald, the Federal Register Liaison for DHS.

Modify per further instructions.

Needs discussion.

MAR 16 2020

Date.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Chapter I

Transportation Security Administration

49 CFR Chapter XII

Notification of Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled from or Were Otherwise Present Within the United Kingdom or the Republic of Ireland

AGENCY: U.S. Customs and Border Protection and U.S. Transportation Security Administration, Department of Homeland Security.

ACTION: Notification of arrival restrictions.

SUMMARY: This document announces the decision of the Secretary of Homeland Security (DHS) to direct all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland to arrive at one of the United States airports where the United States Government is focusing public health resources.

This document updates the previous decisions of the Secretary of DHS: (1) to direct all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, the People's Republic of China (excluding the Special Regions of Hong Kong and Macau) to arrive at one of the United States airports where

the United States Government is focusing public health resources (effective February 2, 2020); (2) to direct all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, the Islamic Republic of Iran to arrive at one of the United States airports where the United States Government is focusing public health resources (effective March 2, 2020); and (3) to direct all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, the countries of the Schengen Area, to arrive at one of the United States airports where the United States Government is focusing public health resources (effective March 13, 2020).

DATES: Flights departing after 11:59 pm Eastern Daylight Time (EDT) on Monday, March 16, 2020, and covered by the arrival restrictions regarding the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland are required to land at one of the airports identified in this document. These arrival restrictions will continue until cancelled or modified by the Secretary of DHS and notification is published in the **Federal Register** of such cancellation or modification.

FOR FURTHER INFORMATION CONTACT: Matthew S. Davies, Office of Field Operations, U.S. Customs and Border Protection (CBP) at 202-325-2073.

SUPPLEMENTARY INFORMATION:

Background

Coronaviruses are a large family of viruses that are common in many different species of animals, including camels, cattle, cats, and bats. While it is rare, animal coronaviruses can infect people, and then spread between people (human-to-human) such

as with Middle East Respiratory Syndrome and Severe Acute Respiratory Syndrome. The United States Government is closely monitoring an outbreak of respiratory illness caused by human-to-human transmission of a novel (new) coronavirus (which has since been renamed “SARS-CoV-2” and causes the disease COVID-19), first identified in Wuhan City, Hubei Province, People’s Republic of China.

The potential for widespread transmission of this virus by infected individuals seeking to enter the United States threatens the security of our transportation system and infrastructure, and the national security. Noting recent pronouncements by the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC) for the novel coronavirus outbreak, including the categorization by WHO of COVID-19 as a pandemic on March 11, 2020, and to assist in preventing the introduction, transmission, and spread of this communicable disease globally and in the United States, DHS, in coordination with CDC and other Federal, state and local agencies charged with protecting the American public, is implementing enhanced protocols to ensure that all travelers seeking to enter the United States with recent travel from, or who were otherwise recently present within, the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland are provided appropriate public health services.

The enhanced arrival protocols concerning travelers with recent travel from, or who were otherwise recently present within, the People’s Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, identified in the documents published at 85 FR 6044 on February 4, 2020 and 85 FR 7214 on February 7, 2020, also remain in place, except that flights are permitted to land at two additional

airports pursuant to the notification posted on the **Federal Register** public inspection page on March 13, 2020. The enhanced arrival protocols concerning travelers with recent travel from, or who were otherwise present within, the Islamic Republic of Iran, identified in the document published at 85 FR 12731 on March 4, 2020, also remain in place except that flights are permitted to land at two additional airports pursuant to the notification posted on the **Federal Register** public inspection page on March 13, 2020. Travelers with recent travel from, or who were otherwise present within, the countries of the Schengen Area also remain in place, identified in the document posted on the **Federal Register** public inspection page on March 13, 2020.

Enhanced traveler arrival protocols are part of a layered approach used with other public health measures already in place to detect arriving travelers who are exhibiting overt signs of illness. Additional measures include requiring carriers to distribute a Centers for Disease Control and Prevention (CDC) health declaration form to passengers on flights originating in the People's Republic of China, excluding the Special Administrative Regions of Hong Kong and Macau, the Islamic Republic of Iran, specified countries in the Schengen Area, the United Kingdom (excluding overseas territories outside Europe), and the Republic of Ireland to support CDC passenger health screening and contact tracing. U.S. Government Representatives will collect this form from passengers upon arrival in the United States. Other measures to protect the public include reporting ill travelers identified by carriers during travel to appropriate public health officials for evaluation, and referring ill travelers arriving at a U.S. port of entry by CBP to appropriate public health officials in order to slow and prevent the introduction into, and transmission and spread of, communicable disease in the United States.

To ensure that travelers with recent presence in the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland are screened appropriately, DHS directs that all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland arrive at airports where enhanced public health services and protocols have been implemented. Although DHS will continue to work with carriers to ensure that they identify potential persons who traveled from, or who have otherwise recently been present within, the affected areas prior to boarding, carriers shall comply with the requirements of this document in all cases, including when such persons are identified after boarding but prior to takeoff.

On Friday, January 31, 2020, DHS posted a document on the **Federal Register** public inspection page, announcing the DHS Secretary's decision that arrival restrictions regarding the People's Republic of China (excluding the Special Administrative Regions of Hong Kong and Macau) would go into effect at 5 pm Eastern Daylight Time on Sunday, February 2, 2020, at seven airports. The document announcing this decision was published in the **Federal Register** on February 4, 2020 at 85 FR 6044. On Friday, February 7, 2020, DHS published a document adding four airports to the list of airports where flights subject to the arrival restrictions are permitted to land and describing when the arrival restrictions would include those airports. *See* 85 FR 7214. On Friday, March 13, 2020, DHS posted a document on the **Federal Register** public inspection page adding two airports to the list of airports where flights subject to the arrival restrictions are permitted to land.

As with actions related to the People's Republic of China, the Islamic Republic of Iran and the countries of the Schengen Area, DHS anticipates that airlines will be able to fully support implementation of these arrival restrictions.

Notification of Arrival Restrictions Applicable to All Flights Carrying Persons Who Have Recently Traveled from or Were Otherwise Present Within the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland

Pursuant to 19 U.S.C. 1433(c), 19 CFR 122.32, 49 U.S.C. 114, and 49 CFR 1544.305 and 1546.105, DHS has the authority to limit the locations where all flights entering the U.S. from abroad may land. Under this authority and effective for flights departing after 11:59 pm Eastern Daylight Time on Monday, March 16, 2020, I hereby direct all operators of aircraft to ensure that all flights carrying persons who have recently traveled from, or were otherwise present within, the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland only land at one of the following airports:

- John F. Kennedy International Airport (JFK), New York;
- Chicago O'Hare International Airport (ORD), Illinois;
- San Francisco International Airport (SFO), California;
- Seattle-Tacoma International Airport (SEA), Washington;
- Daniel K. Inouye International Airport (HNL), Hawaii;
- Los Angeles International Airport, (LAX), California;
- Hartsfield-Jackson Atlanta International Airport (ATL), Georgia;
- Washington-Dulles International Airport (IAD), Virginia;

- Newark Liberty International Airport (EWR), New Jersey;
- Dallas/Fort Worth International Airport (DFW), Texas;
- Detroit Metropolitan Airport (DTW), Michigan;
- Boston Logan International Airport (BOS), Massachusetts; and
- Miami International Airport (MIA), Florida.

This direction considers a person to have recently traveled from, or otherwise been present within, the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland if that person departed from, or was otherwise present within, the United Kingdom, excluding overseas territories outside of Europe, or the Republic of Ireland within 14 days of the date of the person's entry or attempted entry into the United States.

For purposes of this document, crew and flights carrying only cargo (i.e., no passengers or non-crew) are excluded from the applicable measures set forth in this notice.

This direction is subject to any changes to the airport landing destination that may be required for aircraft and/or airspace safety, as directed by the Federal Aviation Administration.

This list of affected airports may be modified by the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Secretary of Transportation. This list of affected airports may be modified by an updated publication in the **Federal Register** or by posting an advisory to follow at www.cbp.gov. The restrictions will remain in effect until superseded, modified, or revoked by publication in the **Federal Register**.

For purposes of this **Federal Register** document, "United States" means the States of the United States, the District of Columbia, and territories and possessions of the United States (including Puerto Rico, the U.S. Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam).

A handwritten signature in black ink, appearing to read "Chad F. Wolf", is written over a horizontal line.

Chad F. Wolf
Acting Secretary,
U.S. Department of Homeland Security



**Homeland
Security**

March 16, 2020

**AMENDED NATIONAL INTEREST EXEMPTION
FROM MARCH 11 AND 14 PRESIDENTIAL PROCLAMATIONS SUSPENDING
ENTRY OF IMMIGRANTS AND NONIMMIGRANTS OF CERTAIN ADDITIONAL
PERSONS WHO POSE A RISK OF TRANSMITTING 2019 NOVEL CORONAVIRUS**

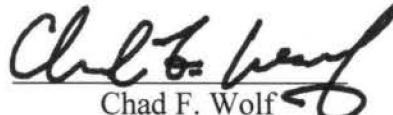
On March 13, 2020, I determined that the entry of aliens already then aboard cruise ships destined for the United States and subject to the entry suspension of Proclamation 9993, issued March 11, 2020—which includes/involves aliens who had been physically present in the Schengen Area within the 14-day period preceding their entry or attempted entry into the United States—were exempt from the application of the Proclamation as it was in the national interest to exempt these individuals.

On March 14, 2020, the President issued a Proclamation suspending the entry of aliens who were physically present within the United Kingdom or the Republic of Ireland during the 14-day period preceding their entry or attempted entry into the United States.

Because the March 14, 2020 Proclamation contains the same “national interest” exception as Proclamation 9993, and because the factors underlying my national interest determination of March 13, 2020, apply with equal force to cruise ship passengers who had been physically present within the United Kingdom or the Republic of Ireland during the 14-day period preceding their entry or attempted entry into the United States, I have determined to apply this national interest exception to these aliens as well. The factors underlying this determination include the safety of the cruise ship passengers otherwise subject to the entry suspension, the potential impacts to Department operations, and the health and safety of the Department’s frontline personnel. Further, individuals from the UK and Ireland are passengers aboard the same cruise ships as those from the Schengen Area, and providing all such passengers the same opportunity to return safely and efficiently to their home countries is in the national interest of the United States.

Accordingly, I hereby amend my March 13, 2020, national interest exemption to apply to all aliens now onboard cruise ships returning to the United States and who would otherwise be subject to Proclamation 9993 or the President’s March 14, 2020 Proclamation. As stated in my March 13, 2020, determination, this exemption will permit affected aliens to enter the United States for the purpose of returning to their home countries and may not be utilized to extend their stay in the United States.

Accordingly, unless otherwise specifically authorized, Department officials will permit these aliens to enter the United States so that they may arrange for their prompt return to their home countries. Department officials will also work closely with Centers for Disease Control and Prevention officials to ensure that these aliens are provided appropriate guidance for taking the appropriate health measures until boarding an aircraft home. This amended exemption shall remain in effect through March 28, 2020.



Chad F. Wolf
Acting Secretary



U.S. Customs and Border Protection

Carrier Liaison Program

March 13, 2020

CLP@dhs.gov

Presidential Proclamation – Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus

- On March 11, the President of the United States signed a Presidential Proclamation titled: “Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus”.
 - Effective at 11:59 p.m. Eastern Daylight Time (EDT) on March 13, 2020, in accordance with this Proclamation, the entry into the United States of all aliens, with certain exceptions, who have been physically present in the Schengen Area during the 14-day period preceding their entry or attempted entry into the United States, is suspended.
 - CBP will begin enforcement of this proclamation as it relates to any travelers that arrive in the United States on flights that departed after 11:59pm EDT on March 13, 2020.
- There are twenty-six countries in the Schengen area: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.
- This guidance is in addition to the previous travel proclamations, which are still effective:
 - On January 31, 2020, Presidential Proclamation 9984 titled “Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures to Address this Risk.”
 - On February 29, 2020, Presidential Proclamation 9992 titled “Suspension of Entry as Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting 2019 Novel Coronavirus.”
- The suspension of entry under the proclamation does not apply to:
 - i. any lawful permanent resident of the United States;
 - ii. any alien who is the spouse of a U.S. citizen or lawful permanent resident;
 - iii. any alien who is the parent or legal guardian of a U.S. citizen or lawful permanent resident, provided that the U.S. citizen or lawful permanent resident is unmarried and under the age of 21;
 - iv. any alien who is the sibling of a U.S. citizen or lawful permanent resident, provided that both are unmarried and under the age of 21;
 - v. any alien who is the child, foster child, or ward of a U.S. citizen or lawful permanent resident, or who is a prospective adoptee seeking to enter the United States pursuant to the IR-4 or IH-4 visa classifications;
 - vi. any alien traveling at the invitation of the United States Government for a purpose related to containment or mitigation of the virus;
 - vii. any alien traveling as a nonimmigrant pursuant to a C-1, D, or C-1/D nonimmigrant visa as a crewmember or any alien otherwise traveling to the United States as air or sea crew;
 - viii. any alien

- A. seeking entry into or transiting the United States pursuant to an A-1, A-2, C-2, C-3 (as a foreign government official or immediate family member of an official), E-1 (as an employee of TECRO or TECO or the employee's immediate family members), G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 visa (or seeking to enter as a nonimmigrant in one of those NATO categories);
 - B. whose travel falls within the scope of section 11 of the United Nations Headquarters Agreement;
 - ix. any alien whose entry would not pose a significant risk of introducing, transmitting, or spreading the virus, as determined by the Secretary of Health and Human Services, through the Centers for Disease Control and Prevention Director, or his designee;
 - x. any alien whose entry would further important United States law enforcement objectives, as determined by the Secretary of State, the Secretary of Homeland Security, or their respective designees, based on a recommendation of the Attorney General or his designee;
 - xi. any alien whose entry would be in the national interest, as determined by the Secretary of State, the Secretary of Homeland Security, or their designees; or
 - xii. members of the U.S. Armed Forces, spouses, and children of members of the U.S. Armed Forces.
- Also effective for flights departing after 11:59 p.m. EDT on March 13, 2020, the Secretary of Homeland Security directed all flights to the United States¹ carrying persons who have recently traveled from, or were otherwise present within, the Schengen Area within 14 days of the person's entry or attempted entry into the United States to arrive at one of the 13 designated United States airports where the United States government is focusing public health resources to implement enhanced screening procedures. Crew, and flights carrying only cargo (i.e., no passengers or non-crew), are excluded from this requirement. This includes deadheading crew.
 - Those 13 designated airports are:
 - John F. Kennedy International Airport (JFK), New York;
 - Chicago O'Hare International Airport (ORD), Illinois;
 - San Francisco International Airport (SFO), California;
 - Seattle-Tacoma International Airport (SEA), Washington;
 - Daniel K. Inouye International Airport (HNL), Hawaii;
 - Los Angeles International Airport (LAX), California;
 - Hartsfield-Jackson Atlanta International Airport (ATL), Georgia;
 - Washington-Dulles International Airport (IAD), Virginia;
 - Newark-Liberty International Airport (EWR), New Jersey;
 - Dallas-Fort Worth International Airport (DFW), Texas; and
 - Detroit Metropolitan Airport (DTW), Michigan
 - Boston Logan International Airport (BOS), Massachusetts; and
 - Miami International Airport (MIA), Florida.
 - This list of affected airports may be modified by an updated publication in the Federal Register or by posting an advisory to follow at www.cbp.gov.
 - Aliens excepted by the proclamation who have been present in the Schengen Area within the prior 14 days and who are seeking to enter the United States at an international airport must possess a valid passport and valid visa or other permissible travel authorization, and one of the following:
 - An I-551 (Green Card);
 - An A-1, A-2, C-2, C-3, E-1, G-1, G-2, G-3, G-4, NATO-1 through NATO-4, or NATO-6 visa;
 - A C-1, D, or C-1/D visa;

¹ For purposes of this Notice, "United States" is defined as "the States of the United States, the District of Columbia, and territories and possessions of the United States (including Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and Guam).

- An advance parole document;
 - Documentation evidencing that the alien is traveling at the invitation of the United States government for a purpose related to containment or mitigation of the virus;
 - Other documentation from the U.S. Department of Homeland Security, U.S. Customs and Border Protection, or U.S. Department of State indicating that the alien has been determined to fall within an exception identified above; or
 - For potential exceptions related to spouses, parents, siblings, or children of U.S. citizens or lawful permanent residents, documentary evidence of the qualifying relationship and status of the relative, along with travel documents that would ordinarily be required for the stated purpose of the alien's travel.
- Sections 271 and 273(b) of the Immigration and Nationality Act provide that it is unlawful for commercial carriers to transport improperly documented aliens to the United States. Carriers that transport aliens subject to the Presidential proclamation may be subject to a carrier fine for each alien brought to the United States.
 - Carriers are advised to take measures to ensure compliance with the terms of the proclamations and the Federal Register notice of March 13, and those published at 85 FR 6044 on February 4, 85 FR 7214 on February 7, and 85 FR 12731 on March 4. Any questions concerning the scope or implementation of the proclamations and the Federal Register notices, including the authorization for any alien to board an aircraft or otherwise travel to the United States to seek admission, should be directed to the appropriate Regional Carrier Liaison Group or other designated CBP official for adjudication prior to aircraft departure.

Regional Carrier Liaison Group:

RCLG	SERVICE AREA	PHONE NUMBER
Honolulu	Asia, Pacific Rim	808-237-4632
Miami	Latin America, Caribbean	305-874-5444
New York	Europe, Africa, Mid-East	718-553-1783



Homeland Security

March 24, 2020

The Honorable Bennie Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Thompson:

Thank you for your March 12, 2020 letter to the Department of Homeland Security (DHS). Acting Secretary Wolf has asked that I respond on his behalf.

Enclosed please find the March 11, 2020 Presidential Proclamation, as well as several other DHS documents which outline the restrictions on certain travel to the United States with respect to the Schengen Area of Europe, the reasons for the swift implementation of these measures, and details on the implementation process. In addition, on March 14, 2020, the President issued a proclamation restricting certain travel pertaining to the United Kingdom (excluding overseas territories outside of Europe) and the Republic of Ireland.

With exceptions specified in the proclamations, most foreign nationals who have been physically present in mainland China, Iran, Ireland, the United Kingdom, or the Schengen Area within 14 days of their arrival at a U.S. port of entry (POE) will be denied entry into the United States. Additionally, any travelers excepted from the proclamations who have been anywhere in mainland China, Iran, Ireland, the United Kingdom, or the Schengen (excluding overseas territories outside of Europe) or the Schengen Area within 14 days of their entry will be referred to DHS medical contractors or the Centers for Disease Control and Prevention (CDC) for enhanced health screening.

The highest priority of the Department is to ensure the health, safety and security of its workforce and the American people. As U.S. Customs and Border Protection (CBP) Officers and Agents identify travelers exhibiting overt signs of illness or having a travel nexus to a country identified in the Presidential Proclamations, they refer those individuals to medical professionals for public health screening. From February 2 - March 22, 2020, CBP had referred more than 237,901 travelers at U.S. air, land and sea POEs to the CDC or DHS medical contractors for enhanced health screening.

While we cannot entirely prevent the global spread of COVID-19 or emerging infectious diseases in general, DHS works tirelessly to help minimize risks to travelers and support efforts to delay and mitigate the spread of outbreaks in the United States. We will continue to work with our partner agencies to implement layered, risk-based measures, including, but not limited to: pre-departure, en route and upon arrival. Additionally, U.S. Government efforts must be undertaken collaboratively with other partner nations to extend our border outward.

DHS will continue to collaborate and communicate with federal partners to include the Departments of Health and Human Services, Transportation, and State, state and local government officials, private sector stakeholders in the travel and trade industries, as well as our foreign counterparts in Canada, Mexico, Europe, and across the world.

Thank you for your continued support of the Department as our Nation navigates through the challenges of this global pandemic. If you have additional questions, please contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron L. Calkins', with a stylized flourish at the end.

Aaron L. Calkins
Acting Assistant Secretary for Legislative Affairs

Enclosures

Cc: The Honorable Mike Rogers
Ranking Member



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

March 12, 2020

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

RECEIVED

By ESEC at 9:19 am, Mar 13, 2020

The Honorable Alex M. Azar, II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dr. Robert R. Redfield, M.D.
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Acting Secretary Wolf, Secretary Azar, and Director Redfield:

I write today to seek documents and information regarding the ban on travel from certain European countries and additional policy changes announced by President Trump as part of the ongoing effort to combat the coronavirus pandemic. The President's remarks last night did not include any announced plans to increase testing for the coronavirus even though it is clearly spreading within the United States or to ensure hospital surge capacity to treat Americans who become ill. Based on all available data, mitigating the spread of this disease requires a comprehensive approach that encompasses our entire health care system rather than just containment measures targeted at foreign nationals.

Further, although the policies the President announced have enormous and immediate consequences for millions of people, few practical details were explained. And then, almost as soon as the President concluded his remarks last night, statements and guidance contradicting his statements began to be issued, including by the President himself. For example, during his remarks, the President stated that the travel ban "will not only apply to the tremendous amount of

trade and cargo, but various other things as we get approval.”¹ However, the President later tweeted “that trade will in no way be affected by the 30-day restriction on travel from Europe. The restriction stops people not goods.”²

Such poor communication only increases the confusion and anxiety that Americans are already experiencing. Rather than calming the public, the President’s address further roiled global markets and led to large crowds converging at European airports—terrible results during a global pandemic.

During his remarks, the President did not clarify the countries encompassed by the term “Europe,” but according to the Proclamation issued by the White House following the President’s address, the term “Europe” encompasses 26 countries belonging to the Schengen area. If, as the Administration believes, it is necessary to ban travel from Europe now that the coronavirus is already being transmitted in the United States, it is unclear why several countries that are located within Europe but that are not part of the Schengen area can be excluded from the travel ban even if there are confirmed cases of COVID-19 in those countries. For example, according to the Department of Health and Social Care in the United Kingdom (U.K.), as of today, there were 590 confirmed positive coronavirus tests in the U.K.³

Many other practical questions arise. For example, the Proclamation states that with only a few exceptions such as for U.S. citizens, lawful permanent residents, or their family members, “The entry into the United States, as immigrants or nonimmigrants, of all aliens who were physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry into the United States is hereby suspended.”⁴ How will this ban be enforced at our land borders, including the Northern Border? For example, if a national from the Schengen area does not have a stamp showing the exact date of entry into Canada and prior travel history, will that individual be denied entry?

Airlines were already cutting flights on routes between the U.S. and Europe prior to the announcement of this travel ban.⁵ This travel ban will likely cause flight capacity to plummet and significantly raise the cost of travel. Will any special provisions be made for foreign nationals

¹ The White House, Remarks by President Trump in Address to the Nation (March 11, 2020) (online at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-address-nation/>).

² Donald J. Trump, Twitter (March 11, 2020, 10:13 p.m.) (<https://twitter.com/realDonaldTrump/status/1237924658185469954>).

³ United Kingdom Department of Health and Social Care, Number of coronavirus (COVID-19) cases and risk in the UK (March 12, 2020) (online at <https://www.gov.uk/guidance/coronavirus-covid-19-information-for-the-public>).

⁴ *Id.*

⁵ CNN Business, *American and Delta slash US and overseas flights as coronavirus causes a plunge in bookings* (March 10, 2020) (online at www.cnn.com/2020/03/10/business/airline-flights-coronavirus/index.html).

from the Schengen area who are nearing the end of their authorized stay in the U.S. but are unable to get flights back to Europe?⁶

The President also announced last night that he had “met with the leaders of health insurance industry [*sic.*] who have agreed to waive all copayments for coronavirus treatments, extend insurance coverage to these treatments, and to prevent surprise medical billing.”⁷ However, media reports indicate that, in fact, insurance companies may not be waiving copayments for coronavirus treatments.⁸ It is also unclear whether copayments or other out-of-pocket costs for coronavirus treatment will be waived for federal employees—such as Transportation Security Officers and other employees of the Department of Homeland Security—who contract COVID-19 as part of their official duties and who receive insurance through the Federal Employee Health Benefits Program (FEHBP).

To ensure that the Committee has complete answers to these urgent questions, I write to request that you provide as soon as possible but no later than March 17, 2020, documents sufficient to show:

1. The rationale for banning travelers from the Schengen area but not travelers from European countries that are not part of the Schengen area or from any other countries;
2. Plans and procedures in place to evaluate and monitor all of the travelers continuing to arrive in the U.S. from all countries outside of the Schengen area where there are confirmed cases of COVID-19;
3. Plans and procedures in place to evaluate and monitor travelers from the Schengen area entering the U.S. at a land port of entry;
4. Plans and procedures in place to evaluate, monitor, and quarantine flight crews and the crews of ocean-going vessels arriving from Europe; and
5. Identification of the insurance companies that have agreed to waive all copayments for coronavirus treatments, including the insurance companies participating in the FEHBP that have agreed to waive all copayments and out-of-pocket costs for federal employees who contract COVID-19 as part of their official duties and their family members.

Sincerely,


BENNIE G. THOMPSON
Chairman

⁶ U.S. Department of State, Bureau of Consular Affairs, Visa Waiver Program (accessed on March 12, 2020) (online at <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visa-waiver-program.html>).

⁷ The White House, Remarks by President Trump in Address to the Nation (March 11, 2020) (online at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-address-nation/>).

⁸ Business Insider, *Trump made a major misstatement on national TV about how health insurers are paying for coronavirus care, and it reveals the dysfunction of his administration's response* (March 12, 2020) (online at <https://www.businessinsider.com/trump-significantly-misstates-how-health-insurers-pay-for-coronavirus-2020-3>).