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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

November 2, 2021

The Honorable Jeffrey Zients
White House Coronavirus Response Coordinator
1600 Pennsylvania Ave NW
Washington, DC 20500

Mr. Zients:

Recently, the Centers for Disease Control and Prevention (CDC) issued an order titled, "Requirement for Airlines and Operators to Collect and Transmit Designated Information for Passengers and Crew arriving into the US; Requirement for Passengers to Provide Designated Information." The order requires airlines and other aircraft operators to collect additional personal information from all passengers, including American citizens, travelling to the United States from a foreign last point of departure and submit it to the Centers for Disease Control and Prevention (CDC) for the purposes of COVID-19 contact tracing. The order requires airlines and operators to retain this information a minimum of 30 days from the flight's departure and, within 24 hours of a request from the CDC Director, transmit it to CDC.

We write to express concerns about the impact this policy could have on the privacy and data security of the American flying public. It is unclear at this time whether the aviation industry is equipped to collect and retain more personal information from passengers than it does today and share it across multiple proprietary systems before responsibly and securely transmitting it to the CDC. This data collection and transfer process must potentially comply with numerous international data privacy regulations. It is also unclear whether the CDC has the data management capabilities to secure a new trove of personal information that would become a valuable target for both criminal hackers and cyber espionage agents of foreign governments. Finally, it is unclear if consumers will be aware that their personal information may be retained by private entities or the federal government for various amounts of time and may be used for non-public health purposes.¹ Per the order, it is possible for a passenger's personal information to be retained by the Federal government for a "minimum of fifteen years."² The traveling public must be informed of the potential costs this order could impose on their privacy.

¹ Order: Requirement for Airlines to Collect Contact Information for All Passengers Arriving into the United States, Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services (HHS), October 25, 2021. <https://www.cdc.gov/quarantine/pdf/CDC-Global-Contact-Tracing-Order-10-25-2021-p.pdf>

² *Ibid*

It is essential that Congress is kept fully informed of how the administration will address these and other concerns. We therefore request that you, and the appropriate executive departments, provide a briefing to our staffs as soon as possible on this order.

Thank you for your prompt attention to this important matter.

Sincerely,



Roger F. Wicker
Ranking Member



John Thune
United States Senator



Deb Fischer
United States Senator



Jerry Moran
United States Senator



Marsha Blackburn
United States Senator



Michael S. Lee
United States Senator



Rick Scott
United States Senator