

Woman's Year in 1978, and co-authored *Portraits in Color*. I thank you, Ms. Sawyer Chery, for all you have done for our nation and for the state of Florida.

And the last woman I would like to mention is a very near and dear friend of mine; an African American woman who served with me both in the Florida state legislature and came up to Washington with me in 1993. I am referring to, of course, Ms. Carrie Meek of Miami.

The granddaughter of a slave and the daughter of former sharecroppers, she spent her childhood in segregated Tallahassee. She then went on to graduate from Florida A&M University in 1946, at a time when African Americans could not attend graduate school in Florida, so she was forced to travel North to continue her studies and ended up graduating from the University of Michigan.

Ms. Meek went on to become a Florida state representative in 1979, and was the first African American female elected to the Florida State Senate in 1982. As a state senator, Meek served on the Education Appropriations Subcommittee, and her efforts in the Legislature also led to the construction of thousands of affordable rental housing units.

In 1992, Congresswoman Carrie Meek was elected to the U.S. House of Representatives from Florida's 17th Congressional District. This made Ms. Meek, along with myself and Congressman ALCEE HASTINGS, to serve as the first black lawmakers elected to represent Florida in Congress since Reconstruction. Upon taking office, Ms. Meek was faced the extreme task of helping her district recover from Hurricane Andrew's devastation, and her efforts helped to provide \$100 million in federal assistance to rebuild Dade County.

As a powerful and hard working Member of the appropriations committee, Congresswoman Meek became a leader on issues from economic development, to health care funding, to education and housing. She also passed legislation to improve Dade County's transit system, their airport and seaport; construct a new family and childcare center in North Dade County; and fund advanced aviation training programs at Miami-Dade Community College. In recent times, the Honorable Carrie Meek has worked to become a civil rights advocate for senior citizens in the Miami area, as well for the Haitian community in South Florida.

In closing, I want to thank these pioneers, those who have led the way for our daughters today and in the future.

Ms. GIFFORDS. Mr. Speaker, I am honored today to celebrate March as National Women's History Month with my support of H. Res. 211, "Supporting the Goals and Ideals of National Women's History Month."

Women make up only 17% of the 111th Congress—that is abysmal given that we make up more than 50 percent of America's population. In the private sector, women CEOs are also in the minority. According to a 2008 census by Catalyst, among fortune 500 companies, only 2.4 percent are women. We can do better. More voices of women are needed in our boardrooms, courtrooms and in the halls of Congress.

In my home state of Arizona, women have been trailblazers. This year, Arizona became the only state in the nation to have three female Governors in a row: Jane Hull, Janet Napolitano and Janice Brewer. In 1998, Arizona became the first state to elect women to all five of its top offices, dubbed the "Fab

Five." Additionally, Sandra Day O'Connor, the first woman to serve on the United States Supreme Court, hails from the great state of Arizona.

All of these strong, independent leaders embody the true spirit of Arizona women: self-reliant, hard-working and determined.

I also want to pay tribute to the countless organizations and coalitions that work tirelessly to improve the lives of women and girls throughout Southern Arizona.

I am proud to celebrate National Women's History Month by recognizing the increased awareness and knowledge of women's involvement in history.

Mr. ISSA. Mr. Speaker, I would like to yield back the remainder of my time.

Mr. CLAY. At this time, we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 211. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### AUTHORIZING PILOT PROGRAM FOR PATENT CASES

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 628

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

#### SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall designate not less than 6 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out.

(2) CRITERIA FOR DESIGNATIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the Director shall make designations under paragraph (1) from—

(i) the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended; or

(ii) the district courts that have adopted local rules for patent and plant variety protection cases.

(B) EXCEPTIONS.—The Director may only designate a court in which—

(i) at least 10 district judges are authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under other provisions of law; and

(ii) at least 3 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

(e) REPORTS TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal, by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) **TIMETABLE FOR REPORTS.**—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) **PERIODIC REPORTS.**—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

(f) **AUTHORIZATION FOR TRAINING AND CLERKSHIPS.**—

(1) **IN GENERAL.**—In addition to any other funds made available to carry out this section, there are authorized to be appropriated not less than \$5,000,000 in each fiscal year for—

(A) educational and professional development of those district judges designated under subsection (a)(1)(A) in matters relating to patents and plant variety protection; and

(B) compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases, to be appointed by the courts designated under subsection (b) to assist those courts in such cases.

(2) **AVAILABILITY OF FUNDS.**—Amounts made available pursuant to this subsection shall remain available until expended.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. **JOHNSON**) and the gentleman from Texas (Mr. **SMITH**) each will control 20 minutes. The Chair recognizes the gentleman from Georgia.

**GENERAL LEAVE**

Mr. **JOHNSON** of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. **JOHNSON** of Georgia. I yield myself such time as I may consume.

Mr. Speaker, this bill will create a pilot program to help enhance district court expertise in patent cases. The United States patent system leads the world in its strength and effectiveness. For over two centuries, the incentives for innovation it supports have helped create the world's strongest economy. But to ensure that it continues to play this role, we must be mindful of whether it is working as efficiently as it could be and whether we can improve it.

In recent years, concern has arisen over the expense and duration of patent litigation, as well as the lack of consistency in the patent decisions that are handed down by district courts. This bill should help address both of those concerns. It is widely be-

lieved that the lack of experience and expertise that most district court judges have with respect to patent and plant variety protection cases is responsible for the wide divergence in their decisions in these cases and their high rate of reversal on appeal.

This bill establishes a pilot program to enable interested judges in certain district courts to gain increased expertise in adjudicating complex and technical patent and plant variety protection cases. This will create a cadre of judges who gain advanced knowledge of patent and plant variety protection through more intensified experience in handling the cases, along with special education and career development opportunities.

This should bring greater predictability in patent and plant variety protection decisions, as well as greater efficiency in the processing of all cases. The bill also sets forth reporting requirements to Congress, which will help us guide our future efforts to further improve the patent system.

H.R. 628 has bipartisan support in the Judiciary Committee and broad support from the patent bar and affected industry and trade groups. In 2006 a nearly identical bill, H.R. 5418, was reported by the Judiciary Committee and passed the House under suspension. The legislation passed the House again under suspension in the last Congress.

I urge my colleagues to join me in supporting it now.

I reserve the balance of my time.

Mr. **SMITH** of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is widely recognized that patent litigation is too expensive, too time consuming, and too unpredictable. H.R. 628 addresses these concerns by authorizing a pilot program in certain United States district courts to promote patent expertise among participating judges. The need for such a program becomes apparent when one considers that less than 1 percent of all cases in U.S. district courts are patent cases and that a district court judge typically has a patent case proceed through trial only once every 7 years. These cases require a disproportionate share of attention and judicial resources, and the rate of reversal, unfortunately, remains unacceptably high.

The premise underlying H.R. 628 is that practice makes perfect, or at least better. Judges who regularly focus on patent cases can be expected to make better decisions.

Introduced by our colleagues **DARRELL ISSA** and **ADAM SCHIFF**, this bill is identical to legislation that the House passed unanimously under suspension of the rules in the last two Congresses. H.R. 628 requires that the Director of the Administrative Office of the Courts to select six district courts to participate in a 10-year pilot program that begins no later than 6 months after the date of enactment.

This bill requires the director to provide the Committees on the Judiciary

of the House of Representatives and the Senate with periodic progress reports. These reports will enable Congress and the courts to evaluate whether the pilot program is working, and, if so, whether it should be made permanent.

Mr. Speaker, this is a creative bill that will improve the application of patent law. I want to really take a moment to thank again Mr. **ISSA**, the gentleman from California, for this creative idea coming up with this bill, and also for his personal expertise. Mr. **ISSA** actually holds 37 patents, which I suspect is far more than any other Member of Congress has ever held in the history of this institution, so he knows whereof he speaks. It is no surprise he has come up with this very productive and constructive piece of legislation. And we are very pleased he is also a leader on the Judiciary Committee as well.

I urge my colleagues to support this legislation.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. **ISSA**).

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The **SPEAKER** pro tempore. The gentleman from California will control the balance of the time.

Mr. **JOHNSON** of Georgia. Mr. Speaker, first I would like to thank the gentleman from California (Mr. **ISSA**) for his leadership on this bill. It has been his bill for four sessions of Congress. That tells you how much we need to do in order to do something we should have done a while ago. So I'm glad to support you on this, Mr. **ISSA**.

Also I thank the ranking member of the Judiciary Committee, Mr. **LAMONT SMITH** of Texas, for his work in bringing this bill to the floor in the 111th Congress.

Mr. Speaker, I yield 3 minutes to the honorable gentleman from California, **ADAM SCHIFF**.

Mr. **SCHIFF**. I thank the gentleman.

Mr. Speaker, I want to join in acknowledging the leadership of my colleague, **DARRELL ISSA** from California, in developing this bill. He has fought hard for it for several years now. We are hoping this is the time we succeed. We have a deep interest in improving the efficiency of the patent process, in taking a lot of the costs out, some of the litigation costs and the inefficiencies in the patent review, and also by improving the quality of patents. We are at present trying to work on those broader patent reforms. We hope we can succeed with those. This bill is a win-win situation. Through it, we can expand upon the knowledge and expertise of the courts that decide patent issues. We can allow the courts to identify judges that have an interest in this area and that want to engage in further education to improve the quality of decision making.

Unfortunately, these cases are often very complex. The result is that you get decisions that are too often reversed on appeal. So to the degree that we can encourage some specialization in the district courts, improve the cost quality of decisions in the court process, we can reduce costs and we can improve the process.

□ 1330

So I think that this pilot project is a very important step forward.

Again, I want to congratulate my colleague. I know how hard he has worked on this. It is good to have somebody with the experience of getting a patent himself. I have some fabulous patent ideas, multimillion-dollar ideas. I haven't gotten them patented yet. But when I do, I want to make sure that there is a good, efficient system. And should anyone have the unmitigated temerity to actually challenge one in court, I want judges who are well educated and understand that my patent is valid and any claim to the contrary is without merit.

I congratulate my colleague, thank him for his superb work, and urge my fellow colleagues to support the bill.

I rise today in support of H.R. 628, legislation that will enhance expertise in patent cases among district judges, provide district courts with resources and training to reduce the error rates in patent cases, and help reduce the high cost and lost time associated with patent litigation.

I joined my colleague Mr. ISSA in introducing this legislation because I believe this proposal will provide us with valuable and important insight on the operation of patent litigation in the federal court system.

In the 109th Congress, the Judiciary Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on improving federal court adjudication of patent cases in response to high rates of reversal at the Federal Circuit. At this hearing, a number of proposed options to address this issue were discussed. Serious concerns were expressed with a number of proposals, including those that would create new specialized courts and those that would move all patent cases to existing specialized courts.

These concerns centered around the need to maintain generalist judges, to preserve random case assignment, and to continue fostering the important legal percolation that currently occurs among the various district courts. Our proposal aims to avoid these pitfalls.

H.R. 628 establishes a mechanism to steer patent cases to judges that have the desire and aptitude to hear such cases, while preserving the principle of random assignment in order to prevent forum shopping among the pilot districts.

The legislation will also provide the Congress and the courts with the opportunity to assess the program on a periodic basis. Reports will examine whether the program succeeds in developing greater expertise among participating District judges, the extent to which the program contributes to improving judicial efficiency in deciding these cases, and whether the program should be extended, expanded or made permanent.

By providing our courts with the resources they need to carefully consider patent cases,

we will ultimately save the American taxpayer money.

The legislation has been passed by the House in the 109th and 110th Congresses. We are pleased that companion legislation has been introduced by Senator SPECTER, and we hope that the other body will act on this proposal this Congress.

While this legislation is an important first step at addressing needed patent reforms, I believe that Congress must continue to work on a more comprehensive reform of our patent system. I look forward to continuing my work with my colleagues in the Judiciary Committee and in Congress to address these issues.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my partner in this bill, ADAM SCHIFF. For three Congresses in a row, we have worked together and enjoyed a luxury of riches. The bill passes unanimously on suspension, only to be not quite broad enough to appeal to some people in the Senate. I think many of those questions were worked out by agreement in the last Congress, and I believe we have a real chance of moving this bill into law in this Congress.

I thank Mr. JOHNSON and the ranking member, HOWARD COBLE, for both being cosponsors of this bill. I believe we have made some technical adjustments that will inspire not just the three districts of California, but also Massachusetts, New Jersey and some of the other major areas in which these types of legislation have run into a lot of problems, particularly the fact that we have amended the bill to support those jurisdictions which adopt local rules even if they would otherwise not be eligible that would allow for this type of specialization.

On that word, I want to make sure that everyone in the Congress understands, on both sides of the dome, that when we say specialization, we are not trying to create a specialty court; just the opposite. We are trying to save the district court as we know it. I have had a number of patents properly adjudicated both as a defendant and as a plaintiff, and what I have discovered is that the judges, given the tools at the district court level and given the opportunity to practice more frequently, or at least having at least one judge who has practiced more frequently, they will adjudicate these cases properly. They will make good Markman decisions, and they will in fact understand the nuances of patent. Without that expertise lying in each of the district courts, particularly the large ones, we undoubtedly will continue to have cases which get ping-ponged around and which get decided, unfortunately, incorrectly the first time and only decided correctly after they have come back from the Fed circuit.

So as many have called for the creation of a specialty court similar to the appellate court, the Fed circuit, we are trying here through this patent pilot to do just the opposite: to retain at the district court closest to the people the opportunity to have their pat-

ents heard, but to provide them the additional tools necessary to do it, and as was said very kindly by both Mr. SCHIFF and Mr. JOHNSON, to give them the frequency of those judges who would like to have that frequency of doing more than one case every seven years. So with that, I again urge passage of this bill.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, may I inquire as to how many more speakers the gentleman from California has?

Mr. ISSA. I would make myself the last speaker, if the gentleman is prepared to close.

Mr. JOHNSON of Georgia. I am prepared to close if you are.

Mr. ISSA. I yield myself 30 seconds to again recognize that this bill has passed this House overwhelmingly repeatedly. This time I believe we have perfected on a bipartisan basis with a companion, including Senator SPECTER in the Senate, the ability to move this as a separate freestanding bill quickly, and then I look forward to working particularly with ADAM SCHIFF on these many other pieces of legislation and other reforms that we have talked about at length, and of course with the chairman of the subcommittee, Mr. JOHNSON.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 628, the "Patent Judges Pilot Program in Certain District Courts." I urge my colleagues to support this bill. This bill will provide more expertise in skill in a difficult area of law: patent law. Americans hold the patents and patent law as important integral to our very lives. Patents reward ingenuity and creativity.

As the Blackberry litigation demonstrated, deficiencies in the current system have the ability to paralyze America. Indeed, the New York Times noted that "[something] has gone very wrong with the United States patent system." The Financial Times opined that "[i]t is time to restore the balance of power in U.S. patent law." Indeed, there has been a cry for change in the patent system and increased expertise for many years now.

The Constitution mandates that we "promote the progress of science and the useful arts . . . by securing for limited times to . . . inventors the exclusive right to their . . . discoveries." In order to fulfill the Constitution's mandate, we, as Members of Congress, must examine the system periodically to determine whether there may be flaws in the system that may hamper innovation, including the problems described as decreased patent quality, prevalence of subjective elements in patent practice, patent abuse, and lack of qualified persons to study patent law. H.R. 628 attempts to correct some of these problems.

H.R. 628 creates a pilot program to increase the expertise of U.S. District Court judges who wish to hear cases that involve issues related to patents or plant variety protection. The bill provides for the designation of not less than 6 United States district courts in at least 3 different circuits to take part in the pilot program. In the designated courts, judges who elect to hear patent or plant variety protection cases will be designated to do so by the chief judge. Cases will be assigned randomly, but undesignated judges may decline to accept patent

and plant variety protection cases. The bill authorizes the expenditure of not less than \$5 million per year for up to 10 years to pay for the educational and professional development of designated judges, and for compensation for law clerks with technical expertise related to patent and plant variety protection cases to be appointed by the designated courts.

The high cost of patent litigation is widely publicized. It is not unusual for a patent suit to cost each party upwards of \$10 million. Appeals from United States district courts to the Federal Circuit are frequent, in part because of the perception within the patent community that most district court judges are not sufficiently prepared to adjudicate complex, technical patent cases. In 2008, 45 percent of the patent cases that were appealed to the Federal Circuit were reversed in whole or in part or vacated and remanded. This bill seeks to promote consistency among United States district courts by increasing the expertise of district court judges, thus providing for more certainty in intellectual property protection.

Taken together, these improvements would bring the American patent system up to speed for the twenty-first century. Instead of remaining a hindrance to innovation and economic growth, the patent system should work for inventors, ensuring America's patent system remains the best in the world and prevents risks to innovation.

I am encouraged by this bill, and I am hopeful that minorities and women take advantage of this pilot program. The patent judges pilot program and pilot program for law clerks provides for the educational and professional development of the designated district judges in matters relating to patent and plant variety protection, and for compensating law clerks with expertise in technical matters arising in patent and plant variety protection cases. This is yet another step that America is taking to ensure that its patent system is the best in the world. I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 628.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### STOP AIDS IN PRISON ACT OF 2009

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1429) to provide for an effective HIV/AIDS program in Federal prisons.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1429

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop AIDS in Prison Act of 2009".

#### SEC. 2. COMPREHENSIVE HIV/AIDS POLICY.

(a) IN GENERAL.—The Bureau of Prisons (hereinafter in this Act referred to as the "Bureau") shall develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates within the correctional setting and upon reentry.

(b) PURPOSE.—The purposes of this policy shall be as follows:

(1) To stop the spread of HIV/AIDS among inmates.

(2) To protect prison guards and other personnel from HIV/AIDS infection.

(3) To provide comprehensive medical treatment to inmates who are living with HIV/AIDS.

(4) To promote HIV/AIDS awareness and prevention among inmates.

(5) To encourage inmates to take personal responsibility for their health.

(6) To reduce the risk that inmates will transmit HIV/AIDS to other persons in the community following their release from prison.

(c) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this policy.

(d) TIME LIMIT.—The Bureau shall draft appropriate regulations to implement this policy not later than 1 year after the date of the enactment of this Act.

#### SEC. 3. REQUIREMENTS FOR POLICY.

The policy created under section 2 shall do the following:

(1) TESTING AND COUNSELING UPON INTAKE.—

(A) Medical personnel shall provide routine HIV testing to all inmates as a part of a comprehensive medical examination immediately following admission to a facility. (Medical personnel need not provide routine HIV testing to an inmate who is transferred to a facility from another facility if the inmate's medical records are transferred with the inmate and indicate that the inmate has been tested previously.)

(B) To all inmates admitted to a facility prior to the effective date of this policy, medical personnel shall provide routine HIV testing within no more than 6 months. HIV testing for these inmates may be performed in conjunction with other health services provided to these inmates by medical personnel.

(C) All HIV tests under this paragraph shall comply with paragraph (9).

(2) PRE-TEST AND POST-TEST COUNSELING.—Medical personnel shall provide confidential pre-test and post-test counseling to all inmates who are tested for HIV. Counseling may be included with other general health counseling provided to inmates by medical personnel.

(3) HIV/AIDS PREVENTION EDUCATION.—

(A) Medical personnel shall improve HIV/AIDS awareness through frequent educational programs for all inmates. HIV/AIDS educational programs may be provided by community based organizations, local health departments, and inmate peer educators. These HIV/AIDS educational programs shall include information on modes of transmission, including transmission through tattooing, sexual contact, and intravenous drug use; prevention methods; treatment; and disease progression. HIV/AIDS educational programs shall be culturally sensitive, conducted in a variety of languages,

and present scientifically accurate information in a clear and understandable manner.

(B) HIV/AIDS educational materials shall be made available to all inmates at orientation, at health care clinics, at regular educational programs, and prior to release. Both written and audio-visual materials shall be made available to all inmates. These materials shall be culturally sensitive, written for low literacy levels, and available in a variety of languages.

(4) HIV TESTING UPON REQUEST.—

(A) Medical personnel shall allow inmates to obtain HIV tests upon request once per year or whenever an inmate has a reason to believe the inmate may have been exposed to HIV. Medical personnel shall, both orally and in writing, inform inmates, during orientation and periodically throughout incarceration, of their right to obtain HIV tests.

(B) Medical personnel shall encourage inmates to request HIV tests if the inmate is sexually active, has been raped, uses intravenous drugs, receives a tattoo, or if the inmate is concerned that the inmate may have been exposed to HIV/AIDS.

(C) An inmate's request for an HIV test shall not be considered an indication that the inmate has put him/herself at risk of infection and/or committed a violation of prison rules.

(5) HIV TESTING OF PREGNANT WOMAN.—

(A) Medical personnel shall provide routine HIV testing to all inmates who become pregnant.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(6) COMPREHENSIVE TREATMENT.—

(A) Medical personnel shall provide all inmates who test positive for HIV—

(i) timely, comprehensive medical treatment;

(ii) confidential counseling on managing their medical condition and preventing its transmission to other persons; and

(iii) voluntary partner notification services.

(B) Medical care provided under this paragraph shall be consistent with current Department of Health and Human Services guidelines and standard medical practice. Medical personnel shall discuss treatment options, the importance of adherence to antiretroviral therapy, and the side effects of medications with inmates receiving treatment.

(C) Medical and pharmacy personnel shall ensure that the facility formulary contains all Food and Drug Administration-approved medications necessary to provide comprehensive treatment for inmates living with HIV/AIDS, and that the facility maintains adequate supplies of such medications to meet inmates' medical needs. Medical and pharmacy personnel shall also develop and implement automatic renewal systems for these medications to prevent interruptions in care.

(D) Correctional staff and medical and pharmacy personnel shall develop and implement distribution procedures to ensure timely and confidential access to medications.

(7) PROTECTION OF CONFIDENTIALITY.—

(A) Medical personnel shall develop and implement procedures to ensure the confidentiality of inmate tests, diagnoses, and treatment. Medical personnel and correctional staff shall receive regular training on the implementation of these procedures. Penalties for violations of inmate confidentiality by medical personnel or correctional staff shall be specified and strictly enforced.

(B) HIV testing, counseling, and treatment shall be provided in a confidential setting where other routine health services are provided and in a manner that allows the inmate to request and obtain these services as routine medical services.