

110TH CONGRESS  
1ST SESSION

# H. R. 3710

To amend the Public Health Service Act to establish an Office of Correctional  
Public Health.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2007

Mr. HOLDEN introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to establish an  
Office of Correctional Public Health.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Office of Correctional  
5       Public Health Act of 2007”.

6       **SEC. 2. FINDING.**

7       The Congress finds as follows:

8               (1) Approximately 2.5 million people are incar-  
9       cerated in the United States.

1           (2) The number of inmates held in Federal,  
2           State, and private correctional facilities rose 37 per-  
3           cent between midyear 1995 and 2006.

4           (3) The offender population in jails turns over  
5           between 20 and 25 times each year.

6           (4) At least 95 percent of those currently incar-  
7           cerated will be released from custody.

8           (5) Offender populations enter correctional fa-  
9           cilities with a higher rate of infection of chronic and  
10          communicable diseases, including asthma, diabetes,  
11          hepatitis, HIV/AIDS, and tuberculosis, than is  
12          present in the general population.

13          (6) The prevalence of mental illness in correc-  
14          tional facilities is rising. Estimates are that 21 per-  
15          cent of jail inmates in 2004 had a recent history of  
16          a mental health problem, while 60 percent reported  
17          symptoms that meet the criteria for mania. In State  
18          prison facilities, 24 percent reported a mental health  
19          problem, and 43 percent reported symptoms of  
20          mania.

21          (7) At the end of 2004, the prevalence of AIDS  
22          among inmates was 3.3 times higher than among  
23          the general population.

1           (8) An estimated 98,500 to 145,500 HIV-posi-  
2           tive inmates were released from prisons and jails in  
3           1996.

4           (9) According to estimates, between 12 and 15  
5           percent of all individuals in the United States with  
6           chronic or current hepatitis B infection in 1996  
7           spent time in a correctional facility that year.

8           (10) In the United States, about 30 percent of  
9           the total population with hepatitis C virus are  
10          former prisoners or have a history of incarceration.  
11          The prevalence of hepatitis C among inmates is be-  
12          tween 9 and 10 times higher than the estimated  
13          hepatitis C prevalence in the Nation's population as  
14          a whole.

15          (11) In 1996, an estimated 35 percent of all  
16          those in America who had tuberculosis had served  
17          time in a correctional facility.

18          (12) Substance abuse is a major characteristic  
19          of incoming prisoners. In 1997, more than 80 per-  
20          cent of State inmates, and more than 70 percent of  
21          Federal inmates, reported past drug use, and 51  
22          percent reported the use of alcohol or drugs while  
23          committing their offense.

1 **SEC. 3. ESTABLISHMENT OF OFFICE OF CORRECTIONAL**  
2 **PUBLIC HEALTH.**

3 Title XVII of the Public Health Service Act (42  
4 U.S.C. 300u et seq.) is amended by adding at the end  
5 the following section:

6 “OFFICE OF CORRECTIONAL PUBLIC HEALTH

7 “SEC. 1711. (a) IN GENERAL.—There is established  
8 within the Office of Public Health and Science an office  
9 to be known as the Office of Correctional Public Health  
10 (in this section referred to as the ‘Office’), which shall be  
11 headed by a director appointed by the Secretary. The Sec-  
12 retary shall carry out this section acting through the Di-  
13 rector of the Office.

14 “(b) GENERAL DUTIES.—

15 “(1) IN GENERAL.—The Secretary shall carry  
16 out public health activities (referred to in this sec-  
17 tion as ‘correctional health activities’) regarding in-  
18 dividuals (referred to in this section as ‘correctional  
19 populations’) who are employed in the field of cor-  
20 rections as employees in Federal, State, or local  
21 penal or correctional institutions; are incarcerated in  
22 such institutions; are employed as parole or proba-  
23 tion officers; or are under parole or probation super-  
24 vision. Correctional health activities that may be car-  
25 ried out under the preceding sentence include activi-  
26 ties regarding disease prevention, health promotion,

1 service delivery, research, and health professions  
2 education.

3 “(2) CERTAIN TYPES OF INSTITUTIONS.—The  
4 types of penal or correctional institutions with re-  
5 spect to which this section is authorized to be car-  
6 ried out include facilities in which individuals are  
7 held pending judicial proceedings (including individ-  
8 uals who are minors), facilities in which individuals  
9 are held pending administrative proceedings of the  
10 Secretary of Homeland Security with respect to citi-  
11 zenship and immigration services, and facilities in  
12 which individuals who are minors are held pursuant  
13 to judicial proceedings in which such individuals are  
14 found, as minors, to have engaged in violations of  
15 law.

16 “(c) CERTAIN ACTIVITIES.—In carrying out correc-  
17 tional health activities under subsection (b), the Secretary  
18 shall—

19 “(1) coordinate all correctional health programs  
20 within the Department of Health and Human Serv-  
21 ices;

22 “(2) provide technical support to State and  
23 local correctional agencies on correctional health  
24 issues;

1           “(3) cooperate with other Federal agencies car-  
2           rying out correctional health programs to ensure co-  
3           ordination of such programs;

4           “(4) consult with, and provide outreach to,  
5           State directors of correctional health and providers  
6           of correctional health care;

7           “(5) facilitate the exchange of information re-  
8           garding correctional health activities; and

9           “(6) facilitate collaboration between correctional  
10          agencies and State and local health departments.

11         “(d) GRANTS REGARDING HEPATITIS AND OTHER  
12         INFECTIOUS DISEASES.—

13                 “(1) IN GENERAL.—The Secretary, in consulta-  
14                 tion with the Director of the Centers for Disease  
15                 Control and Prevention, may make grants to States  
16                 for the purpose of providing for correctional popu-  
17                 lations screenings, immunizations, and treatment for  
18                 hepatitis A, B, and C and other infectious diseases.

19                 “(2) DISCRETION OF GRANTEE REGARDING  
20                 SCOPE OF PROGRAM.—A State receiving a grant  
21                 under paragraph (1) may expend the grant for any  
22                 or all of the activities authorized in such paragraph.

23                 “(3) REQUIREMENT OF MATCHING FUNDS.—

24                         “(A) IN GENERAL.—With respect to the  
25                         costs of the program to be carried out under

1 paragraph (1) by a State, the Secretary may  
2 make a grant under such paragraph only if the  
3 State agrees to make available (directly or  
4 through donations from public or private enti-  
5 ties) non-Federal contributions toward such  
6 costs in an amount not less than 20 percent of  
7 such costs (\$1 for each \$4 of Federal funds  
8 provided in the grant).

9 “(B) DETERMINATION OF AMOUNT CON-  
10 TRIBUTED.—Non-Federal contributions re-  
11 quired in subparagraph (A) may be in cash or  
12 in kind, fairly evaluated, including plant, equip-  
13 ment, or services. Amounts provided by the  
14 Federal Government, or services assisted or  
15 subsidized to any significant extent by the Fed-  
16 eral Government, may not be included in deter-  
17 mining the amount of such non-Federal con-  
18 tributions.

19 “(4) CERTAIN EXPENDITURES OF GRANT.—The  
20 Secretary may make a grant under paragraph (1)  
21 only if, with respect to the activities to be carried  
22 out with the grant pursuant to paragraph (2), the  
23 State agrees that a portion of the grant will be ex-  
24 pended to carry out such activities at penal or cor-  
25 rectional institutions that are not facilities in which

1 individuals serve terms of imprisonment, including  
2 facilities in which individuals are held pending judi-  
3 cial proceedings.

4 “(e) ANNUAL REPORT.—The Secretary shall annu-  
5 ally submit to the Congress a report describing the correc-  
6 tional health activities carried out under this section. The  
7 report shall include a description of the status of correc-  
8 tional health activities in the United States.

9 “(f) RULE OF CONSTRUCTION REGARDING AGENCY  
10 JURISDICTION.—With respect to correctional health pro-  
11 grams that are carried out by agencies of the Public  
12 Health Service and were in operation as of the day before  
13 the date of the enactment of the Office of Correctional  
14 Public Health Act of 2007, this section may not be con-  
15 strued as requiring the Secretary to transfer jurisdiction  
16 for the programs from such agencies to the office estab-  
17 lished in subsection (a).

18 “(g) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—For the purpose of car-  
20 rying out this section, other than subsection (d),  
21 there are authorized to be appropriated such sums  
22 as may be necessary for each of the fiscal years  
23 2008 through 2012.

24 “(2) GRANTS REGARDING HEPATITIS AND  
25 OTHER INFECTIOUS DISEASES.—For the purpose of



1 carrying out subsection (d), there are authorized to  
2 be appropriated \$25,000,000 for each of the fiscal  
3 years 2008 through 2010, and \$10,000,000 for each  
4 of the fiscal years 2011 and 2012.”.

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