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Gays in the Military - Executive Response and Background: DOD [Department of Defense]  
Statement - HIV 5/95

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GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301-1600

**FACSIMILE COVER SHEET**

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WASHINGTON, D.C. 20301-4000

MAY 18 1995

Honorable Jane Harman  
House of Representatives  
Washington, DC 20515

Dear Ms. Harman:

We understand the House National Security Subcommittee on Military Personnel, of which you are a member, is considering a provision in H.R. 1530 that would require the Department to separate all HIV-positive members within six months of learning of their infection. We believe this provision to be unnecessary.

The Department stands by its current policy that requires prospective enlistees be tested for the HIV virus, denying enlistment to those who test positive. The Department requires periodic tests for all active duty personnel, and allows those who test positive to remain on active duty as long as they can perform their required duties.

The number of Service members who are HIV positive is small--less than one-tenth of a percent of the active force. Our mandatory testing program identifies members in the early stages of the infection when they are likely to remain asymptomatic for several years. As long as these members can perform their required duties, we see no prudent reason to separate and replace them because of their antibody status. However, as with any Service member, if their condition affects their performance of duty, then the Department initiates separation action.

The proposed provision before you would not improve military readiness or the personnel policies of the Department, thus it is not required.

Sincerely,

*F. Pang*  
F. Pang

