

RE: Medical Examination of Aliens – Removal of Human Immunodeficiency Virus (HIV) infection from List of Communicable Disease of Public Health Significance

42 CFR Part 34

Docket Number: CDC-2008-0001

RIN: 0920-AA26

Action: Notice of Proposed Rulemaking (NPRM)

Agency Name: Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services (HHS)

August 10, 2009

Centers for Disease Control and Prevention, U.S. Department of Health and Human Services
Division of Global Migration and Quarantine
Attn: Part 34 NPRM Comments
1600 Clifton Road, NE., MS E-03
Atlanta, Georgia 30333

VIA EMAIL

To: Part34HIVcomments@cdc.gov

To the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, Division of Global Migration and Quarantine:

The International AIDS Vaccine Initiative (IAVI) submits the following comments supporting the Center for Disease Control and Prevention (CDC), within the U.S. Department of Health and Human Services (HHS), proposed rule to revise the Part 34 regulation to remove HIV from the definition of “communicable disease of public health significance.” Because of this definition, HIV-positive travelers are required to declare themselves infected with the virus, and, as a result, are inadmissible into the United States and ineligible to receive a visa. These restrictions also extend to HIV-positive persons living in the U.S. who are applying for adjustment of their status to that of a lawful permanent resident. This current regulation is both impractical and discriminatory and serves as a disincentive for HIV-positive travelers and non-residents living in the U.S. to volunteer information about their status. IAVI strongly supports the HHS/CDC proposed rule to eliminate this policy.

IAVI also commends the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 for removing language from the Immigration and Nationality Act (INA) ordering that HIV be on the list of diseases that block

entry to the United States. This encouraging change in policy is what allows the HHS/CDC to propose this much needed revision and lift these unfair regulations.

Travel restrictions to protect public health are appropriate in the case of a casually transmitted communicable disease or outbreaks of a highly contagious disease. HIV is neither. HIV-positive travelers should not be turned away from traveling into the United States solely due to their HIV status. A person living with HIV does not pose a public health risk to the general population by the act of his/her arrival. HIV is a serious health condition, but it is neither casually nor easily transmitted. It is not spread by mosquitoes or through air, food or water, but transmitted through unprotected sexual intercourse or the sharing of unsterilized needles or syringes.

AIDS is a global epidemic, and the mobilization to combat the epidemic is a global effort. Unfortunately, the United States is currently one of 12 countries in the world and the only G8+5 country denying entry to people who are HIV-positive. More than 33 million people in the world are currently infected with HIV, and continuing to close the country's doors to that many people without a compelling scientific reason is discriminatory.

The U.S. government deserves enormous credit for its leadership in the global effort to combat AIDS. It has accomplished a great deal in supporting basic prevention programs and expanding access to AIDS treatment. The U.S. government also has provided leadership in the effort to develop an AIDS vaccine, providing around 85% of all global public investment in HIV vaccine research. However, current policy restricts the scientific collaboration necessary to develop breakthrough preventions and treatments. In fact, since 1990 the U.S. has been hampered in efforts to host the International AIDS Conference because of its discriminatory travel policy.

Collaboration is critical to the global effort to develop an HIV vaccine. Organizations like IAVI are researching and developing AIDS vaccine candidates and conducting HIV vaccine clinical trials and clinical research through partnerships with academic, biotechnology, pharmaceutical and government institutions around the world. This work requires constant collaboration with scientists, policymakers and advocates from, among other places, those parts of the world hardest hit by the epidemic. However, because some of these people may be living with HIV, U.S. policy at times has limited this exchange.

For these reasons, IAVI supports HHS/CDC's proposed rule to revise the Part 34 regulation and remove HIV from the definition of "communicable disease of public health significance."

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,
Seth Berkley
President & CEO, International AIDS Vaccine Initiative

About IAVI

The International AIDS Vaccine Initiative (IAVI) is a global not-for-profit organization whose mission is to ensure the development of safe, effective, accessible, preventive HIV vaccines for use throughout the world. Founded in 1996 and operational in 24 countries, IAVI and its network

of collaborators research and develop vaccine candidates. IAVI was founded with the generous support of the Alfred P. Sloan Foundation, The Rockefeller Foundation, The Starr Foundation, and Until There's A Cure Foundation. Other major supporters include the Bill & Melinda Gates Foundation, the Foundation for the National Institutes of Health, The John D. Evans Foundation, The New York Community Trust, the James B. Pendleton Charitable Trust; the Governments of Canada, Denmark, India, Ireland, The Netherlands, Norway, Spain, Sweden, the United Kingdom, and the United States, the Basque Autonomous Government, the European Union as well as The City of New York, Economic Development Corporation; multilateral organizations such as The World Bank; corporate donors including BD (Becton, Dickinson & Co.), Bristol-Myers Squibb, Continental Airlines, Google Inc., Henry Schein, Inc., Pfizer Inc, and Thermo Fisher Scientific Inc.; leading AIDS charities such as Broadway Cares/Equity Fights AIDS; other private donors such as The Haas Trusts; and many generous individuals from around the world. For more information, see www.iavi.org.