

**CENTERS FOR DISEASE CONTROL AND PREVENTION
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**ORDER UNDER SECTION 361
OF THE PUBLIC HEALTH SERVICE ACT (42 U.S.C. § 264)
AND 42 CODE OF FEDERAL REGULATIONS §§ 71.20 & 71.31(b)**

**REQUIREMENT FOR NEGATIVE PRE-DEPARTURE COVID-19 TEST RESULT
FOR ALL AIRLINE PASSENGERS ARRIVING INTO THE UNITED STATES
FROM THE UNITED KINGDOM (UK)**

SUMMARY:

Pursuant to 42 C.F.R. § 71.20 and as set forth in greater detail below, this Notice and Order prohibit the introduction into the United States of any airline passenger departing from the UK unless the passenger has a negative pre-departure test result for COVID-19. The test must be a viral test that was conducted on a specimen collected during the 3 calendar days preceding the flight's departure (Qualifying Test). Passengers must retain written or electronic documentation reflecting the negative Qualifying Test result presented to the airline and produce such results upon request to any U.S. government official or a cooperating state or local public health authority.

Pursuant to 42 C.F.R. § 71.31(b) and as set forth in greater detail below, this Notice and Order constitutes a controlled free pratique to any airline with an aircraft arriving into the United States from the UK. Pursuant to the controlled free pratique, the airline must comply with the following conditions in order to receive permission for the aircraft to enter and disembark passengers in the United States:

- Airline must verify that every passenger—2 years of age or older—onboard the flight has attested to having received a negative Qualifying Test result.
- Airline must confirm that every passenger onboard the aircraft has documentation reflecting a negative Qualifying Test result.

STATEMENT OF INTENT:

This Order shall be interpreted and implemented in a manner as to achieve the following paramount objectives:

- Preservation of human life;
- Preventing the further introduction, transmission, and spread of the virus that causes COVID-19 into the United States, including new virus variants;
- Preserving the health and safety of airline crew members, passengers, airport personnel, and communities; and
- Preserving hospital, healthcare, and emergency response resources within the United States.

DEFINITIONS:

Airline shall have the same definition as under 42 C.F.R. § 71.1(b).

Attest/Attestation means having completed the attestation in Attachment A. Such attestation may be completed in written or electronic form. The attestation is a statement, writing, entry, or other representation under 18 U.S.C. § 1001.

Confirm that every passenger onboard the aircraft has documentation reflecting a negative Qualifying Test result means confirmation that:

- 1) the personal identifiers (e.g., name and date of birth) on the Qualifying Test result match the personal identifiers on the passenger's passport or other travel documents;
- 2) the specimen was collected within 3 calendar days of the flight's departure;
- 3) the test performed was a viral test (as defined below); and
- 4) the test result states "NEGATIVE," "SARS-CoV-2 RNA NOT DETECTED," or "SARS-CoV-2 ANTIGEN NOT DETECTED."

Negative Pre-departure Test Result for COVID-19 or negative Qualifying Test result means documentation of a negative COVID-19 test taken within 3 calendar days of a flight's departure. Such documentation may be in paper or electronic formats as required by this Order. Testing must be performed using a viral test. The documentation must include sufficient verification information—such as the name and contact information for the laboratory or healthcare personnel who performed the test.

United Kingdom means the United Kingdom of Great Britain and Northern Ireland, commonly known as the United Kingdom and consisting of the countries of England, Scotland, Wales, and Northern Ireland.

United States has the same meaning as in 42 C.F.R. § 71.1(b).

Viral test means a viral detection test for current infection (i.e., a nucleic acid amplification test or a viral antigen test) approved or authorized by the relevant national authority for the detection of SARS-CoV-2.

EXEMPTIONS:

The following categories of individuals are exempt from the requirements of this Order:

- Airline crew members provided that they follow industry standard protocols for the prevention of COVID-19 as set forth in relevant Safety Alerts for Operators (SAFOs) issued by the Federal Aviation Administration (FAA).¹

¹https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2020/SAFO20009.pdf.

- Passengers who originate on flights outside the UK but connect through an airport in the UK on a transit flight with a connection time of no more than 24 hours.

BACKGROUND:

The COVID-19 pandemic has spread throughout the world. Individuals who travel may be at risk for exposure to SARS-CoV-2, the virus that causes COVID-19, before, during, and after travel. This could result in travelers further spreading the virus to others during travel, upon arrival in the United States, and at their destinations.

Over the last few weeks, the UK has faced a rapid increase in COVID-19 cases in South East England, leading to enhanced epidemiological and virological investigations. On December 14, 2020, Public Health England announced that a new variant of SARS-CoV-2 had been identified across the southeast of England (i.e., Kent and the surrounding areas).²

While it is known and expected that viruses constantly change through mutation leading to the emergence of new variants, preliminary analysis in the UK suggests that this SARS-CoV-2 variant may be more transmissible than previously circulating variants, with an estimated potential to increase the reproductive number (R_0) by 0.4 or greater with an estimated increased transmissibility of up to 70 percent.³ This new variant has emerged at a time of the year when there has traditionally been increased family and social mixing, and travel.

On December 19, 2020, in response to the emergence of this new variant, the countries comprising the UK announced stricter measures to be applied from December 20 and over the coming weeks, with affected areas going into a ‘Tier 4’ level with movement restrictions within and between more and less heavily affected areas. These measures have included recommendations for residents of the most affected areas to restrict movements and travel, including international travel, outside of these areas. The government of Scotland announced a travel ban between Scotland and the rest of the UK. In addition, the Netherlands issued a travel ban from the UK effective through January 1, 2021, and Belgium halted flight and train travel from the UK. Other countries have taken similar measures to restrict travel from the UK.⁴

On March 14, 2020, the United States issued a ‘Proclamation on the Suspension of Entry as

² <https://www.gov.uk/government/news/phe-investigating-a-novel-variant-of-covid-19>.

³ <https://www.ecdc.europa.eu/en/publications-data/threat-assessment-brief-rapid-increase-sars-cov-2-variant-united-kingdom>.

⁴ On December 20, 2020, Austria, Belgium, Italy, Ireland, Germany, France, and the Netherlands announced travel bans from the United Kingdom. The measures vary in scope and generally are short-term. The Republic of Ireland, Portugal, Latvia, Estonia, and Czech Republic also announced new travel restrictions, testing requirements, and quarantine rules. Bulgaria suspended flights to and from the UK until January 31, 2021, one of the longer bans announced. Greece issued new rules requiring a seven-day quarantine for travelers from the UK, rather than the current three-day period, starting December 21, 2020. Turkey has temporarily banned all flights from the UK, as has Switzerland.

Immigrants and Nonimmigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus” applicable to the UK.⁵ While this suspension remains in place and has slowed the introduction of travelers into the United States from the UK, the suspension does not apply to U.S. persons and contains other exemptions for eligible travelers. Thus, urgent efforts are needed to mitigate the potential spread of this new virus variant into the United States.

Pre-departure testing may detect travelers infected with SARS-CoV-2 before they initiate their travel. CDC recommends viral testing and receipt of results 1-3 days⁶ before departure for international travelers, particularly those traveling long distances or passing through transportation hubs such as airports where social distancing may be challenging. Such testing may reduce the risk of SARS-CoV-2 transmission. Testing does not eliminate all risk, but when pre-departure testing is combined with other measures such as self-monitoring for symptoms of COVID-19, wearing masks, social distancing, and hand hygiene, it can make travel safer by reducing spread on conveyances and in transportation hubs.

CDC modeling indicates that pre-departure testing is most effective when combined with self-monitoring.⁷ Testing before departure results in the greatest reduction of transmission risk during travel when the specimen is collected close to the time of departure. Earlier testing (i.e., more than 3 days before travel) provides little benefit beyond what self-monitoring alone can provide. Travel should be delayed (i.e., individuals should self-isolate) if symptoms develop or a pre-departure test result is positive.⁸

ACTION:

For these reasons, I hereby determine that passengers covered by this Order are at risk of transmitting the new SARS-CoV-2 virus variant and that requiring such passengers to demonstrate negative COVID-19 test results is needed as a public health measure to protect the health of fellow travelers and U.S. communities.

1. Requirements for Airlines

Any airline operating aircraft with passengers arriving into the United States from the UK, for each passenger onboard the aircraft arriving into the United States, shall —

⁵ <https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-immigrants-nonimmigrants-certain-additional-persons-pose-risk-transmitting-coronavirus-2/>.

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-air-travel.html>.

⁷ Johansson MA, Wolford H, Paul P, et al. Reducing travel-related SARS-CoV-2 transmission with layered mitigation measures: Symptom monitoring, quarantine, and testing, *available at* <https://www.medrxiv.org/content/10.1101/2020.11.23.20237412v1>.

⁸ <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/end-home-isolation.html>

- a. Verify that each passenger has attested to having received a negative Qualifying Test result. Airlines must retain a copy of each passenger attestation for 2 years. The attestation is attached to this order as Attachment A.
- b. Confirm that each passenger aged 2 years or older has documentation of a negative Qualifying Test result.
- c. Not board any passenger without verifying the attestation and confirming the documentation as set forth in 1.a-b.

Any airline that fails to comply with section 1, “Requirement for Airlines,” may be subject to criminal penalties under, *inter alia*, 42 U.S.C. § 271 and 42 C.F.R. § 71.2, in conjunction with 18 U.S.C. §§ 3559 and 3571.

2. Requirements for Passengers

Any passenger departing the UK with a final destination in the United States shall —

- a) Provide an attestation to the Centers for Disease Control and Prevention, through the airline, of having received a negative Qualifying Test result. The attestation is attached to this order as Attachment A. A parent or other legal guardian must attest on behalf of a passenger aged 2 to 17 years. An authorized individual may attest on behalf to any passenger who is unable to attest on his or her own behalf (e.g., by reason of physical or mental impairment).
- b) Retain a copy of the negative Qualifying Test result in his/her possession and present it for inspection to the airline and upon request by an agent of the U.S. government or a cooperating state or local public health authority.

Any passenger who fails to comply with the requirements of section 2, “Requirements for Passengers,” may be subject to criminal penalties under, *inter alia*, 42 U.S.C. § 271 and 42 C.F.R. § 71.2, in conjunction with 18 U.S.C. §§ 3559 and 3571. Willfully giving false or misleading information to the government may result in criminal penalties under, *inter alia*, 18 U.S.C. § 1001.

CDC may modify this Order by an updated publication in the Federal Register or by posting an advisory to follow at www.cdc.gov.

This Order shall be enforceable through the provisions of 18 U.S.C. §§ 3559, 3571; 42 U.S.C. §§ 243, 268, 271; and 42 C.F.R. § 71.2.

EFFECTIVE DATE:

This Order shall enter into effect on **Sunday, December 27, 2020 at 7:01 pm (EST) (12:01 am on Monday, December 28, 2020 (GMT))** and shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID-19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the order based on specific public health or other considerations; or (3) March 26, 2021.

Dated: December 25, 2020.

A handwritten signature in black ink, reading "Robert R. Redfield". The signature is written in a cursive style with a large, prominent "R" at the beginning.

Robert Redfield, M.D.
Director, Centers for Disease Control and Prevention