

In the Senate of the United States,

October 20 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 2070) entitled “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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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 following:*

7 ***“§ 4014. Testing for human immunodeficiency virus***

8 *“(a) The Attorney General shall cause each individual*
9 *convicted of a Federal offense who is sentenced to incarcer-*

1 ation for a period of 6 months or more to be tested for the
2 presence of the human immunodeficiency virus, as appro-
3 priate, after the commencement of that incarceration, if
4 such individual is determined to be at risk for infection
5 with such virus in accordance with the guidelines issued
6 by the Bureau of Prisons relating to infectious disease man-
7 agement.

8 “(b) If the Attorney General has a well-founded reason
9 to believe that a person sentenced to a term of imprisonment
10 for a Federal offense, or ordered detained before trial under
11 section 3142(e), may have intentionally or unintentionally
12 transmitted the human immunodeficiency virus to any offi-
13 cer or employee of the United States, or to any person law-
14 fully present in a correctional facility who is not incarcer-
15 ated there, the Attorney General shall—

16 “(1) cause the person who may have transmitted
17 the virus to be tested promptly for the presence of such
18 virus and communicate the test results to the person
19 tested; and

20 “(2) consistent with the guidelines issued by the
21 Bureau of Prisons relating to infectious disease man-
22 agement, inform any person (in, as appropriate, con-
23 fidential consultation with the person’s physician)
24 who may have been exposed to such virus, of the po-
25 tential risk involved and, if warranted by the cir-

1 *cumstances, that prophylactic or other treatment*
 2 *should be considered.*

3 *“(c) If the results of a test under subsection (a) or (b)*
 4 *indicate the presence of the human immunodeficiency virus,*
 5 *the Attorney General shall provide appropriate access for*
 6 *counselling, health care, and support services to the affected*
 7 *officer, employee, or other person, and to 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 issue rules to im-*
 13 *plement this section. Such rules shall require that the results*
 14 *of any test are communicated only to the person tested, and,*
 15 *if the results of the test indicate the presence of the virus,*
 16 *to correctional facility personnel consistent with guidelines*
 17 *issued by the Bureau of Prisons. Such rules shall also pro-*
 18 *vide for procedures designed to protect the privacy of a per-*
 19 *son requesting that the test be performed and the privacy*
 20 *of the person tested.”.*

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

“4014. Testing for human immunodeficiency virus.”.

24 *(c) GUIDELINES FOR STATES.—Not later than 1 year*
 25 *after the date of the enactment of this Act, the Attorney*

1 *General, in consultation with the Secretary of Health and*
2 *Human Services, shall provide to the several States pro-*
3 *posed guidelines for the prevention, detection, and treat-*
4 *ment of incarcerated persons and correctional employees*
5 *who have, or may be exposed to, infectious diseases in cor-*
6 *rectional institutions.*

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 2070

AMENDMENT