Good News From Congress (No kidding, I mean it!)

June 14, 2013 By Sean Strub

In a victory for advocates fighting HIV criminalization, the U.S. House of Representatives last night passed an **amendment** to a defense bill requiring the Department of Defense to review policies and procedures, including those in the **Uniform Code of Military Justice** (UCMJ), concerning HIV positive members of the military. The legislation must be passed by the Senate and signed by the President before it becomes law.

The amendment was co-sponsored by **Representatives Barbara Lee** (D-CA) and **Ileana Ros-Lehtinen** (R-FL), who also are the co-sponsors of **H.R. 1843, the REPEAL HIV DISCRIMINATION ACT OF 2013**, introduced last month, which calls for the U.S. Department of Justice to work with public health, law enforcement and others to review HIV criminalization statutes in each state.

The amendment adopted last night specifically calls for the Pentagon to provide a report to Congress on how the UCMJ has been applied to HIV positive members of the military. It must address whether the UCMJ, rules and regulations are applied in a way that ***"demonstrates an evidence-based, medically accurate understanding"*** of the factors that lead to HIV transmission, relative risk of transmission routes, benefits of treatment and the impact of HIV-specific policies on people with or at risk of contracting HIV.

There is particularly good news for members of the military who have been criminalized for having HIV, like **Lt. Col. Kenneth Pinkela**, a member of the **Sero Project**'s Advisory Board. Col. Pinkela was released last April after serving nine months in Leavenworth for allegedly not disclosing his HIV status to a sex partner; his case is presently on appeal.

The amendment passed last night specifically requires a review of cases like Pinkela's and directs the Department of Defense to draft recommendations for revisions to the UCMJ and other policies and procedures to make them consistent with current science.

This is an important milestone in the effort to stop HIV criminalization. As **Todd Heywood** points out in the **American Independent**, this is the first time either chamber of Congress has voted on anything related to HIV criminalization since the first Ryan White Care Act authorization back in 1990.

But what was particularly interesting about the amendment's passage last night was that it was **bi-partisan** and, ultimately, **not controversial**, passing on a voice vote in a block of other non-controversial amendments. There were no objections raised on the floor of the House.

The suggestion that HIV criminalization is by definition controversial or partisan isn't necessarily the case. The criminalization reform legislation that made it through the Iowa Senate's Judiciary Committee earlier this year passed 11 to 2, with all six Democrats and three of five Republicans on the committee supporting it. As **Tami Haught,** the HIV+ Sero Project board member leading the criminalization reform movement in Iowa said, "HIV prevention should be about the science, not the politics, and that's how we've presented it to our legislators in Des Moines."

Criminalization reform is good public health policy and a necessary HIV prevention measure. The success last night is the result of several years of effort, especially by Rep. Lee and her staff, particularly her strategic legislative assistant, **Jirair Ratevosian**, Rep. Ros-Lehtinen's leadership in making the issue a bi-partisan one and the efforts of **AIDS United's William McColl**, the **Positive Justice Project's Federal Policy Work Group** and others, including the many POZ readers and Sero Project supporters who contacted their members of Congress urging support.

We still have a very long way to go, but this is one of those steps along the way that tell us we're headed in the right direction.

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