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**EMERGENCY AMENDMENT**

NUMBER EA 1546-21-02C

SUBJECT Requirements for Proof of Being Fully Vaccinated Against COVID-19

EFFECTIVE DATE April 11, 2023

EXPIRATION DATE May 11, 2023

CANCELS AND SUPERSEDES EA 1546-21-02A

APPLICABILITY Foreign air carriers regulated under 49 CFR 1546.101

AUTHORITY 49 CFR 1546.105(d)

LOCATION(S) All Last Points of Departure to the United States

PURPOSE AND GENERAL INFORMATION

On October 25, 2021, the President issued a proclamation, *Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic*, to move away from the country-by-country restrictions previously applied during the still ongoing COVID-19 pandemic<sup>1</sup> and to adopt an air travel policy that relies primarily on vaccination as an added tool to the current multi-layered strategy to advance the safe resumption of international air travel to the United States. The Proclamation rescinds the previous proclamations for COVID-19 related travel restrictions and governs the entry into the United States of noncitizen nonimmigrants<sup>2</sup> traveling to the United States by air. The Centers for Disease Control and Prevention (CDC) issued an Order on

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<sup>1</sup> Starting on January 31, 2020, a series of Presidential Proclamations were issued directing the Department of Homeland Security (DHS) and other executive departments to take certain actions in response to the coronavirus (COVID-19) threat and to protect the interests of the United States. These proclamations restricted and suspended entry into the United States by noncitizens who were physically present in certain countries during the 14-day period preceding their entry or attempted entry into the United States, subject to certain exemptions. In response, and consistent with the Presidential Proclamations, the Transportation Security Administration (TSA) issued the Emergency Amendment (EA) 1546-20-01 series in accordance with 49 Code of Federal Regulations (CFR) part 1546. The previous directives were issued to implement the following series of proclamations issued under the authority of sections 212(f) and 215(a) of the Immigration and Nationality Act, 8 U.S.C. 1182(f) and 1185(a), and section 301 of title 3, United States Code (212(f) Proclamations), to mitigate the spread of COVID-19 from high-risk countries: Proclamation 9984 (issued January 31, 2020), applicable to the People's Republic of China; Proclamation 9992 (issued February 29, 2020), applicable to the Islamic Republic of Iran; Proclamation 10143 (issued on January 25, 2021) applicable to the Schengen Area of Europe, the United Kingdom, the Republic of Ireland, the Federative Republic of Brazil, and the Republic of South Africa; and Proclamation 10199 (issued on April 30, 2021) applicable to the Republic of India.

<sup>2</sup> Noncitizen nonimmigrants are noncitizens who are visiting the United States or otherwise being admitted temporarily.

October 25, 2021, and amendments to that Order on October 30, 2021 and April 4, 2022, providing further instructions on implementing the Presidential Proclamation. The Proclamation also requires DHS to take steps to ensure that airlines do not permit noncitizens barred from entry under the Proclamation to board an aircraft traveling to the United States. *See* section 4(b) of the Proclamation.

To implement the Proclamation, TSA issued this Emergency Amendment (EA), which canceled and superseded the EA 1546-20-01 series,<sup>3</sup> in accordance with 49 CFR part 1546. Together with the Presidential Proclamation and the CDC Order, these policies are intended to limit the risk that COVID-19, including variants of the virus that causes COVID-19, is introduced, transmitted, and spread into and throughout the United States, potentially overwhelming United States healthcare and public health resources, endangering the health and safety of the American people, and threatening the security of our civil aviation system. Given the resumption of air travel as worldwide restrictions due to the COVID-19 pandemic begin to ease, these policies will, consistent with the measures required by Executive Order 13998 of January 21, 2021 (Promoting COVID-19 Safety in Domestic and International Travel), advance the safety and security of the air traveling public, the government personnel responsible for ensuring the security of air travel, and the millions of individuals employed by the United States air travel industry, as well as their families and communities, while also allowing the domestic and global economy to continue its recovery from the effects of the COVID-19 pandemic. In an effort to reduce the spread of COVID-19, all foreign air carriers must perform the measures described in this EA.

#### TERMS AND DEFINITIONS

- A. *Attestation* means the CDC attestation form available at <https://www.cdc.gov/quarantine/order-safe-travel.html>
- B. *CDC Order* means the Order titled: *Implementing Presidential Proclamation on Safe Resumption of Global Travel During the COVID-19 Pandemic*, including any amendments to that Order, available at <https://www.cdc.gov/quarantine/order-safe-travel.html>
- C. *Proclamation* means the Presidential Proclamation, *A Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic*, dated October 25, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/10/25/a-proclamation-on-advancing-the-safe-resumption-of-global-travel-during-the-covid-19-pandemic/>

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<sup>3</sup> The EA 1546-20-01 series was issued to implement the following series of Presidential Proclamations issued under the authority of sections 212(f) and 215(a) of the Immigration and National Act, 8 U.S.C. 1182(f) and 11855(a), and section 301 of title 3, United States Code (212(f) Proclamations), to mitigate the spread of COVID-19 from high-risk countries: Proclamation 9984 (issued January 31, 2020), applicable to the People's Republic of China; Proclamation 9992 (issued February 29, 2020), applicable to the Islamic Republic of Iran; Proclamation 10143 (issued on January 25, 2021) applicable to the Schengen Area of Europe, the United Kingdom, the Republic of Ireland, the Federative Republic of Brazil, and the Republic of South Africa; and Proclamation 10199 (issued on April 30, 2021) applicable to the Republic of India.

- D. *Technical Instructions* means the instructions provided by the CDC for implementing its Order and the Presidential Proclamation, available at <https://www.cdc.gov/quarantine/order-safe-travel/technical-instructions.html>
- E. All other terms in this EA have the same definitions used in the CDC Order and *Technical Instructions*.

#### ACTIONS REQUIRED

- A. The foreign air carrier must require that each Covered Individual, prior to boarding a flight to the United States, and consistent with the CDC Order and *Technical Instructions*, has:
1. Presented paper or digital documentation of Proof of Being Fully Vaccinated Against COVID-19, consistent with the CDC Order and *Technical Instructions*; that includes personal identifiers (e.g., name and date of birth) that match the personal identifiers on the passenger's passport or other travel documents; or
  2. Presented documentation proving that they are an Excepted Covered Individual, under the Proclamation and the CDC Order as further explained in the CDC *Technical Instructions*.
- B. The foreign air carrier must require that each Covered Individual, prior to boarding a flight to the United States, has provided an attestation that is completed in compliance with the CDC Order as further explained in the *Technical Instructions*.
- C. The foreign air carrier must not board any Covered Individual (which includes Excepted Covered Individuals) without confirming the documentation as set forth in Sections A. or B. of this EA, consistent with the CDC Order and *Technical Instructions*.
- D. The foreign air carrier must retain a copy of the attestation for each Covered Individual (which includes Excepted Covered Individuals) for no less than two (2) years and provide to DHS or CDC upon request. The foreign air carrier need not collect or retain copies of any other documentation presented in accordance with Sections A. or B. of this EA.
- E. Foreign air carriers that have not previously provided a written description of the attestation collection and retention procedures to its International Industry Representative (IIR) for incorporation into its corporate security program must do so within 10 days of the effective date of this EA or initiating new service, as applicable.

#### ACKNOWLEDGMENT OF RECEIPT

The foreign air carrier must immediately provide written confirmation of receipt of this EA to its IIR.

DISSEMINATION REQUIRED

The foreign air carrier must immediately pass the information and measures set forth in this EA to any personnel having responsibilities in implementing the provisions of this directive. The aircraft operator may share this EA with anyone subject to the provisions of this directive to include but not limited to: U.S. federal, state, and local government personnel; foreign host government personnel; authorized representatives; contractors; passengers, etc.

APPROVAL OF ALTERNATIVE MEASURES

The foreign air carrier must immediately notify its IIR if unable to implement any of the measures in this EA, or in any TSA-approved alternative measure. In accordance with 49 CFR 1546.105, the foreign air carrier may submit proposed alternative measures and the basis for submitting those measures to its IIR.



Austin Gould  
Acting Executive Assistant Administrator  
Operations Support