

Congress of the United States
Washington, DC 20515

August 14, 2009

Thomas R. Frieden, M.D., M.P.H.
Director
Centers for Disease Control and Prevention (CDC)
1600 Clifton Road, N.E.
Atlanta, Georgia 30333

Submitted by E-Mail to: Part34HIVcomments@cdc.gov

RE: Docket No. CDC-2008-0001
Medical Examination of Aliens – removal of Human
Immunodeficiency Virus (HIV) Infection from
Definition of Communicable Disease of Public Health
Significance
RIN: 0920-AA26

Dear Dr. Frieden:

As members of the Chicago delegation, we are writing to lend our unqualified support for draft regulations ending the unjustified, stigmatizing, and discriminatory ban against HIV-positive foreign nationals seeking to visit or immigrate to the United States.

The use of individuals' HIV status to determine whether they are granted entry, visa, or residency in the U.S. is patently unfair, a violation of human rights, and evidence of deeply misinformed and prejudicial policymaking. The draft regulations argue convincingly that people with HIV pose no increased risk of HIV transmission through casual contact. In fact, policies that restrict the free movement, stay, and residency of people with HIV perpetuate negative beliefs about HIV-positive people as intentionally seeking to harm others—a scenario not supported by science. In addition, such policies can contribute to a false sense of security and erroneous beliefs among some people that border-control policies in any way may substitute for community- and individual-level HIV prevention measures.

While we are strong proponents of expanded and voluntary HIV testing campaigns, we urge CDC to include as part of its regulatory revision the necessary provisions to end mandated HIV testing of immigration applicants. Consular and immigration officials will have no need to know the HIV status of applicants once the ban against HIV-positive foreign nationals has been lifted. Preserving the mandated HIV testing requirement would only serve to stigmatize people in their countries of origin and as part of the

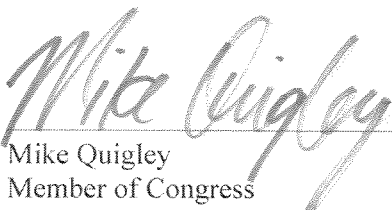
application process, a prospect contrary to the intended outcome of these draft regulations.

It is worth reiterating that no part of the proposed regulation will confer any special rights or privileges for HIV-positive applications seeking to visit or reside in the U.S. The proposed change in policy does not alter any other criteria or requirement currently imposed upon individuals seeking to visit or reside here. The change in regulation merely removes HIV-status as a legitimate attribute for officials to consider in making such determinations.

Finally, the CDC invites comments on the potential cost of the proposed regulation. In our assessment, the cost analysis over-estimates potential expenditures and fails to take into account diverse payment sources, including private insurance and the costs to be assumed by the immigrant's sponsor and family. Federal law already requires immigration applicants to document that they will not become a public charge. Moreover, the relative medical costs of treating HIV are no greater than other conditions, including heart disease, diabetes, and renal disorders, that would not disqualify otherwise qualified applicants.

We urge you to finalize this draft rule without delay and ensure U.S. policy upholds the civil and human rights of all people living with and affected by HIV/AIDS within and beyond our borders.

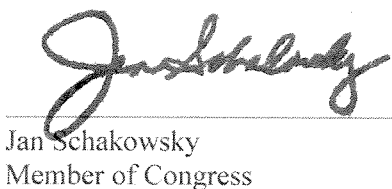
Sincerely,



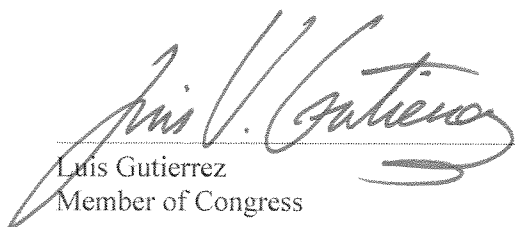
Mike Quigley
Member of Congress



Danny K. Davis
Member of Congress



Jan Schakowsky
Member of Congress



Luis Gutierrez
Member of Congress