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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

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December 16, 2010

The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano:

I am examining how the Department of Homeland Security (DHS), through the Transportation Safety Administration (TSA) and Bureau of Customs and Border Protection (CBP), implements air travel restrictions on passengers with communicable diseases that pose a significant threat to public health.

As stated on the DHS website homepage, "The Department is responsible for securing the nation's transportation systems, checking travelers' documents, securing travelers and their luggage, ensuring an efficient screening process, and managing the Trusted Traveler programs that provide expedited travel for pre-approved, low-risk travelers." To carry out this mission, DHS works closely with several other federal agencies.

Of particular interest to this Committee is the inter-play between DHS and the Centers for Disease Control and Prevention (CDC) in the preparation and enforcement of the Do Not Board List created to protect the public health. The Do Not Board List can be used to limit or restrict travel for persons who have communicable diseases for which the federal government can legally impose isolation and quarantine and for other communicable diseases that would pose a serious health threat to air travelers.

Minority Committee staff correspondence with CDC over the past few months has revealed some notable facts, including:

- Successful implementation of the Do Not Board List and travel restriction tools require cooperation and support across federal, state, and local jurisdictions.
- The ability to determine if these individuals flew while on the list lies with DHS.
- Although air travel restriction tools are administered by CDC, these tools are implemented by DHS and thus DHS is in the position to describe how passengers evade restriction measures at different points of entry.

- CDC cannot predict how many passengers on the Do Not Board List fly without being detected. However, CDC has been notified of three individuals who were able to fly despite being listed on the Do Not Board List. I note that from January 1, 2009 through August 3, 2010, CDC attempted to notify 71 individuals who were on the Do Not Board List and should not attempt to travel. Fifty-three of these individuals were successfully notified. Of the 18 individuals who were not immediately notified, three were never located. As of October 7, 2010, two of the 18 individuals are still on the Do Not Board List, and one has still not been located. Neither of the two are a U.S. citizen or a lawful permanent resident.

Please provide a response to the following questions, in writing with appropriate documentation, within two weeks of the date of this letter.

1. According to your records and information, how many individuals flew within the last five calendar years while listed on the Do Not Board List? Has DHS located all individuals on the Do Not Board List? If not, why not?
2. Please describe how passengers evade restriction measures at different points of entry. What actions, if any, is DHS taking to strengthen its implementation of the Do Not Board List? Please identify any reviews conducted of or by DHS and/or DHS components agencies and the adequacy of implementation of the Do Not Board List and other air travel restriction tools, including tracking individual passengers identified by CDC as posing a public health concern.
3. Are there any constraints on DHS in communicating with CDC about the status of the Do Not Board List? If so, please explain the nature of these constraints. What steps is the Department taking to improve its communication with CDC and other federal agencies outside DHS that help protect the public health?

I hope you will give this matter your complete and immediate attention. If you have any questions, please contact the Minority Committee staff at (202) 225-3641.

Sincerely,



Michael C. Burgess  
Ranking Member  
Subcommittee on Oversight and Investigations

cc: The Honorable Bart Stupak, Chairman  
Subcommittee on Oversight and Investigation