

July 30, 2008

Tyler Posey
General Counsel, Peace Corps
1111 20th Street, NW
Washington, DC 20526

Re: Peace Corps Volunteers and Applicants with HIV

Dear Mr. Posey:

Thank you for your letter of July 15, 2008. Based on that letter and Director Tschetter's letter dated June 2, 2008, I understand that the Peace Corps has agreed to change its policy with regard to HIV positive volunteers and applicants as follows:

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
LESBIAN GAY BISEXUAL
TRANSGENDER &
AIDS PROJECT

PLEASE RESPOND TO:
NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2627
F/212.549.2650
WWW.ACLU.ORG/LGBT

SAN FRANCISCO OFFICE:
1663 MISSION STREET
SUITE 460
SAN FRANCISCO,
CA 94103-2400

CHICAGO OFFICE:
180 NORTH MICHIGAN AVENUE
SUITE 2300
CHICAGO, IL 60601-7401

LOS ANGELES OFFICE:
1616 BEVERLY BOULEVARD
LOS ANGELES,
CA 90026-7511

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TREASURER

- (1) In accordance with the Rehabilitation Act, the Peace Corps will make individualized assessments as to whether HIV positive volunteers and applicants will be able to volunteer or, if necessary, a reasonable accommodation will enable them to volunteer;
- (2) The Peace Corps will not automatically separate or disqualify any volunteer or applicant who tests positive for HIV;
- (3) The Peace Corps will make individualized assessments as to whether HIV positive volunteers may remain at their current assignment or be transferred to another assignment;
- (4) Peace Corps volunteers who test positive for HIV will be able to remain at their current assignment during the individualized assessment; and
- (5) The Peace Corps will comply with the Rehabilitation Act to its fullest extent.

Both your and Director Tschetter's letters have expressed the belief that even with the Peace Corps' new policy, "it will be in the best interest of most of HIV-positive Volunteers to bring them back to the U.S. for testing, evaluation, and treatment." I understand that this statement reflects your and Director Tschetter's expectation, but is not Peace Corps policy and does not reflect a prejudgment on the qualifications of HIV positive volunteers. Indeed, once implemented, as noted by the HIV Medicine Association, many HIV positive volunteers should be medically able to continue their volunteer service, even in challenging conditions.

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Notwithstanding your unfounded expectations, relying upon your representations concerning the Peace Corps' policy changes, we do not believe that pursuit of Mr. Johnson's claim is necessary at this time. We are further relying on your representation that the Peace Corps will disseminate and fully comply with this policy as stated in your letter. Thus, if we learn of any volunteers or applicants who were separated or disqualified merely because they tested positive for HIV, we will be sure to bring these cases to your attention.

Thank you for your attention and responsiveness to Mr. Johnson's case. We appreciate your prompt agreement to change the Peace Corps' policy to comport with the Rehabilitation Act.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

Very truly yours,

Rebecca Shore

Rebecca C. Shore
Staff Attorney

cc: Ronald Tschetter (Director, Peace Corps)