

**Congress Passes Compromise AIDS Bill
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By Irvin Molotsky

WASHINGTON, Oct. 13 — Congress, in its first comprehensive effort to combat the AIDS epidemic, passed legislation today sharply increasing both money and personnel for research and providing speedier assessment of new drugs. But the compromise measure deleted a key section assuring confidentiality for patients whose tests for the disease showed they were carriers.

"I am bitterly disappointed that we didn't get confidentiality of testing," said Representative Henry A. Waxman, a California Democrat, who noted that the measure followed many of the recommendations of the Presidential commission that studied the AIDS epidemic and that confidentiality was one of the panel's suggestions.

But Senator Edward M. Kennedy, Democrat of Massachusetts, called the measure "the first comprehensive Federal response to the AIDS epidemic since it was identified at the beginning of this decade."

The \$1 billion plan established prevention programs, developed care and treatment networks and accelerated research efforts to find vaccines and cures. Some parts of the plan were approved earlier in separate legislation. \$1.5 Billion in Budget Altogether, Congress has budgeted about \$1.5 billion for research, education and other aspects of the AIDS problem for the fiscal year that began Oct. 1.

The AIDS measure is part of an eight-section public health bill. Other sections include a requirement that future Food and Drug Commissioners be subject to confirmation by the Senate and a measure designed to alleviate the country's shortage of nurses.

Approval of the measure today came with unannounced suddenness after Senator Jesse Helms, Republican of North Carolina, withdrew his opposition, which had effectively prevented the Senate from acting on the plan.

After the Senate's approval in an unrecorded voice vote with just a dozen senators on hand, the bill was sent to the House, where a half-dozen members gave similar approval after a 15-minute discussion. President Reagan is expected to sign the bill.

When the House's original version was approved by 367 to 13 on Sept. 23, it called for spending \$400 million a year for three years for testing. Under the compromise approved today by the House and the Senate, \$100 million will be spent for testing each year for the next two years. Other Provisions of Plan

Other parts of the package are these:

- * \$100 million a year for two years to provide home health care for AIDS patients.
- * \$285 million to \$300 million a year for three years for AIDS research.
- * \$250 million to \$300 million a year for three years for AIDS education.

The research money in the bill is just a part of the total the Federal Government will spend in that area, as other bills have authorized spending on research that could include AIDS.

Spokesmen for AIDS research groups or those representing AIDS sufferers applauded passage of the bill, while lamenting the lack of a confidentiality provision.

"The confidentiality provisions are so terribly important, but not having them here does not offset the merits of the things that are here," said Dr. Mervyn Silverman, president of the American Foundation For AIDS Research, a private organization based in New York that finances AIDS research. 'Time Almost Ran Out'

Chai Feldblum, legislative counsel for the American Civil Liberties Union's AIDS Project, said: "Today, Congress officially joined the battle against AIDS."

Jean McGuire of the AIDS Action Council, said "we are deeply disappointed" that Congress deleted the confidentiality provision, but she added, "It was politically imperative to pass an AIDS bill this year, and now we have one."

Robert Bray, a spokesman for the Human Rights Campaign Fund, which has been advocating the legislation, said: "We consider it a very important first step for the long-overdue national battle plan for fighting AIDS. Does it include everything? No. But we got the key components."

Mr. Helms had insisted that the Senate delete from the bill the House-passed confidentiality of AIDS test results, contending that a physician ought to be required to inform a spouse when a patient tested positive for the AIDS virus.

Mr. Waxman's bill called only for allowing the doctor to make the disclosure, contending that to make it mandatory would discourage possible AIDS carriers from being tested. In most cases, Mr. Waxman's bill would have provided penalties for the disclosure of test results in the form of fines and jail terms.

The compromise bill is silent on confidentiality or penalties, but it calls for anonymous testing, which Mr. Helms agreed not to oppose and which Mr. Waxman said would still provide for a high level of confidentiality. 'Better Than None'

Another proponent of confidentiality of test results, Senator Lowell P. Weicker Jr., Republican of Connecticut, said, "The bill is better than none."

In a brief statement on the House floor, Mr. Waxman said, "I must express my personal disappointment." But he said he regarded today's passage as a first step and that he expected a new bill with a strong confidentiality component would be approved in the next year or two.

Mr. Helms's office did not return calls seeking his comment this evening, and he was not on the floor when the Senate approved the bill.

The bill requires the Secretary of Health and Human Services to expedite the award of grants and contracts for research into AIDS, adds 780 new Federal employees to carry out education programs and work on approvals of new drugs, and requires the National Institutes of Health to improve communications with community-based physicians treating AIDS patients.

In addition, there are procedures for getting speedier assessment of new drugs intended for the prevention or treatment of AIDS and there is a provision intended to give AIDS patients who want to undergo experimental treatment the option of receiving the treatment in their own communities instead of traveling to university centers, as is the case now.

A toll-free hotline is to be established for the latest information on research, and a data bank is to be set up so that researchers can learn what related research is being conducted elsewhere, while a second will provide information on clinical trials and treatments.

An Office of AIDS Research is to be established, with its director chosen by the head of the National Institutes of Health.

In determining how the \$100 million for home care will be divided among the states, the bill requires the Government to take into account each state's needs as indicated by the number of AIDS cases and average per capita income in each state.

There was little discussion of the program in the brief consideration of it by each chamber. "The procedure visited upon us was not to our liking," said Representative Edward R. Madigan of Illinois, the ranking Republican on the health subcommittee. But both he and Mr. Waxman praised the inclusion in the compromise of the home-care provision, which was pressed by Senator Orrin G. Hatch, Republican of Utah. Mr. Kennedy and Mr. Hatch were the measure's co-sponsors in the Senate.