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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Coronavirus Containment Act of 2020”.

4 SEC. 2. FINDINGS.

5 Congress finds the following:
(1) U.S. Immigration and Customs Enforcement repatriated or attempted to repatriate dozens of foreign nationals who tested positive for SARS–CoV–2 prior to departure from the United States or upon arrival in their country of destination.

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

(3) As of mid-May 2020, more than 100 individuals have tested positive for SARS–CoV–2 upon arrival in Guatemala, prompting Guatemala to suspend repatriation flights from the United States on several occasions.

(4) U.S. Immigration and Customs Enforcement’s patch work approach to the screening and testing of deportees prior to repatriation has failed, leading to the removal of dozens of individuals in-
fected with SARS–CoV–2 to countries with over-
taxed healthcare infrastructures, furthering the glo-
bal spread of the disease.

SEC. 3. TESTING BEFORE REPATRIATION OR REMOVAL.

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

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

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

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

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

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

(c) PERIOD DESCRIBED.—The period described in
this section is the period beginning on the date of the en-
section of this Act and ending 180 days after the date on which the public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID–19 is terminated.

SEC. 4. REPORTING REQUIREMENTS.

Not later than 60 days after the date of the enactment of this Act, the Director of U.S. Immigration and Customs Enforcement shall publish on its public website, and update on a weekly basis, information related to testing of individuals it intends to remove or repatriate. Such information shall be delineated by facility and shall include—

1. the number of removals and repatriations, delineated by country of origin;
2. the results of the viral tests administered to individuals U.S. Immigration and Customs Enforcement intends to remove or repatriate; and
3. in the case of individuals U.S. Immigration and Customs Enforcement intends to remove or repatriate who test positive for SARS–CoV–2, the average length of stay in detention for such individuals.

SEC. 5. DEFINITIONS.

In this Act:
(1) Symptoms of COVID-19.—The term “symptoms of COVID-19” includes—
   (A) fever or chills;
   (B) cough;
   (C) shortness of breath or difficulty breathing;
   (D) fatigue;
   (E) muscle or body aches;
   (F) headaches;
   (G) new loss of taste or smell;
   (H) sore throat;
   (I) congestion or runny nose;
   (J) nausea or vomiting;
   (K) diarrhea; or
   (L) any other symptom that the Director of the Centers for Disease Control and Prevention determines to be a symptom of COVID–19.

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