

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL AVIATION ADMINISTRATION
AND
THE CENTERS FOR DISEASE CONTROL AND PREVENTION**

1. PURPOSE.

The purposes of this Memorandum of Agreement (MOA) are to set forth the terms, conditions, and understandings by which the Federal Aviation Administration (FAA) of the U.S. Department of Transportation (DOT) and the Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services (HHS) (collectively the Parties and, individually, a Party) will relay notifications of reports that they receive of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft and to establish other actions that the Parties agree to take to prepare for and respond to contingencies involving deaths, suspected cases of communicable disease, or other public health risks, on board aircraft. Note 1 to Paragraph 8.15 of Annex 9 to the Convention on International Civil Aviation (the Chicago Convention) provides some possible examples of when a communicable disease might be suspected and require further evaluation.

2. PARTIES.

The Parties to this MOA are the FAA and the CDC.

3. BACKGROUND.

HHS has the authority to make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States or from one U.S. state or possession into another. This authority is implemented through HHS's Interstate and Foreign Quarantine Regulations, promulgated in Title 42, Code of Federal Regulations (CFR), Part 70 (Interstate) and Part 71 (Foreign), respectively. With respect to the activities contemplated under this MOA, the Division of Global Migration and Quarantine (DGMQ), is the office of primary responsibility within the CDC.

Title 42 CFR requires the commander of an aircraft to report deaths or suspected cases of communicable disease in circumstances defined by CDC. Paragraph 8.15 of Annex 9 to the Chicago Convention requires that "[t]he pilot-in-command of an aircraft shall ensure that a suspected communicable disease is reported promptly to air traffic control, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for the management of public health risks on arrival." ICAO Document 4444

provides guidance to ICAO Member States (including the United States) on the implementation of this requirement.

Specifically, ICAO Document 4444 sets forth, in paragraph 16.6.1, the items of information that the flight crew is expected to provide to the Air Traffic Services (ATS) unit with which the pilot is communicating regarding suspected cases of communicable disease, or other public health risks, on board an aircraft and further states that:

16.6.2 The ATS unit, upon receipt of information from a pilot regarding suspected case(s) of communicable disease, or other public health risk, on board the aircraft, shall forward a message as soon as possible to the ATS unit serving the destination/departure, unless procedures exist to notify the appropriate authority designated by the State and the aircraft operator or its designated representative.

16.6.3 When a report of a suspected case(s) of communicable disease, or other public health risk, on board an aircraft is received by an ATS unit serving the destination/departure, from another ATS unit, or from an aircraft or aircraft operator, the unit concerned shall forward a message as soon as possible to the public health authority (PHA) or the appropriate authority designated by the State as well as the aircraft operator or its designated representative, and the aerodrome authority.

In the United States, the FAA's Air Traffic Organization (ATO) provides air traffic services, and the CDC is the authority designated by the United States to arrange for any necessary public health response to reports of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft.

This MOA establishes the terms, conditions, and understandings by which the FAA and the CDC will exchange notifications of reports that they receive of deaths, suspected cases of communicable disease, and other public health risks, on board aircraft and establishes other actions that the Parties will take to prepare for and respond to such contingencies. The primary mechanism by which FAA and CDC will exchange notifications of reports that they receive of deaths, suspected cases of communicable disease, and other public health risks, on board aircraft is the FAA's Domestic Events Network (DEN). The DEN is an FAA-sponsored, 24/7 telephonic conference call network that includes all the FAA Air Route Traffic Control Centers (ARTCCs) in the United States. It also includes various other governmental agencies that monitor the DEN, including the CDC Emergency Operations Center (EOC). The purpose of the DEN is to provide timely notification to the appropriate departments or agencies that there is an emerging aviation-related problem or incident. The DEN is managed and facilitated by FAA Air Traffic Security Coordinators (ATSCs) under the direction of ATO System Operations Security. All interagency communication regarding real-time aviation security concerns and other events with potential operational impacts on the National Airspace System should be initiated and coordinated on the DEN. The premise of the DEN is a "need to share" versus a "need to know." The DEN is an open mode of communication and is not to be used for classified information.

A diagram illustrating the intended pathways for many of the potential government and industry communications regarding reports of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft is included as Appendix 1 to this MOA. Appendix 1 does not form part of this MOA, and the Parties recognize that, in an actual event, reporting pathways may differ from what is depicted in Appendix 1 and that there are additional potential reporting pathways that are not depicted.

4. AUTHORITY.

- A. The CDC is authorized to enter into this MOA pursuant to section 361 of the Public Health Service Act (42 United States Code (U.S.C.) § 264).
- B. The FAA is authorized to enter into this MOA pursuant to 49 U.S.C. § 106(m).

5. RESPONSIBILITIES.

A. The FAA agrees to:

- 1. Develop procedures for ATSCs and ATS staff to use to notify the CDC EOC of any reports of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft destined for or departing from the United States, transiting U.S. airspace, or operating in other airspace in which the FAA provides air traffic services, that are received by an FAA ATS unit.
- 2. Notify the CDC EOC of any reports of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft destined for or departing from the United States, transiting U.S. airspace, or operating in other airspace in which the FAA provides air traffic services, that are received by any FAA ATS unit. The FAA will relay such reports to the CDC EOC using the DEN. To the extent that the report made to the FAA includes the information listed in Paragraph 16.6.1 of ICAO Document 4444, the FAA shall provide this information to the CDC EOC.
- 3. If an FAA ATS unit receives a report of a death, suspected case of communicable disease, or other public health risk, on board an aircraft that departed from or is destined for a location outside the United States, the FAA will, in addition to notifying the CDC EOC, forward a message as soon as possible to the ATS unit(s) serving the departure or destination outside the United States to notify said ATS unit(s) of the report of a death, suspected case of communicable disease, or other public health risk, unless procedures exist to notify the appropriate authority designated by the foreign country and the aircraft operator or its designated representative.

B. The CDC agrees to:

1. Develop procedures to be used by watch officers in the CDC EOC to document receipt of notifications and actions taken when the FAA or another source notifies the CDC of a report of a death, suspected case of communicable disease, or other public health risk, on board an aircraft destined for or departing from the United States, transiting U.S. airspace, or operating in other airspace in which the FAA provides air traffic services. The CDC EOC will verbally acknowledge receipt from the DEN of reports of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft.
2. Develop procedures to communicate directly with aircraft operators or their designated representatives and airport operators regarding notifications received by the CDC of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft, whether from the FAA or another source.
3. In response to a notification from the FAA or another source of a report of a death, suspected case of communicable disease, or other public health risk, on board an aircraft, the CDC agrees to notify the aircraft operator or its designated representative, and the departure and destination airport operators (where such airports are located within the United States), as well as to arrange for an appropriate public health response at departure or destination airports located within the United States. The CDC agrees to communicate directly with the aircraft operator or its designated representative and the airport operator(s), if applicable, for subsequent coordination with the aircraft concerning clinical details, airport preparation, and other aspects of the public health response. The CDC agrees that it will not request that ATC channels be used for any such subsequent coordination unless no other reasonable alternative exists.
4. The CDC EOC, via the DEN, will provide the FAA with follow-up information concerning CDC's actions in response to a notification from the FAA or another source of a report of a death, suspected case of communicable disease, or other public health risk, on board an aircraft.
5. The CDC EOC will notify FAA, via the DEN, of any reports that the CDC receives from sources other than the FAA of deaths, suspected cases of communicable disease, or other public health risks, on board aircraft destined for or departing from the United States, transiting U.S. airspace, or operating in other airspace in which the FAA provides air traffic services, that may require action by the CDC or by other federal, state, local, tribal, or foreign authorities that the CDC has received from sources other than the FAA.

6. POINTS OF CONTACT.

A. FAA.

- a. System Operations Security
Manager, Strategic Operations Security
800 Independence Ave, SW, BLDG 10A, Room 300
Washington, D.C. 20591
Office: 202-267-7382
- b. Domestic Events Network
Manager, Tactical Operations Security
800 Independence Ave, SW, BLDG 10A, Room 300
Washington, D.C. 20591
Office: 202-493-4528

B. CDC.

- a. Division of Global Migration and Quarantine (DGMQ)
1600 Clifton Road, NE, MS E-03
Atlanta, GA 30333
404-498-1600
- b. CDC Emergency Operations Center
Office of the Director
1600 Clifton Road, NE
Atlanta, GA 30333
770-488-7100

7. RELATIONSHIP TO OTHER PROVISIONS.

Nothing in this MOA is intended to conflict with any applicable U.S. law or regulation. If any provision of this MOA is found to conflict with any applicable U.S. law or regulation or any obligation of the United States under an international agreement, then such law or regulation shall control, but the remaining provisions of this MOA shall remain in full force and effect.

8. FUNDS.

It is not anticipated that funds from either Party will be specifically required to implement this MOA. If such expenditures do occur, the expenditures by each Party are subject to its budgetary processes and to the availability of funds and resources pursuant to applicable

laws, regulations, and policies. Each Party will be responsible for any expenditures it may make to implement this MOA.

Any transfer of funds between the Parties relating to this MOA shall be made in accordance with the Economy Act (31 U.S.C. §§ 1535, et seq.) or the authority provided to the FAA at 49 U.S.C § 106(m) and shall be subject to the availability of appropriations.

9. LIABILITY

Each party to this MOA will be solely responsible for its own acts and omissions and those of its officers, employees and agents.

10. AMENDMENTS

The Parties may amend this MOA at any time and shall document the details of any such amendment in a written agreement signed by both Parties.

11. NO PRIVATE RIGHTS CREATED & NO EFFECT ON LEGAL AUTHORITIES

This MOA is an interagency agreement between the CDC and the FAA and does not create or confer any right, benefit, or cause of action on any other person or party, private or public. Nothing in this MOA is intended to restrict the authority of either Party to act as provided by law or regulation, or to restrict any agency from enforcing any laws or regulations within its authority or jurisdiction.

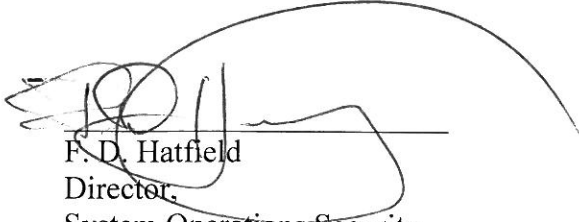
12. EFFECTIVE DATE.

This MOA enters into force on the date of the last signature and shall remain in force until terminated in accordance with Article 13 of this MOA.

13. TERMINATION.

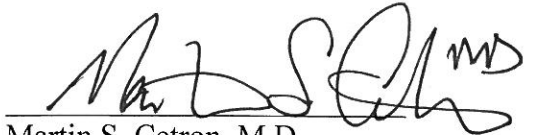
Either Party may terminate this MOA upon thirty (30) business days' written notice to the other Party.

APPROVED BY:

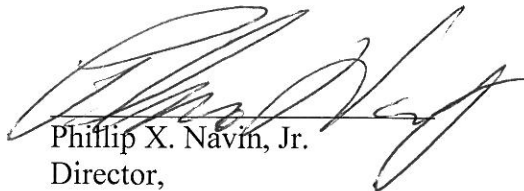


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Director,
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10/26/10
(date)



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Department of Health and Human Services

25 October 2010
(date)

10/25/10
(date)

Appendix A – Selected Communication Paths for Aircraft Reporting A Death, Suspected Case of Communicable Disease, Or Other Public Health Risk

SELECTED COMMUNICATION PATHS FOR AIRCRAFT REPORTING A DEATH, SUSPECTED CASE OF COMMUNICABLE DISEASE, OR OTHER PUBLIC HEALTH RISK

