

## **HIV / AIDS**

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#### **Congress Heads for an Ugly Battle over AIDS October 12, 1987**

##### **Business Week**

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So far, the AIDS crisis has produced little action from Washington beyond a big increase in federal research funds. Now Congress may finally be about to tackle the issue of acquired immune deficiency syndrome. The bills being considered avoid some of the toughest issues, notably the question of how to pay the staggering costs of treatment. But the first federal policy on how to deal with the disease could emerge from what promises to be a nasty ideological battle.

The fight is more a civil-rights dispute than an argument over a health issue, and the central question will be this: To what extent should the federal government take coercive action to combat the disease? Henry A. Waxman (D-Calif.), chairman of the House health subcommittee, intends to have an AIDS bill ready for floor action by the end of the year. The measure will couple a three-year, \$ 1.2 billion increase in federal funds for testing and counseling with restrictions on public disclosure of test results and a ban on discriminating against individuals suffering from AIDS or carrying the virus. Senator Edward M. Kennedy (D-Mass.) will push an identical measure in his Labor & Human Resource Committee.

Conservatives are outraged in a way that flips the traditional roles of left and right upside down. Liberals are showing uncharacteristic concern about the dangers of an aggressive government role in dealing with AIDS. "We'll never defeat the disease unless we protect those who harbor the virus from painful and irrational consequences," Kennedy contends. Conservative, who generally oppose coercive government action except in law enforcement, want to force individuals to submit to testing -- and perhaps even quarantines -- for the good of all. "The thrust of [liberals'] arguments is that the protection of privacy is a higher priority than the protection of public health," says the Conservative Caucus' Howard Phillips.

Critics of the Waxman-Kennedy approach also fear that it is a backhanded way to ban discrimination against homosexuals. "Some want to use AIDS to push through what in other times would have been called gay rights," says White House domestic policy adviser Gary L. Bauer. Adds Representative William E. Dannemeyer (R-Calif.): "AIDS may become the first politically protected disease in the history of the country."

The Administration argues that new antidiscrimination legislation is unnecessary because laws already exist to protect the disease's victims. And privacy issues, officials maintain, should be left to the states at least until after a Presidential commission on AIDS completes its report next year. BIG-MONEY ISSUE. Liberals have picked up an unlikely ally. The usually conservative American Medical Assn. has joined gay-rights groups to lobby for the Waxman-Kennedy bill. The AMA says that strong privacy and antidiscrimination rules are needed to ensure that victims and potential sufferers come forward for treatment.

Business thus far is largely watching from the sidelines. "I can't see employers getting all concerned about the bill," says labor lawyer Steven C. Kahn. "It reflects the way most employers would deal with the issue anyway." Business is saving its concern for what is certain to be the next stage of the debate: the big-money issue of whether the government or private insurers will pay for treatment.

Conservative opponents are content to let the bill reach the floor. There, they hope, public concern about the dangers of AIDS will help them add such amendments as a cutoff of federal health funds to states that refuse to impose mandatory testing rules and a requirement that state health officials track down the sexual partners of anyone infected.

But passage of such amendments could cause supporters to abandon the bill. What amendments are added "will determine whether the bill is worth having," says Jeffrey W. Levi, executive director of the National Gay & Lesbian Task Force. Democratic leaders want a consensus bill, so the odds are growing that the U.S. will soon start building a national AIDS policy.