

**qrulepubliccomments**

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**From:** Dan Easley [deasley@nbta.org]  
**Sent:** Wednesday, March 01, 2006 8:21 PM  
**To:** qrulepubliccomments  
**Attachments:** Q Rule Comments CDC.pdf

3/2/2006



**NATIONAL BUSINESS  
TRAVEL ASSOCIATION**  
*Connecting the Business Travel World*

February 28, 2006

Attn: Q Rule Comment  
Centers for Disease Control and Prevention  
Division of Global Migration and Quarantine  
1600 Clifton Road, N.E. (E03)  
Atlanta, GA 30333

**Re: 42 CFR Parts 70 and 71  
Control of Communicable Disease**

To Whom It May Concern:

On behalf of the National Business Travel Association (NBTA) we would like to present our comments on the Notice of Proposed Rulemaking ("NPRM") which proposes updating existing regulations, 42 CFR Parts 70 and 71, regarding preventing the transmission of communicable disease.

The National Business Travel Association represents over 2,700 corporate travel managers and travel service providers who collectively manage and direct more than \$170 billion of expenditures within the business travel industry, primarily for Fortune 1000 companies.

NBTA acts as the parent organization of 45 U.S. chapters that provide regionally specific services to their members and work to support the business travel industry at the grass-roots level. NBTA also works to provide benefits and services to Canadian business travel professionals through the Canadian Alliance of Business Travel. Further, the association focuses on global outreach through the Paragon Partnership, a strategic

international alliance with business travel associations representing countries in Australasia, Europe, North American and South America.

NBTA members represent a diverse cross-section of business travel. Our members are heavily vested in both domestic and international business travel, and have a great interest in the proposed regulations, which would impose new requirements and responsibilities on travel providers as well as passengers. The following comments provide insight into the concerns presented to NBTA staff regarding the NPRM.

## **INTRODUCTION**

On November 30, 2005, the Centers for Disease Control and Prevention (“CDC”) put forth a Notice for Proposed Rulemaking (“NPRM”) intended to strengthen the ability of the federal government to respond to a potential outbreak of the avian flu. 42 CFR Parts 70 and 71 would provide federal authorities expanded access to passenger manifests and other passenger and crew data from international air and water carriers as well as interstate air carriers. The NPRM also seeks to delineate the process and procedures associated with public health quarantine, providing guidance as to subsequent due process considerations.

The National Business Travel Association (“NBTA”) supports federal efforts to ensure the viability of safe travel and ensure that the federal government is poised to respond to the threat of communicable disease. Yet, we believe that the NPRM, in its current form, may not produce the desired outcome. As detailed in the sections below, NBTA asserts that the NPRM (1) is a burdensome rule that unduly places informational requirements on travel providers (airlines, GDS, Travel agencies) instead of considering alternatives that would utilize current federal systems that collect passenger information

and (2) does not adequately consider the distributional effects of new regulations on businesses and corporations that conduct significant amounts of travel.

**THE NPRM UNDULY PLACES INFORMATIONAL BURDENS ON TRAVEL PROVIDERS  
INSTEAD OF CONSIDERING ALTERNATIVES THAT UTILIZE CURRENT FEDERAL SYSTEMS**

The U.S. government, in the years since the attacks of September 11, 2001, has erected or strengthened numerous passenger informational requirements. Among these requirements are the U.S. Customs and Border Protection's (CBP) Advance Passenger Information System, the Advance Passenger Information System Quick Query Initiative, Passenger Name Records (PNR), and potential new mandates posed by the pending launch of the Transportation Security Administration (TSA) Secure Flight program.

While a plethora of federal informational requirements have been established to screen passengers for potential security threats, the results have been a largely disjointed federal approach which is duplicative and onerous to travel providers and passengers alike. CDC now seeks to add another layer to the informational requirements in an attempt to ensure that a robust response mechanism is in place in the event of a potential outbreak of global contagion.

NBTA strongly supports the underlying intent of the NPRM. We believe that ensuring the health, safety, security, and welfare of passengers and crew is an inherent role of the federal government. Yet the NPRM largely ignores an alternative option where federal agencies could work in concert to develop passenger informational requirements across agencies and departments. Customs and Border Protection, the Transportation Security Administration, the Department of Homeland Security, the Department of Transportation, and the Department of State currently mandate specific

data collection of passengers. These agencies, either through agency Memorandum of Understanding (MOU) agreements or through executive directive, should or must work to combine these underlying passenger information requirements, avoiding a significant cost burden potentially borne by industry.

In its Regulatory Impact Statement (RIS), CDC asserts that the current federal regime for collection of passenger information is insufficient for three primary reasons:

1. Manifests contain only the passenger name and seat number
2. Custom declarations are completed by the passenger by hand and are often illegible.
3. Names on the customs declarations do not necessarily match those on the manifests, and phone numbers are not included on the customs forms.

These three reasons are indeed valid objections against continuing the status quo in utilizing the current manual system of information collection. Yet it is striking that the proposed remedy to the insufficiency of the current system would shift the cost and the burden of passenger information collection onto airlines, travel agencies, and GDSs.

Under policies outlined in the NPRM, travel providers would be required to retain passenger data for 60 days. This is an excessive burden to require travel providers to both request and store all passenger data for 60 days and provide it to CDC upon request by the Director. As an alternative to the scheme provided under the NPRM, CDC must work engage in interagency cooperation with relevant federal safety and security agencies which currently require and manage vast amounts of relevant passenger information.

One of the fatal flaws of the NPRM is the fact that tremendous cost will be borne by travel providers, yet the efficacy of this rule is purely speculative given the fact that

passengers can voluntarily opt out of providing information and will not be prohibited from flying for doing so. While the opt-in/opt-out provision is heartening for passengers who may have significant information privacy and security concerns, it is disconcerting that the federal government would force the travel industry to absorb the costs of compliance without assurances that this rule will provide CDC sufficient information to respond to a pending outbreak of global contagion.

CDC specifically cites a 2004 “Airline Contagious Disease Survey,” conducted by the Harvard School of Public Health, as evidence that “94% of air travelers would want public health authorities to contact them if they might have been exposed to a serious contagious disease on an airplane.” Yet, the same survey also presents some interesting evidence of passenger compliance if travelers were faced with increased delays at the airports. Twenty-seven percent of domestic passengers and thirty-three percent of international passengers would not be willing to provide this information if the wait times increased by five minutes. While CDC asserts that these new regulations will increase wait times by less than a minute per passenger, it is conceivable that passengers traversing a busy airport will find it decidedly inconvenient to spend additional time at a ticket counter providing information that is not required by federal officials. These figures increase to fifty-one percent of domestic passengers and fifty-six percent of international passengers who would be unwilling to provide the information if it increased wait times by ten minutes or more.

The numbers derived from the same study cited by CDC indicate that increased wait times at airports would preclude many passengers from opting-in to provide detailed contact information. This raises significant questions about the efficacy of the NPRM,

and further raises questions about the prudence of burdening travel providers with the costs of collecting and storing information.

NBTA believes the collection of passenger data to provide health authorities critical information is a viable strategy to combat the spread of global contagion, but the federal government should and must look to expand upon the capabilities already possessed by several federal agencies. Simply passing the costs to travel providers is not a viable strategy. It is incumbent in the development of a new regulatory regime governing traveler health that the government leverage existing synergies and resources to ensure limited cost is borne by private industry—who will most likely be forced to push the increased costs down to consumers. A government-wide initiative that involves agencies within the Department of Transportation, the Department of Homeland Security, the Department of State, and the Department of Health and Human Services will help ensure that passenger information requirements are not duplicative, will reduce costs on an already overburdened industry, and will allow CDC to access critical passenger information that will ensure a timely and comprehensive response to an outbreak of global contagious disease.

**THE NPRM DOES NOT ADEQUATELY CONSIDER THE DISTRIBUTIONAL EFFECTS ON BUSINESSES AND CORPORATIONS THAT CONDUCT SIGNIFICANT AMOUNTS OF TRAVEL**

While the Regulatory Impact Statement mentions the costs borne by airlines, travel agencies and GDSs, it insufficiently gauges the impact upon corporations and businesses that conduct significant amounts of travel. Substantive changes in computerized travel booking tools utilized by corporate travel managers will translate into greater costs imposed on businesses. If the passenger data collection mandates on

travel providers are codified, corporations and businesses working with these entities will be forced to alter their computerized booking systems to comply with the new requirements.

Seventy percent of corporate travel managers currently utilize corporate online booking tools to capture the information necessary to book travel for their corporate travelers. That number is expected to grow to ninety percent or more within two years. And while there is no institutional resistance to making these appropriate changes to accommodate passenger information requirements, continuous and multiple changes in the fields of information required by the federal government would impose a significant cost on companies and businesses utilizing online booking tools, as they would have to revamp the software to capture and send newly required data.

Corporate travel managers have made several changes to travel booking software over the last four years, and will continue to work to ensure corporate compliance with new regulations. Yet, federal officials must understand that continuous changes in informational requirements impose significant costs on corporate travel. The cascading federal informational requirements over the last four years have produced significant incremental costs on corporate travel, yet these costs could be significantly reduced if federal agencies would work in concert to determine what type and format of information will be required and impose those requirements at one time. CDC must consider the costs imposed on corporations and businesses who continue to conduct significant amounts of domestic and international travel.



## **CONCLUSION**

The National Business Travel Association continues to support federal efforts to ensure the viability of safe and secure travel, and we stand firm behind the underlying intent of the NPRM. Yet, the federal government must continue to seek solutions that will utilize the pre-existing capabilities of our federal agencies. Federal agencies have constructed significant mechanisms for the security screening of passenger information and it is time to modify these systems in an agency-wide federal initiative that will allow CDC access to vital passenger information already collected by several agencies and departments. We urge consideration of these underlying issues as CDC reviews the merits of the NPRM.

Sincerely,

Bill Connors  
Executive Director, COO  
National Business Travel Association