THE HIV PARTNER PROTECTION ACT

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. COBURN. Mr. Speaker, for over fifty years, health authorities have used partner notification programs to stem the spread of contagious diseases. Such an approach helps to identify those at risk, provide them with counseling and testing as well as treatment, if necessary, thereby breaking the cycle of transmission. During the first years of the AIDS epidemic, however, partner notification programs were suspended and replaced with extraordinary privacy protections in the hope that such an approach would encourage high risk individuals to come forward and be voluntarily tested. Because of this decision, if you have been unknowingly exposed to HIV, the deadly virus which causes AIDS, you have no right to know that your life may be in danger—even if public health authorities know that you are in danger.

While every state is required to have a procedure to notify those who may have been exposed, only 30 states have enacted HIV notification laws, and most do not mandate a duty to notify. Because of this inconsistency, most of those exposed to HIV do not find out until they have been infected for some time and are already sick with AIDS-related disease. By this point, they have been denied the medical care that can prolong their lives and stave off illness and may have infected others unknowingly.

Due to this abhorrent policy, it is not shocking that nearly 400,000 Americans have died from AIDS in the short period since the disease was discovered in 1981 and another one million Americans are believed to be infected with HIV today. And despite billions of dollars spent on prevention and research, more than 40,000 new infections are estimated to occur each year in the United States and no cure or vaccine appear to be on the horizon.

We do, however, know enough about the virus to prevent its spread, but the response of the federal government and the public health community has contributed to the growth of the epidemic. From its onset, proven public health practices which have been successful in helping to curtail other contagious diseases were abandoned in our efforts against HIV. Due to the unfair stigmas associated with the populations most at risk, it was decided that HIV would be treated as a civil rights issue instead of a public health crisis. As a result, our response has been based almost exclusively on the rights of those infected to the detriment of the uninfected.

But times have changed. Women and communities of color are now the fastest growing casualties of HIV. New drug therapies have been developed that offer hope for many of those who are infected to lead longer and healthier lives, especially when they are diagnosed early. And federal, state and local laws, including the Americans With Disabilities Act have been enacted to protect the civil rights of the afflicted.

Due to these changes, many who initially opposed public health measures such as partner notification have now reconsidered. Just this year, the New York Assembly overwhelming passed legislation, which is now state law, which would mandate notification of those who may have been exposed to HIV. Even civil libertarians such as Senator TED KENNEDY have advocated partner notification. In 1990, Senator KENNEDY, stating that ''there is a duty to warn,'' proposed HIV partner notification legislation which was approved by the Senate.

The HIV Partner Protection Act gives Congress another opportunity to enact this important procedure which would alert those at risk and save lives. This bill introduced by Rep. GARY ACKERMAN (D–NY) would guarantee that everyone who is diagnosed with HIV receives appropriate counseling for preventing infecting others and information regarding treatment to protect their own health. It would also protect those who seek HIV testing by forbidding insurance companies from discriminating against anyone who receives a test for HIV, regardless of the results. But most importantly, the HIV Partner Protection Act would require that anyone who may have been exposed to HIV by a past or present partner be notified.

Partner notification is extremely important to disease control because it is the only timely way to alert those in danger of infection. It is the standard public health procedure for curtailing the spread of virtually all other sexually transmitted diseases and has been credited in part for the fact that syphilis cases in the U.S. have fallen to the lowest levels in U.S. history.

Partner notification essentially requires two steps. The first is to counsel all infected individuals about the importance of notifying their partner or partners that they may have been exposed. The second is for their doctor to forward the names of any partners named by the infected person to the Department of Health where specially trained public health professionals complete the notification.

In all cases, the privacy of the infected is—and must be—protected by withholding the name of the infected person from the partner being notified. Because names are never revealed, the infected retain their anonymity.

Partner notification has proven to be highly effective and there is no evidence that partner notification programs discourage individuals from being tested. Between 50% and 90% of those who tested positive cooperate voluntarily with notification. Further, even higher proportions of those partners contacted—usually 90% or more voluntarily obtain an HIV test.[1] But only 10% or less of people who have recently tested HIV-positive manage, by themselves, to notify their partners.[2]

Federal law already requires spousal notification (Public Law 104–146). Since it applies only to those partners who are or had been married, it makes perfect sense to expand notification to all of those who may have been exposed to HIV.

Partner notification is especially important for women because many HIV-infected women (50% to 70% is some studies) do not engage in high risk behaviors but were infected by a partner who does.[3] Recent studies also indicate that AIDS develops more quickly in women who would therefore benefit from being alerted to their condition as early as possible.

In addition to saving lives, partner notification also saves money. The Centers for Disease Control and Prevention (CDC) has concluded that even if only one in 80 notifications results in preventing a new case of HIV-infection, given the huge medical and social costs of every case (liftime cost for HIV treatment is $154,402), notification pays for itself.[4]

Jack Wroten, who heads the Florida partner notification program, said that ''I would hope that the controversy surrounding partner notification would cease'' because ''it works'' and ''it's very, very productive. And the fact is that the majority [of people], if you ask them, 'Do you want to be notified?'—absolutely.''[5] A poll published in the New York Post[6] supports his statement with an overwhelming number of Americans stating that the rights of partners of those infected with HIV should outweigh the privacy rights of the infected.

Clearly, this important piece of legislation is long overdue. Every day we put off enacting this life saving policy, HIV will continue to claim more innocent victims whom could have been saved.

FOOTNOTES

[1] Chris Norwood, ''Mandated Life Versus Mandatory Death: New York's Disgraceful Partner Notification Record,'' Journal of Community Health, vol. 20, No. 2, April 1995. Page 164.

[2] Norwood, page 168.

[3] Tracey Hooker, HIV/AIDS Facts to Consider: 1996, February 1996. Page 13.

[4] Norwood, page 164. Lifetime treatment cost data presented by the Centers for Disease Control and Prevention at the 12th World AIDS Conference in Geneva, July 1998.

[5] Nina Berstein, ''When Women Aren't Told,'' Newsday. February 3, 1996.

[6] ''POLL'' New York Post, May 6, 1991.

WELL DESERVED TRIBUTES FOR GUILLERMO MUNIZ

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MILLER of California. Mr. Speaker, I know that all Members of the House of Representatives want to join me and the Contra Costa community in saluting one of the most dedicated and generous men I have ever known, Guillermo ''Bill'' Muniz, who will be honored at two public ceremonies this weekend for his outstanding contributions to youth and the future of our region.

Bill is a legend. His New Mecca restaurant is a legend. His generosity to children, to athletic teams, to his community of Pittsburgh, to education—the list is virtually endless—is the stuff of legend. For three decades, Bill Muniz has operated more than a restaurant. The New Mecca serves as his control center for a never-ending, community-wide program of supporting schools and volunteers, sports teams and a remarkable cross-section of northern California.

Bill's generosity is as fabled as his enchiladas and burritos, and just as gratifying. No one asked Bill to donate thousands of meals for church fundraisers or to feed workers clearing the Bay Bridge after the Loma Prieta earthquake; no one asked him to help feed the volunteers at the Polly Klauss Foundation. Bill pitched in because he loves his community. it is with that same spirit that he has catered the local professional sports teams that now consider New Mecca dinners a major advantage of being located in the Bay Area.

For years, a lunch at the New Mecca with friends has been my tradition on Election Day, and on those occasions as on any other day that you enter this deceptive storefront in

downtown Pittsburg, the restaurant is a hive of activity, with counter and booths packed and overflowing, waitresses racing through the crowd, and presiding over it all with an enormous smile on his face, Bill Muniz, who is never too busy to talk about his plans for his community is excited and upbeat words.

''I go to schools, I talk about the opportunities they have,'' Bill is quoted as saying. ''I believe in dreams. I also believe people have to work for them.'' And he has worked hard, since arriving more than 30 years ago from Guadalajara where he was an internationally recognized cyclist. He worked as a delivery boy, in canneries, in a chocolate factory and elsewhere before becoming the owner of the New Mecca in the 1960s and building it into a legendary institution in downtown Pittsburg.

So it is fitting that this weekend, the public square near the New Mecca will be dedicated to Bill Muniz, whose efforts have brought thousands of people to downtown Pittsburg and helped revitalize an entire city. And it is also appropriate that the Chicano Latino Academies Reaching Out (CLARO) will be naming its new computer center in nearby Brentwood for Bill in honor of his dedication to children, education and the community.

This is far from the first time Bill has been recognized for his civic contributions. He has been Pittsburg's Man of the Year (1978), UCSSO Mexican American of the Year (1980), original member of the Contra Costa Hall of Fame (1988), Hispanic Chamber of Commerce Member of the Year (1992), City of Concord Commendation (1995), California State Senate Commendation (1995), and many more awards and recognitions. In 1995, the Contra Costa Board of Supervisors declared November 3 ''Bill Muniz Day'' to recognize his longstanding service to our community.

And so, Mr. Speaker, I ask all Members to join in saluting a man who has lived the American Dream because of his own hard work and community spirit, and who now is doing so much to make that dream a possibility to others who are prepared to follow his example. He is a truly special and gifted man whose public enthusiasm for his community is as great as his personal modesty. I am lucky to call Bill my friend, and that is a genuine honor I share with thousands who will join to honor him for his many contributions and services.

A SPECIAL TRIBUTE TO THE SERVICE WOMEN OF GUAM ON THE 50TH ANNIVERSARY OF THE WOMAN'S ARMED SERVICES INTEGRATION ACT OF 1948

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay special tribute in the name of equality, in the name of justice and in the name of opportunity. Fifty years ago, President Harry S. Truman issued an executive order, desegregating the U.S. Armed Forces and signed into law the Women's Armed Services Integration Act. This monumental piece of legislation was the realization of, at the time, a one hundred year struggle for women's rights. It begun in 1848 with the ''Declaration of Sentiments'' in Seneca Falls, New York where women for the first time congregated together to discuss women's rights. Their immediate cause was achieved in 1920, when women were granted suffrage—the right to vote and participate in the American political family. In the 1920's women were asserting their rightful place in the workforce and began to embrace their independence in unimaginable ways. Yet, women were still not accepted as full fledged participants among the social and cultural fabric of American life. They were still treated as second-class citizens, in the male-dominated workplace. Few women were permitted entry into high executive positions, law schools and medical schools.

The onset of the Second World War, flooded the work place with tens of thousands of women eager to help the war effort by laboring in the factories producing valuable war supplies and armaments. These patriotic women showed America their superb abilities in tackling jobs that were previously performed only by men. Through their efforts, these pioneering women laid the seeds of the modern women's movement by forcing America to conform the double-standard in basic civil and social rights. There were many women who sacrificed much for the war effort by participating in the WAACS, the WAVES and the USO. Some women even volunteered for the hazardous assignments of being a test-pilot (WASPs) for new fighter aircraft or agents for the Office of Strategic Service (OSS). Many were nurses, codebreakers, truck drivers, and clerks. Most served at home but there were many who were assigned to front line areas. They risked their lives in the same combat zones as their male counterparts and in some cases died while performing their essential duties.

After the war, these courageous women were told to return to the homes and kitchens of America. The ironic injustice of helping to defeat oppression overseas and yet be denied equity at home did not pass un-noticed. With the force of history held in the balance, President Truman's executive order and Senator Margaret Chase Smith's Women's Armed Services Integration Act were both signed into law. The act authorized regular and reserve status for women in the Army, Navy, Air Force and Marine Corps. All at once, women, at least in the military, had finally achieved a significant step towards equality.

Since 1948, many of the limitations that were included in the act have been amended to ensure even greater equity for women in the military. As a result, women today may attend the service academies, train and serve in gender-integrated units and in many cases women have risen to general and flag officer ranks. As a direct result of this historic act, women are now able to fully participate and serve in the U.S. Armed Forces. Today, about 200,000 women serve on active duty and make up about 14% of the force; and about 225,000 women serve in the reserve components and comprise 15.5% of their strength.

Mr. Speaker, the Women's Integration Act laid down the foundation for the future achievement of America's women in the Armed Services. Today we celebrate and honor the past and present achievements of Guam's daughters who have dedicated their lives in some capacity to the service of their country. Women such as the late Lieutenant Colonel Marilyn Won Pat (U.S. Army), Lieutenant Colonel Evelyn Salas Leon Guerro (Guam Army National Guard) and Master Sergeant Victoria R. Laganse (U.S. Army) are just a few of the high quality individuals who have served with honor and distinction. These dedicated few represent all of the women of Guam in their greater struggle for equality of women's rights. It has been 150 years since the first American convention of women's rights in 1848. And although our society has made progress towards the goal of complete enfranchisement for women, we can no doubt look forward towards an even brighter future, in part due to the work and accolades achieved by our service women. As members of Guam's family we are all justly proud of Guam's women military ''pioneers'' and extend to them an official Dangkulo Si Yu'os Ma'ase in their honor.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, AND JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 5, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purpose.

Mr. DEUTSCH. Mr. Chairman, I rise to express my strong opposition to the Hefley amendment. I am pleased to see so many of my colleagues from both sides of the aisle firmly committed to nondiscrimination in the workplace.

However, it is absolutely appalling that the House would even consider this outrageous amendment. President Clinton's executive order reaffirms every American's right to nondiscrimination in the workplace. Yet the Hefley amendment would reverse this policy against discrimination on the basis of sexual orientation.

Non-discrimination is a fundamental American right, whether it be on the basis of sex, religion, or sexual orientation. Unfortunately, this amendment is yet another example of a concerted assault on human rights pushed by extremists who wish to divide Americans. It strikes a blow to the core of democracy and should be rejected by all Americans who value the principle of freedom in the workplace.

Mr. Chairman, we must stand up in defense of all Americans and reject this amendment.

THE NEED FOR POSTAL REFORM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. WALSH. Mr. Speaker, I rise today to express concern about the continual rise in postal rates by the U.S. Postal Service. The recent