

Congress of the United States
Washington, DC 20515

June 17, 2016

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 C St. NW
Washington, D.C. 20520

Thomas R. Frieden, MD, MPH
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, Georgia 30329

Dear Secretary Kerry and Dr. Frieden:

Americans rely on the expertise and judgment of your agencies in determining whether the benefits of travel to a particular destination outweigh the risks to safety and security. Given the dire consequences of Zika virus infection (Zika), the American public deserves nothing less than comprehensive and honest communication about the threat Zika poses to his or her own health and to the health of the entire country.

Zika virus has affected Africa and Asia for decades and has been relatively innocuous from a public health perspective. In 2015, however, endemic transmission of Zika virus reached the Americas, and in 2016, scientists determined that prenatal Zika is a cause of microcephaly and other severe fetal brain defects.¹ Researchers conducted analyses on samples of the virus over time and across geographies, and their research indicates that Brazil's current outbreak stems from a single viral introduction event likely between May and December 2013.² Each person that travels to a country with local transmission of Zika virus and returns to America increases the chances that it will enter our mosquito population, which in turn, reduces our chances of stopping Zika in its tracks. The primary vector of Zika virus is virtually impossible to control, infection is incredibly challenging to diagnose, and each day we learn more about its ability to spread and reap devastation on the health of those infected.

According to the webpage of the Centers for Disease Control and Prevention (CDC), in order to fulfill its mission, the agency "provides health information that protects our nation against expensive and dangerous health threats."³ We now know Zika to be dangerous, and there is no question that it will be expensive. Despite these factors, CDC's actions are more consistent with minimizing travel interruption than protecting public health. Furthermore, while it may be appropriate for the Department of State to adopt the position of CDC on alerts related to infectious disease, this does not relieve the Department of its duty to utilize the tools at its disposal to provide notice to the public. As the Department responsible for Americans traveling abroad, it is of vital importance to provide appropriate and immediate warning visible to anyone

¹ See Sonja A. Rasmussen et al., *Zika Virus and Birth Defects—Reviewing the Evidence for Causality*, 374 N ENGL J MED 1981 (2016), available at <http://www.nejm.org/doi/pdf/10.1056/NEJMSr1604338>.

² See Nuno Rodrigues Faria et al., *Zika Virus in the Americas: Early Epidemiological and Genetic Findings*, 352 SCIENCE MAG 6283, 345 (2016), available at <http://science.sciencemag.org/content/sci/352/6283/345.full.pdf>.

³ *About CDC 24-7: Mission, Role and Pledge*, CTRS. FOR DISEASE CONTROL & PREVENTION, <http://www.cdc.gov/about/organization/mission.htm> (last visited June 16, 2016).

planning travel to affected countries. Yet, the Department’s ‘Alerts and Warnings’ webpage is devoid of any reference to Zika virus outbreaks.⁴

We are concerned that CDC’s travel notice policies fail to provide individuals with adequate information to make decisions regarding travel to countries with local transmission of Zika. Circumstances that pose a high risk to a particular subset of travelers do not automatically trigger a warning to avoid nonessential travel, instead CDC reserves ‘Level 3 Warnings’ for circumstances that pose a high risk to *all* travelers in all circumstances.⁵ CDC will not exceed a ‘Level 2 Alert,’ which instructs travelers to practice enhanced precautions, if heightened risk is only associated with specific factors—even if that risk affects a significant proportion of the population, and the consequence risked is devastating.

We are also concerned that the Department of State is not effectively notifying Americans of the risks of travelling to countries with local transmission of Zika. According to the Department, it issues ‘Travel Warnings’ to inform travelers that they should “consider very carefully whether...to go to a country at all,” and ‘Travel Alerts’ to provide travelers with information they “should know about when planning travel to a country,” such as “a health alert like an outbreak of H1N1.”⁶ While a separate webpage on the Department’s website provides information on Zika, and links to CDC’s travel notice webpage, this information is not readily available without a thorough and specific search. The severity and prevalence of Zika in countries with local transmission warrants a more aggressive notification campaign than is currently available to the traveling public.

Given these concerns, we ask that you provide detailed responses to the following:

1. How are CDC and the Department working together to ensure that important information about Zika is reaching the most Americans possible? What procedures are in place to identify and mitigate gaps in communication in a timely manner?
2. Why has the Department placed information about Zika-related travel risks on a separate webpage from the ‘Alerts and Warnings’ webpage?
 - a. Will the Department consider integrating such information onto one page?
3. Are there any federal laws or impediments that restrict or prohibit CDC from altering the framework by which it assigns different levels of travel notices?
 - a. If yes, please specify such impediments and provide legal analysis that CDC relied upon in arriving at such a conclusion.
 - b. If no, please explain why CDC does not consider Zika, an unprecedented threat to public health, serious enough to modify its travel notice framework and issue a Level 3 Warning to all Americans to avoid nonessential travel?

⁴ *Passports and International Travel: Alerts and Warnings*, US DEPT. OF STATE, <https://travel.state.gov/content/passports/en/alertswarnings.html> (last visited June 16, 2016).

⁵ CDC travel notices are color-coded and separated into three distinct levels—Level 1: Watch is green, and reminds travelers to follow usual precautions; Level 2: Alert is yellow, and informs travelers to follow enhanced precautions; and Level 3: Warning is red, and suggests that travelers avoid all nonessential travel. *Travelers Health*, CTRS. FOR DISEASE CONTROL & PREVENTION, <http://wwwnc.cdc.gov/travel/notices#travel-notice-definitions> (last visited June 16, 2016).

⁶ *Passports and International Travel: Alerts and Warnings*, US DEPT. OF STATE, <https://travel.state.gov/content/passports/en/alertswarnings.html> (last visited June 16, 2016).

4. Please describe CDC's reasons, aside from adherence to its self-imposed travel notice framework, for not issuing a Level 3 Warning to all Americans to avoid nonessential travel to countries with local transmission of Zika.
5. What are the potential negative consequences for public health if CDC were to issue a Level 3 Warning to all Americans to avoid nonessential travel to countries with local transmission of Zika?
6. CDC has not increased the travel notice level for areas with local transmission of Zika to a Level 3 Warning, because it only poses high risk to women who are pregnant or plan to become pregnant. Infection with this virus is a known cause of a devastating birth defect, and is suspected of having a causal relationship to other debilitating conditions such as Guillain-Barre syndrome. In light of this, please provide a detailed analysis of why CDC does not consider this virus as presenting a high risk of harm to the entire next generation of Americans.

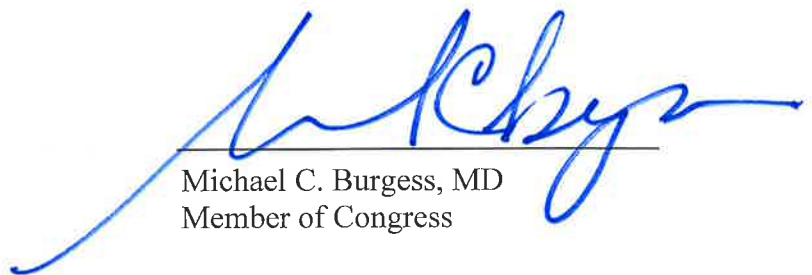
In writing this letter, we seek to obtain a greater understanding of your respective agencies' role and actions relating to travel notifications, and we hope that you will take this opportunity to provide substantive responses on that issue. We recognize the importance of adequate funding to preparedness and response efforts—the Senate and House are currently working to reach agreement on appropriating additional sums of money—but this issue is not foundational to putting Americans on notice of the risks that accompany travel to countries with local transmission of Zika.

We are in a race against time as this virus continues to evolve, and our country inches closer and closer to local transmission with each day. As millions of Americans are in the midst of deciding whether to travel to the epicenter of this outbreak for the Olympics, we ask that you make prompt consideration of these issues a priority and respond to the above inquiries by June 30, 2016.

Sincerely,



John Cornyn
United States Senator



Michael C. Burgess, MD
Member of Congress