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General Comment

As a traveler and as a professional whose work encompasses international travel, I write to oppose invasive data collection regarding international travelers entering the United States. Not only is the agency's estimate of time required from travelers and travel professionals completely outrageous, the rule raises grave concerns regarding potential breaches of data privacy and the unjustified assertion of government interest in travelers' personal information, as described further below.

Firstly, data breaches happen regularly within private industry and within government offices. These breaches frequently result in the loss of extremely private consumer information (here, travel and medical information of international travelers entering the United States) to at times nefarious forces. There is no proper remedy for these breaches as the information once lost is unrecoverable and can only be remediated by lackluster monitoring services. Accordingly, any government action to collect data from masses of the public should be subject to the strictest scrutiny because the government contemplates not only the costs of collecting, processing, and storing the information but also of remediating the loss of that information in the event of an inevitable breach.

In addition, United States Customs and Border Protection already subjects international travelers--whether foreign nationals or United States citizens and lawful permanent residents--to intensive scrutiny upon their admission into the United States. This scrutiny already involves questioning regarding the purposes of travel and details regarding the past or prospective movements of these travelers. To demand further information from travelers, especially United States citizens and permanent residents, is a breach of civil rights to privacy that is not warranted by any current practical need, as further elaborated below.

With respect to the invasion of privacy, the government sometimes may disregard an individual's constitutional right to protection from government search and seizure. Per longstanding jurisprudence, this is especially true in the vicinity of the nation's borders. However, it is imperative in the current

circumstances to note that the worst of the COVID-19 pandemic is in fact behind us and our nation has maintained its security and limited its exposure to the preventable introduction of SARS-CoV-2 regardless. Further, the executive has also issued an order requiring that all international travelers present proof of vaccination against SARS-CoV-2 in order to enter the United States, with only limited exceptions for travelers for whom vaccination is not available either because of country conditions, age, or medical contraindications. This is to say that the United States has already done more than ever before to protect itself from the preventable introduction of SARS-CoV-2 within its borders.

Lastly, I note that there is no sunset to this regulation proposing the collection of novel data points from all travelers. This is to say that under the guise of the COVID-19 pandemic the agency attempts to unlawfully expand the scope of its data collection and thus authority beyond what is provided in statute to an extent that is likely both arbitrary and capricious. Any such expansion should of course be limited to a very specific time period that should be clearly defined by dates or numbers that do not change. Moreover, if the agency wishes to retain the authority to later modify the sunset of the rule, the rule should require the agency to clearly articulate the reason for a later change rather than permitting the agency to make a change simply because the agency later decides that the numbers it earlier set out are no longer good enough.