

117TH CONGRESS
1ST SESSION

S. 2331

To temporarily suspend the admissibility of certain persons traveling from countries that currently have a moderate or higher level COVID–19 transmission.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2021

Mr. CRUZ (for himself, Mr. COTTON, Mrs. BLACKBURN, Mr. BARRASSO, Mr. HAWLEY, Mr. GRAHAM, and Mr. HAGERTY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To temporarily suspend the admissibility of certain persons traveling from countries that currently have a moderate or higher level COVID–19 transmission.

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 TITLES.**

4 This Act may be cited as the “Securing the Home-
5 land from International Entrants with Life-threatening
6 Diseases Act” or the “SHIELD Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) On March 20, 2020, the Centers for Dis-
2 ease Control and Prevention issued an order (re-
3 ferred to in this section as the “title 42 expulsion
4 order”) pursuant to sections 362 and 365 of the
5 Public Health Service Act (42 U.S.C. 265 and 268),
6 which authorizes the Surgeon General to prohibit
7 the introduction of certain persons into the United
8 States from countries where an outbreak of a com-
9 municable disease, such as the deadly COVID–19
10 pandemic, exists when necessary to protect the pub-
11 lic health from such disease.

12 (2) The title 42 expulsion order was extended
13 on April 20, 2020, and later amended on May 19,
14 2020, to further extend the duration of such expul-
15 sions, subject to monthly review.

16 (3) In 2020, U.S. Border Patrol made 382,374
17 title 42 expulsions to protect the United States from
18 further introduction of COVID–19.

19 (4) In January 2021, the Biden administration,
20 acting “swiftly and aggressively to combat
21 coronavirus disease 2019”, issued proclamations sus-
22 pending entry into the United States of travelers
23 from the United Kingdom, the Republic of Ireland,
24 and many other countries.

1 (5) As of June 14, 2021, Mexico, Honduras,
2 and Guatemala each had sufficiently high new inci-
3 dents of COVID–19 to receive a COVID–19 Risk
4 Assessment Level 3 (high) rating by the Centers for
5 Disease Control and Prevention, which is the same
6 level of COVID–19 risk as many of the countries
7 from which entry is suspended to travelers under the
8 Biden administration proclamations, including the
9 United Kingdom, the Republic of Ireland, and other
10 countries.

11 (6) Staggering numbers of migrants are flood-
12 ing across the international border between the
13 United States and Mexico, resulting in a humani-
14 tarian, public safety, and national security crisis.
15 During the first 5 months of 2021, U.S. Border Pa-
16 trol had more than 687,854 encounters with undocu-
17 mented migrants at the Southwest border, with un-
18 documented migrants from Mexico and the Northern
19 Triangle countries accounting for 569,298 of those
20 encounters, or roughly 83 percent of the total. Dur-
21 ing April 2021, U.S. Border Patrol encountered
22 more aliens along the Southwest border than during
23 any other month since 2001.

1 (7) News outlets have reported that the Biden
2 administration will shortly end the necessary and ef-
3 fective title 42 expulsion policy.

4 (8) As countries continue to pose a high risk of
5 transmission of COVID–19, the Biden administra-
6 tion should continue to exercise the expulsion au-
7 thority granted under section 362 of the Public
8 Health Service Act (42 U.S.C. 265) to “prevent fur-
9 ther spread of the disease”.

10 **SEC. 3. DEFINED TERM.**

11 In this Act, the term “covered person”—

12 (1) except as provided in paragraph (2), means
13 any person traveling to the United States from Can-
14 ada or Mexico (regardless of the country of origin of
15 such person)—

16 (A) who would be introduced into a con-
17 gregate setting in a land or coastal port of
18 entry or U.S. Border Patrol station at or near
19 the United States border with Canada or with
20 Mexico; and

21 (B)(i) whose country of origin—

22 (I) is not categorized by the Centers
23 for Disease Control and Prevention as
24 COVID–19 Risk Assessment Level 1 (low);
25 or

1 (II) does not have COVID–19 vac-
2 cination rates that are substantially similar
3 to or higher than such rates in the United
4 States; or

5 (ii) who, at any time during the previous
6 30 days, was present in a country that—

7 (I) is not categorized by the Centers
8 for Disease Control and Prevention as
9 COVID–19 Risk Assessment Level 1 (low);
10 or

11 (II) does not have COVID–19 vac-
12 cination rates that are substantially similar
13 to or higher than such rates in the United
14 States; and

15 (2) does not include—

16 (A) United States citizens;

17 (B) United States lawful permanent resi-
18 dents;

19 (C) any spouse or child of a person de-
20 scribed in subparagraph (A) or (B);

21 (D) members of the United States Armed
22 Forces and associated personnel, including any
23 spouse or child of such member or personnel;

24 (E) persons from a foreign country who—

- 1 (i) arrive at a designated port of
2 entry; and
3 (ii)(I) hold valid travel documents; or
4 (II) are not otherwise subject to travel
5 restrictions under the visa waiver program;
6 and
7 (F) persons whom the Secretary of Home-
8 land Security (or designee) determines, based
9 on an individualized assessment that considers
10 the totality of the circumstances, including sig-
11 nificant law enforcement, officer and public
12 safety, humanitarian, and public health inter-
13 ests, should be excluded from the definition of
14 covered person under this Act.

15 **SEC. 4. TEMPORARY SUSPENSION OF ADMISSIBILITY OF**
16 **COVERED PERSONS.**

17 During the 1-year period beginning on the date of
18 the enactment of this Act, the Secretary of Homeland Se-
19 curity shall—

- 20 (1) suspend the admission and parole of all cov-
21 ered persons into the United States;
22 (2) minimize the time covered persons spend in
23 a congregate setting, to the extent practicable; and
24 (3) transport, or arrange for the transportation
25 of, all covered persons from the United States to—

1 (A) the country from which such covered
2 persons entered the United States;

3 (B) the country of origin of such covered
4 persons; or

5 (C) another foreign location, to the extent
6 practicable.

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