

22 OCT 1987

MEMORANDUM FOR: [redacted] Legislative Division  
Office of Congressional Affairs

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VIA: Deputy Director of Personnel for  
Compensation, Automation, and Planning

FROM: [redacted]  
Compensation, Automation, and Planning

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SUBJECT: AIDS Federal Policy Act of 1987, H.R. 3071

1. Thank you for bringing to our attention H.R. 3071, which proposes to amend the Public Health Service Act to establish a grant program for AIDS counseling and testing, as well as to establish certain prohibitions for purposes of protecting individuals with AIDS. We understand that the Senate also has introduced a counterpart bill, S. 1575, and that every effort is being made to speed passage of this legislation through Congress. It is of utmost importance that the Agency be exempt from this legislation.

2. The bill prohibits disclosure of information acquired during counseling or testing that indicates that an individual is infected with AIDS. Discrimination in employment or governmental services against an individual infected with AIDS also is prohibited. These legislative prohibitions present serious problems for the Agency.

3. The Agency actively seeks to attract the finest quality personnel necessary to meet the challenges presented by our unique intelligence mission. Individuals are hired with a view to long-term careers with the Agency. These individuals must meet stringent requirements with respect to abilities and education, security, and physical and emotional health. The Agency invests greatly in the employment process to ensure that the appropriate people are hired. Thus, we cannot afford to hire individuals who cannot continue to meet our travel and other requirements or serve long-term Agency careers. Further, we cannot limit disclosure to our medical staff of the fact that an applicant has AIDS since such information is vital in assessing the individual's overall suitability for hire.

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4. In regards to individuals who are already employees when they may become infected with AIDS, if such information becomes known during any testing or counseling conducted by the Agency, we cannot restrict this information to the counseling or medical staff. Supervisors, security officers and other officials need to be aware that an employee is undergoing a life crisis in order to better assist the employee and also to evaluate the employee's emotional stability and security suitability in light of the employee's work assignment.

5. In light of the foregoing, we request that action be taken to seek an exemption from the disclosure and discrimination provision of the AIDS bill.



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