

## Negotiating the Congressional labyrinth

*Advocates intervene in each stage of the process and use procedure to their advantage whenever they can*

BY LAURA MARKOWITZ AND CHAI FELDBLUM

Politics, process and procedure always come together in strange ways during Congressional action, but never more so than in the appropriations process, in which millions of AIDS dollars are at stake.

Every program authorized by Congress, including AIDS programs, gets money through appropriations bills. Congress is not supposed to use appropriations bills to legislate policy, but members from both ends of the spectrum, including right-wing conservatives, have traditionally used appropriations bills to advance their policy views on AIDS.

The appropriations process began last April and came to its final conclusion in November, in the waning days of the first session of the 101st Congress. Advocates intervened in each stage of the process to try to keep out anti-gay amendments and to make sure AIDS programs got the money they needed; they also used procedure to their advantage whenever they could.

The infamous, anti-gay Helms education amendment has traditionally been offered to the AIDS appropriations bill. It provides that no AIDS educational materials developed with federal funds can promote or encourage homosexuality. A pre-emptive strike strategy was used successfully last year to defeat this amendment, and was also successful this year. By offering this amendment before Helms offered one, Senator Alan Cranston (D, CA) used Senate procedure to silence Helms since Cranston's amendment could not be further amended under the Senate rules. The strategy was sound in terms of Senate politics as well, since Cranston's amendment addressed the Senate's concern (but without a "gay-bashing" component), providing that no AIDS educational material developed with federal money could be designed to promote any sexuality in AIDS educational materials. This amendment passed unanimously, and the opposition was more or less co-opted.

The Capitol Hill adage, "It's not over until it's over" proved true as the appropriations bill moved through the eight-month process. On the Senate floor, Senator Gordon Humphrey (R, NH) successfully offered an anti-gay amendment that said that materials designed for schoolchildren could not promote or encourage homosexuality, or use the words "normal," "natural" or "healthy" to describe homosexuality. But the Senate floor is not the last word on what becomes law. With the help of sympathetic House members, lobbyists helped get the amendment dropped during negotiations in the House-Senate conference.

Procedure almost defeated AIDS activists on another issue. On the Senate floor, Helms got the Senate to adopt an amendment

providing that no money could be used for the distribution of clean needles or bleach to IV drug users. This was attached to a Senate provision that allowed Medicaid funding for abortions in the case of pregnancies resulting from rape or incest.

This Senate abortion provision was the single item on which the House-Senate conference reached no compromise, and so the provision went back to each House of Congress for a vote. Unfortunately, the restrictive needles and bleach amendment went with it.

There was no way, procedurally, to separate the two provisions. Civil rights groups wanted to support the important pro-choice provision, but the vote had to be at the expense of passing the needles and bleach restriction as well. Procedure had created an unfortunate dilemma.

The House of Representatives passed the provision with a margin of 16 votes, giving pro-choice advocates their first abortion vote victory in years. The Senate passed the provision as well, and the bill was sent to the president.

That would have been the end of the story, but the nation's highest-ranking pro-life supporter, George Bush, vetoed the bill.

The bill then went back to Congress. While this was bad news for the pro-choice lobby, it did give AIDS advocates a chance to fix the needles and bleach provision.

The House passed a new bill that had no restriction on funding for needles or bleach, but Armstrong convinced the Senate to again restrict such funding. Procedurally, the House and Senate had to end up in agreement over exactly the same bill, so the bill went back over to the House for another vote.

In the House, there was one last effort to remove the bleach restriction. Congressmen Steny Hoyer (D, MD) and Henry Waxman (D, CA), leading advocates on AIDS policy, asked Chairman William Natcher (D, KY), who was managing the bill, to drop the restriction on bleach. To the great delight of the lobbyists who had been working on this issue, including the ACLU, the AIDS Action Council and the American Psychological Association, Natcher agreed. The Senate ultimately accepted the House's new provision, the president signed on, and AIDS funding for fiscal year 1990, including money for bleach distribution, became law.

For those who enjoy this type of game, the appropriations season starts every April and usually ends in October or November.

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