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Leg[islative] Review - 7/98 - DoD [Department of Defense] Reauthorization - Vaccine

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105TH CONGRESS
2D SESSION

H. R. 2070

AN ACT

To amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

LEG REVIEW - 7/18 -
HR 2070 - Correctional
Officers Health and
Safety Act

105TH CONGRESS
2D SESSION

H. R. 2070

AN ACT

To amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Correction Officers
3 Health and Safety Act of 1998”.

4 **SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.**

5 (a) IN GENERAL.—Chapter 301 of title 18, United
6 States Code, is amended by adding at the end the follow-
7 ing:

8 **“§ 4014. Testing for human immunodeficiency virus**

9 “(a) The Attorney General shall cause each individual
10 convicted of a Federal offense who is sentenced to incar-
11 ceration for a period of 6 months or more to be tested
12 for the presence of the human immunodeficiency virus not
13 earlier than 3 nor later than 4 months after the com-
14 mencement of that incarceration.

15 “(b) If the Attorney General has a well founded rea-
16 son to believe that a person sentenced to a term of impris-
17 onment for a Federal offense, or ordered detained before
18 trial under section 3142(e), may have intentionally or un-
19 intentionally transmitted the human immunodeficiency
20 virus to any officer or employee of the United States, or
21 to any person lawfully present in a correctional facility
22 who is not incarcerated there, the Attorney General shall,
23 upon the request of the affected officer, employee, or other
24 person, cause the person who may have transmitted the
25 virus to be promptly tested for the presence of such virus
26 and communicate the test results as soon as practicable

1 to the person requesting that the test be performed and
2 to the person tested, if person tested so requests.

3 “(c) If the results of the test indicate the presence
4 of the virus, the Attorney General shall provide appro-
5 priate access for counselling, health care, and support
6 services to the affected officer, employee, or other person,
7 and the person tested.

8 “(d) The results of a test under this section are inad-
9 missible against the person tested in any Federal or State
10 civil or criminal case or proceeding.

11 “(e) Not later than 1 year after the date of enactment
12 of this section, the Attorney General shall make rules to
13 implement this section. Such rules shall require that the
14 results of any test are communicated only to a person re-
15 questing the test, to the person tested, and, if the results
16 of the test indicate the presence of the virus, to the chief
17 administrative officer of the correctional facility in which
18 the person tested is imprisoned or detained. Such rules
19 shall also provide for procedures designed to protect the
20 privacy of a person requesting that the test be performed
21 and the privacy of the person tested.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 301 of title 18, United States
24 Code, is amended by adding at the end the following new
25 item:

“4014. Testing for human immunodeficiency virus.”.

1 (c) GUIDELINES FOR STATES.—Not later than 1 year
2 after the date of the enactment of this Act, the Attorney
3 General, in consultation with the Secretary of Health and
4 Human Services, shall provide to the several States pro-
5 posed guidelines for the prevention, detection, and treat-
6 ment of incarcerated persons and correctional employees
7 who have, or may be exposed to, infectious diseases in cor-
8 rectional institutions.

Passed the House of Representatives August 3,
1998.

Attest:

Clerk.



Todd A. Summers

08/07/98 12:02:04 PM

.....

Record Type: Record

To: Jose Cerda III/OPD/EOP, Ronald E. Jones/OMB/EOP
cc: Sandra Thurman/OPD/EOP, Richard J. Turman/OMB/EOP
Subject: Correction Officer Health and Safety Act

I just spoke with DoJ's leg person handling this bill, and told her that we were leaning to recommending that the Administration's position move from "strongly oppose" to silent. Here is why we support that position:

The Policy

Requiring Testing

We do not want to support mandatory testing. We have always maintained that voluntary counseling and testing is adequate. That remains our position on a number of bills, including Rep. Coburn's. If we were to adopt a different stance for prisoners, it opens us up to charges of hypocrisy and deflates our argument on non-prisoners. Moreover, it could potentially be infused with racial connotations since prisoners are predominantly black men. Given the heat that the CDC, NAACP and others are putting on us for the racial disparities in the epidemic, it might be prudent to avoid a conflict here.

I understand that Rep. Waters has participated in amending this bill, so it is clearly on her radar screen. Her staff says that she's in a position of not actively opposing the bill. Rep. Pelosi's staff says the same.

That being said, we now test everyone on the way out of jail so the bill just moves up the inevitable. From a scientific perspective, that is better for prisoners since early detection and treatment of HIV is recommended. From a BoP policy perspective, the testing done on the way out is "voluntary" except that it's required as part of the package of things that must be done to be released. So BoP argues that they don't do mandatory or "forced" testing, but that's semantics.

The bill requires counseling, support, and care for all those who test HIV-positive. We think that's a good mandate, even if it may be redundant (BoP's principal objection to the bill, as I understand it). I think this works more to the advantage of correction officers, staff, and visitors than prisoners because the policy now is that prisoners get care if they're HIV-positive. (The President's Advisory Council on HIV/AIDS has been adamant that they believe that there is a difference between policy and practice at some Federal institutions, but we cannot confirm that and BoP says it's not true.)

The bill also provides that the Attorney General develop standards of care and prevention for States, which we think is good. State, county and local jails ought to be the object of far greater attention since the prevalence of HIV there is so much higher than Federal institutions. I think BoP and DoJ like this part of the bill.

Testing After Potential Exposure

HR2070 also requires testing, or re-testing, after an exposure by a prisoner to an officer, staff person, or visitor. This is hard to argue, particularly because there are now protocols for post-exposure prophylaxis that may be efficacious (not a lot of data yet). We like that the determination of whether the exposure risk was significant lies with DoJ/BoP and should therefore be based on scientific

standards and not subjective fears ("he spit on me, I want him tested"). Universal precautions should minimize instances of exposure, and BoP encourages their implementation, but exposures are certainly possible.

The Unions

I've spoken with the leg. director for AFSCME, which represents some (100,000) of the correctional officers and have a call into SEIU, which represents others. AFSCME says this is a very big deal for the correctional officers, and they feel that the bill that passed is a significant improvement over the original draft that we strongly opposed. They are less concerned about our active support than they are about our active opposition--they'd be content if we moved from "strongly oppose" to silent.

This also makes BoP's objection that officer's are going to be put at risk during mandatory testing because they might have to hold prisoners down to take their blood. First of all, I am not convinced this is a significant issue for Federal prisoners. Second, if the officers' unions are supporting the bill, why are we objecting on their behalf?

Recommendation

We recommend that the Administration:

1. remove it's strong opposition to the bill
2. not actively oppose or support the bill
3. indicate to Senator Hatch and others that we'll acquiesce to a Senate version that parallels that which passed the House, and that the Administration would strongly oppose a version that reverts to the original version of HR2070.

Please let me know if you have any questions.

Aug 03 1998 13:44:56 Via Fax

→

PELOSI, NANCY

Page 001 of 001



AFSCME®

American Federation of State, County and Municipal Employees, AFL-CIO

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Secretary-Treasurer

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Website: <http://www.afscme.org>

August 3, 1998

Dear Representative:

On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), including 100,000 state corrections officers and other personnel, I urge you to vote in favor of H.R. 2070, the Corrections Officers Health and Safety Act of 1997, when it is considered by the House today.

This legislation amends the federal criminal code to provide for HIV testing of incarcerated persons in federal correctional facilities. The bill also requires the Attorney General to issue national voluntary guidelines for HIV testing and testing for other infectious diseases in correctional facilities operated by state and local governments.

H.R. 2070 responds to a major problem confronting law enforcement officers who must come into close personal contact with inmates carrying serious transmissible diseases. Correctional personnel are frequently exposed to the bodily fluids of inmates which poses a major risk to their health and the health of their families as well. In instances where corrections officers and other personnel come into contact with the bodily fluids of incarcerated persons, mandatory testing for serious transmissible diseases is warranted. It is crucial in those situations that an inmate be tested to see if he or she is carrying a virus such as HIV in order that correctional personnel can receive appropriate medical treatment.

Again, we urge you to support H.R. 2070 in order to protect corrections personnel in state and local facilities.

Sincerely,

Charles M. Loveless
Director of Legislation

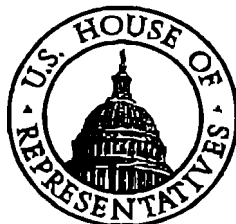
CML:chd

8th Congressional District

San Francisco, California

Fax Transmission
from
The Washington Office of
Congresswoman Nancy Pelosi

Phone #: 202/225-4965



Fax #: 202/225-8259

ATTENTION:

Todd Summers

FROM:

Chris C.

DATE:

of Pages: 2
(Including cover sheet)Message/Instructions:

Action Required:

Total Pages: 6

LRM ID: REJ553

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, July 31, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Ronald E. Jones (for) Assistant Director for Legislative Reference *Rj*

OMB CONTACT: Ronald E. Jones

PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: Statement of Administration Policy on HR2070 Correction Officers Health and Safety Act

DEADLINE: 6:00 PM today 7/31/98 ←

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

August 3rd

COMMENTS: HR 2070 is on the House suspension calendar for Monday. A copy of the substitute amendment approved by the House Judiciary Committee is attached.

DISTRIBUTION LIST

AGENCIES:

61-JUSTICE - L. Anthony Sutin - (202) 514-2141
52-HHS - Sondra S. Wallace - (202) 690-7760
89-Office of National Drug Control Policy - John Carnevale - (202) 395-6736
95-Office of Science and Technology Policy - Jeff Smith - (202) 456-6047

EOP:

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Christopher C. Jennings
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Elizabeth Gore
James J. Jukes
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Chin-Chin Ip
David J. Haun
Steven M. Mertens
Victoria Wassmer

*Referring to include
deadlines.*

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**RESPONSE TO
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You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

**TO: Ronald E. Jones Phone: 395-3386 Fax: 395-3109
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-3454**

**FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)**

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT -- NOT FOR CIRCULATION

July 31, 1998
(House)

H.R. 2070 - Correction Officers Health and Safety Act of 1997
(Solomon (R) New York and 21 cosponsors)

The Administration strongly opposes H.R. 2070, which could require the Bureau of Prisons (BOP) to conduct forcible testing of prisoners for HIV if it receives a request from a person who believes the prisoner may have exposed the person to the virus. Forcibly testing an inmate who refuses to be tested voluntarily could unnecessarily expose additional BOP staff to the virus, and the BOP already has sanctions available to persuade inmates to submit to testing voluntarily.

* * * * *

F:\MS\MCCOLL\MCCOLL.114

H.L.C.

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2070
OFFERED BY MR. MCCOLLUM**

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

**2 This Act may be cited as the "Correction Officers
3 Health and Safety Act of 1998".**

4 SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

5 (a) IN GENERAL.—Chapter 301 of title 18, United
**6 States Code, is amended by adding at the end the follow-
7 ing:**

8 "§ 4014. Testing for human immunodeficiency virus

**9 "(a) If the Attorney General has reason to believe
10 that a person sentenced to a term of imprisonment for
11 a Federal offense, or ordered detained before trial under
12 section 3142(e), may have intentionally or unintentionally
13 transmitted the human immunodeficiency virus to any of-
14 ficer or employee of the United States, or to any person
15 lawfully present in a correctional facility who is not incar-
16 cerated there, the Attorney General shall, upon the re-
17 quest of the affected officer, employee, or other person,
18 cause the person who may have transmitted the virus to
19 be promptly tested for the presence of such virus and com-**

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H.L.C.

2

1 communicate the test results as soon as practicable to the per-
2 son requesting that the test be performed and to the per-
3 son tested, if the tested person so requests. If the results
4 of the test indicate the presence of the virus, the Attorney
5 General shall provide appropriate referrals for counselling,
6 health care, and support services to the affected officer,
7 employee, or other person.

8 “(b) Not later than one year after the date of enact-
9 ment of this section, the Attorney General shall make
10 rules to implement this section. Such rules shall require
11 that the results of any test are communicated only to the
12 person requesting the test and to the tested person. Such
13 rules shall also provide for procedures designed to protect
14 the privacy of the person requesting that the test be per-
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16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 301 of title 18, United States
18 Code, is amended by adding at the end the following new
19 item:

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21 year after the date of the enactment of this Act, the Attor-
22 ney General, in consultation with the Secretary of Health
23 and Human Services, shall provide to the several States
24 proposed guidelines for the prevention, detection, and
25 treatment of incarcerated persons and correctional em-

F:\M5\MCCOLL\MCCOLL.114

H.L.C.

8

- 1 ployees who have, or may be exposed to, infectious diseases
- 2 in correctional institutions.

Amend the title to read "A bill to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes."

Total Pages: 6

LRM ID: REJ553

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July 31, 1998
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H.R. 2070 - Correction Officers Health and Safety Act of 1997
(Solomon (R) New York and 21 cosponsors)

The Administration strongly opposes H.R. 2070, which could require the Bureau of Prisons (BOP) to conduct forcible testing of prisoners for HIV if it receives a request from a person who believes the prisoner may have exposed the person to the virus. Forcibly testing an inmate who refuses to be tested voluntarily could unnecessarily expose additional BOP staff to the virus, and the BOP already has sanctions available to persuade inmates to submit to testing voluntarily.

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June 17, 1998 (12:42 p.m.)



Kate P. Donovan
08/03/98 01:57:06 PM

.....

Record Type: Record

To: Sandra Thurman/OPD/EOP

CC:

Subject: URGENT: HR 2070

NEED YOUR CLEARANCE OR COMMENTS AS SOON AS POSSIBLE!

----- Forwarded by Kate P. Donovan/OMB/EOP on 08/03/98 01:55 PM -----



Kate P. Donovan
08/03/98 12:27:40 PM

.....

Record Type: Record

To: David J. Haun/OMB/EOP@EOP, Kevin P. Cichetti/OMB/EOP@EOP, Charles
Konigsberg/OMB/EOP@EOP, Elizabeth Gore/OMB/EOP@EOP

cc: Ingrid M. Schroeder/OMB/EOP@EOP, M. Jill Gibbons/OMB/EOP@EOP

Subject: HR 2070

Per Dan Mendelson's request, Richard Turman revised the language in the SAP for HR 2070 - Correction Officers Health and Safety Act of 1997. Could you please let me know immediately if this is factually correct - will be on the House floor soon. Thanks.

H.R. 2070 - Correction Officers Health and Safety Act of 1997

(Solomon (R) New York and 21 cosponsors)

The Administration strongly opposes H.R. 2070, which could require the Bureau of Prisons (BOP) to conduct forcible testing of prisoners for human immunodeficiency virus (HIV) if it receives a request from a person who believes the prisoner may have exposed that person to the virus. ~~Forcibly testing an inmate who refuses to be tested voluntarily could unnecessarily expose additional BOP staff to the virus, and the BOP already has methods available to persuade~~ **The DOJ already has adequate policies for protecting staff & visitors, and to convince** inmates to submit to testing voluntarily.

We understand that a substitute amendment may be offered that would require testing all Federal inmates for the HIV. The Administration would strongly oppose any such provision. Currently, BOP tests 10 percent of all inmates annually, and tests each inmate prior to the inmate's release. Mandating testing of all Federal inmates would increase the cost of BOP's testing program dramatically.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Jones) in consultation with the Departments of Justice (Silas, Scott-Finan) and HHS (Friedman), the Office of National Drug Control Policy (Rivait), and TCJSD (Cichetti).

The Office of White House Counsel, White House Legislative Affairs, the Domestic Policy Council, HD, and OIRA did not respond to our request for comments on the draft SAP.

OMB/LA clearance:

H.R. 2070 was ordered reported by the House Judiciary Committee by a voice vote on July 21, 1998.

Administration Position to Date

The Department of Justice, in letters on May 7th and June 22nd, stated that it opposed H.R. 2070.

Summary of H.R. 2070

The principal provisions of H.R. 2070, as reported, would require the Justice Department to:

Test for HIV any prisoner who the Department has "well-founded reason" to believe may have transmitted the HIV virus to a person not incarcerated in the prison if that person requests such a test;

Promptly communicate the test results to the person who requested the test and the person who is tested;

Provide access to counseling, health care, and support services to any tested person found to have the HIV;

Implement prisoner testing rules not later than one year after enactment; and

Provide, in consultation with HHS, guidelines to the States for preventing, detecting, and treating incarcerated persons and correctional employees who have or are exposed to infectious diseases.

Pay-As-You-Go Scoring

According to BASD (Barth), H.R. 2070 does not affect receipts or direct spending and, therefore, is not subject to the pay-as-you-go requirement of the Omnibus Budget

Reconciliation Act. CBO's position is not known.

LEGISLATIVE REFERENCE DIVISION
July 31, 1998 - 7:15 PM

HR 2070 RH

Union Calendar No. 372

105th CONGRESS

2d Session

H. R. 2070

[Report No. 105-665]

To amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 25, 1997

Mr. SOLOMON (for himself and Mr. CONDIT) introduced the following bill; which was referred to the Committee on the Judiciary

July 31, 1998

Additional sponsors: Mrs. KELLY, Mr. MCHUGH, Mr. STRICKLAND, Mr. COBURN, Mr. RIGGS, Mrs. TAUSCHER, Mr. WEYGAND, Mr. SHERMAN, Mr. WALSH, Mr. FRANK of Massachusetts, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. LOBIONDO, Mr. NEY, Mr. BATEMAN, Mr. GOODLATTE, Mr. PETERSON of Pennsylvania, Mr. LUCAS of Oklahoma, Mr. MCNULTY, and Mr. Skeen

July 31, 1998

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[Struck out->] SECTION 1. SHORT TITLE. [~~Struck out~~]

[Struck out->] This Act may be cited as the 'Correction Officers Health and Safety Act of 1997'. [~~Struck out~~]

[Struck out->] SEC. 2. TESTING FOR TRANSMISSIBLE DISEASE OF CERTAIN

INCARCERATED PERSONS. [<Struck out>]

[Struck out->] (a) IN GENERAL- Chapter 301 of title 18, United States Code, is amended by adding at the end the following: [<Struck out>]

[Struck out->] Sec. 4014. Testing for transmissible disease [<Struck out>]

[Struck out->] (a) If the bodily fluids, of a person who is incarcerated in a Federal correctional facility, that are capable of causing a serious transmissible disease come into contact with any officer or employee of the United States or any other person not so incarcerated, the Attorney General shall, under such rules as the Attorney General makes to carry out this section, cause the incarcerated person to be tested for those diseases and promptly communicate in writing the results of the tests to the person with whom such fluids came into contact. If any such tests indicate that such a disease might have been transmitted, the Attorney General shall make appropriate referrals for counseling and health care and support services. [<Struck out>]

[Struck out->] (b) As used in this section, the term 'serious transmissible disease' means the human immunodeficiency virus (HIV) or any of its derivatives, hepatitis and any of its derivatives, tuberculosis, and any other serious illness which an exposed person might reasonably expect to contract from the contact. . . [<Struck out>]

[Struck out->] (b) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following: [<Struck out>]

[Struck out->] '4014. Testing for transmissible disease.' [<Struck out>]

[Struck out->] (c) Not later than one year after the date of the enactment of this section, the Attorney General, in consultation with the Corrections and Criminal Justice Coalition, shall make voluntary national guidelines for testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel or other persons and for the provision of notice to persons with whom those bodily fluids came into contact of the results of such tests. [<Struck out>]

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Correction Officers Health and Safety Act of 1998'.

SEC. 2. TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

(a) IN GENERAL- Chapter 301 of title 18, United States Code, is amended by adding at the end the following:

'Sec. 4014. Testing for human immunodeficiency virus

(a) The Attorney General shall cause each individual convicted of a Federal offense who is sentenced to incarceration for a period of 6 months or more to be tested for the presence of the human immunodeficiency virus not earlier than 3 nor later than 4 months after the commencement of that incarceration.

(b) If the Attorney General has a well founded reason to believe that a person sentenced to a term of imprisonment for a Federal offense, or ordered detained before trial under section 3142(e), may have intentionally or unintentionally transmitted the human immunodeficiency virus to any

officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there, the Attorney General shall, upon the request of the affected officer, employee, or other person, cause the person who may have transmitted the virus to be promptly tested for the presence of such virus and communicate the test results as soon as practicable to the person requesting that the test be performed and to the person tested, if person tested so requests.

(c) If the results of the test indicate the presence of the virus, the Attorney General shall provide appropriate access for counselling, health care, and support services to the affected officer, employee, or other person, and the person tested.

(d) The results of a test under this section are inadmissible against the person tested in any Federal or State civil or criminal case or proceeding.

(e) Not later than one year after the date of enactment of this section, the Attorney General shall make rules to implement this section. Such rules shall require that the results of any test are communicated only to a person requesting the test, to the person tested, and, if the results of the test indicate the presence of the virus, to the chief administrative officer of the correctional facility in which the person tested is imprisoned or detained. Such rules shall also provide for procedures designed to protect the privacy of a person requesting that the test be performed and the privacy of the person tested.

(b) **CLERICAL AMENDMENT-** The table of sections at the beginning of chapter 301 of title 18, United States Code, is amended by adding at the end the following new item:

4014. Testing for human immunodeficiency virus.

(c) **GUIDELINES FOR STATES-** Not later than one year after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide to the several States proposed guidelines for the prevention, detection, and treatment of incarcerated persons and correctional employees who have, or may be exposed to, infectious diseases in correctional institutions.

Amend the title so as to read 'A bill to amend title 18, United States Code, to provide for the testing of certain persons who are incarcerated or ordered detained before trial, for the presence of the human immunodeficiency virus, and for other purposes.'

Union Calendar No. 372

105th CONGRESS

2d Session

H. R. 2070

[Report No. 105-665]

A BILL

To amend title 18, United States Code, to provide for the mandatory testing for serious transmissible diseases of incarcerated persons whose bodily fluids come into contact with corrections personnel and notice to those personnel of the results of the tests, and for other purposes.

July 31, 1998

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

END

LRM ID: RJN345 SUBJECT: DEFENSE Conference Document on S2057 National Defense Authorization Act for FY 1999

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Robert J. Nassif Phone: 395-7896 Fax: 395-5691
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-6194

FROM: July 16, 1998 (Date)
 Todd Summers (Name)
 AIDS Policy/EOP (Agency)
 6-2437 (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

☒ Concur

☐ No Objection

☐ No Comment

☐ See proposed edits on pages _____

☐ Other: _____

☐ FAX RETURN of _____ pages, attached to this response sheet

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2765
 CONNECTION TEL 55691
 SUBADDRESS
 CONNECTION ID
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 USAGE T 00'31
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 RESULT OK

JUN-29-1998 16:25

DMB/LRD/RDI

202 395 5691 P.02/03

LRM ID: RJN345 SUBJECT: DEFENSE Conference Document on S2057 National Defense
 Authorization Act for FY 1999

**RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

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(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Robert J. Nassif Phone: 395-7896 Fax: 395-5891
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-6194

FROM: July 8, 1998 (Date)
Todd Summers (Name)
AIDS Policy/EOP (Agency)
6-2437 (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

☒ Concur

☐ No Objection

☐ No Comment

☐ See proposed edit; on pages _____

☐ Other: _____

☐ FAX RETURN of _____ pages, attached to this response sheet

**Department of Defense Appeal
FY 1999 Defense Authorization Bill**

Appeal Subject: Military HIV Research

Appropriations: RDT&E, Army

Summary: The Senate provided \$3.1 million, due to concern about program growth, versus \$5.7 million requested. The committee stated: "The committee notes that this reduction represents the amount proposed by the Army to expand certain activities under the human immunodeficiency virus program in fiscal year 1999. The committee supports continuation of the long-term core program of research and development."

**Budget Authority
(Dollars in Millions)**

<u>Item</u>	<u>Budget</u>	<u>House</u>	<u>Senate</u>	<u>Appeal</u>
Military HIV Research	5.7	5.7	3.1	5.7

DoD Position: The Department believes that the reduction represents a misinterpretation during the markup of this program. The apparent increase represents the transfer of funding from the applied research program to the advanced technology development program (PE 0603105A), not an expansion, and was inadequately explained in budget materials. Thus, the transfer represented a net zero increase from the FY 1998 RDT&E, Army program to the FY 1999 program. The reduction, if left standing, will restrict the efforts of the Army to develop HIV vaccines and diagnostic tests that could be applied to the HIV genotypes found abroad. The Department of Defense urgently needs protective vaccines for service members abroad, and is attempting to develop vaccines that are effective against genotypes currently found both inside and outside of the U.S.

The Department of Defense urges the ^{Senate}House to reconsider its position and to provide the full \$5.7 million requested.