

Tax breaks possible for viatical settlements

People with AIDS are supposed to pay taxes on the viatical settlements and accelerated benefits they receive. That may change under the new Republican Congress.

The House Ways and Means Committee hearing Jan. 19 on HR 8, the Senior Citizens Equity Act, heard strong testimony from the insurance industry, viatical companies, and HIV/AIDS organizations urging that accelerated benefits be made tax exempt. The insurance industry parted company with the other groups on viatical settlements, saying they should not receive favorable tax treatment.

"For many people with AIDS and other serious illnesses, the time of greatest financial need may be when they first stop working, a time when their life expectancy may be two or three years," wrote Mark Scherzer, in testimony submitted on behalf of the Gay Men's Health Crisis in New York. "In such circumstances, they of necessity turn to viatical settlement companies."

"It is our belief that wide availability of viatical settlements is vital to avoiding destitution for many of our clients," said Scherzer. He pointed to action taken to exempt these payments from taxation by New York State and New York City. "We believe the same exemption to be desirable in the federal tax code."

Chairman Bill Archer [R-Texas] issued an opening statement supportive of tax exempt treatment of both programs. The Republican members in attendance all seemed generally supportive, with the Democrats divided.

The bill is part of the "Contract with America" which Republicans hope to push through Congress in the first 100 days. While it seems likely that positive language will come out of committee and pass the House of Representatives, there is as yet no clear picture of what may happen in the Senate.

Another Clinton letdown

President Bill Clinton has apparently done it again.

The president has reportedly nixed his plans to nominate gay philanthropist James C. Hormel, an heir to the Hormel meats fortune, to become the ambassador to Fiji. The decision was made in order to avoid a showdown with Sen. Jesse Helms (R-N.C.), the ultraconservative legislator who chairs the Senate Foreign Relations Committee.

According to *The Washington Post*, Hormel, who would have become the first openly gay U.S. ambassador, was told by the Clinton administration in mid-December that his name would not be submitted for consideration.

Not surprisingly, that decision has outraged some gay and lesbian rights leaders, among them, Carole Migden, a San Francisco city supervisor, who says, "Once again, this underscores the spineless approach of the Clinton administration to the gay and lesbian community."

Paras' comments provoke legal action

Comments by Melinda Paras, executive director of the National Gay and Lesbian Task Force, in the Jan. 24 issue of *The Advocate* have brought strong criticism from AIDS advocates. Now they bring the threat of a lawsuit from one of the people Paras talked about—a man who worked with her at San Francisco's Shanti Project—Marc Ansley.

The article stated: "Paras posits that Ansley, who has AIDS, was lax in his responsibilities at Shanti because of his illness. 'As much as I support full application of the Americans with Disabilities Act [which prohibits AIDS-based discrimination],' she says, 'in retrospect I would say that for financial directors it should be interpreted more narrowly.'"

Alexander Robinson, a principal lobbyist on the ADA for the American Civil Liberties Union, called Paras' comments "beyond irresponsible. To suggest that we need to back off of those kinds of protections is ludicrous." Many others joined him in expressing similar outrage.

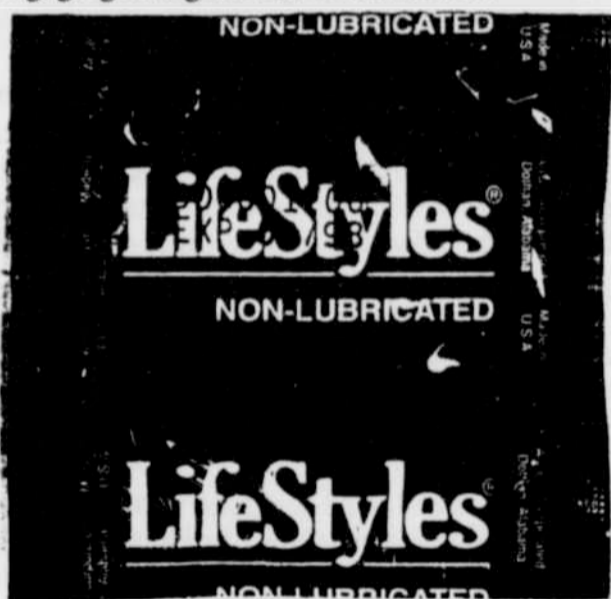
Ansley responded with a Jan. 24 letter from his attorney, Mickey Wheatley, to NGLTF co-chairs Deborah Johnson-Rolon and Chris Collins, outlining his grounds for legal action.

The letter closed by stating terms of settlement to avoid legal action. These included \$20,000 compensation, a full-page ad in *The Advocate* apologizing in "specific language to be agreed upon in advance by the parties," and that Paras "be required to participate in at least 10 hours of sensitivity training on people with AIDS and the Americans with Disabilities Act." The letter requested a response by Feb. 3.

Study shows unsafe sex on the rise in three cities

Findings of a study show that gay and bisexual men in Chicago, San Francisco and Denver are contracting HIV at a higher rate than a few years ago.

Researchers involved in the Sexually Active Men study, a long-term, federally funded survey of sexually active gay and bisexual men in these three cities, suggest there may be an upswing in unsafe sex, a finding which correlates with other studies that show that younger gay and bisexual men are engaging in high levels of unsafe sex.



The SAM study finds that 2.8 percent of the men in the study became HIV-positive in a one-year period. In Chicago the rate was 2.6 percent; in Denver and San Francisco it was 3.1 percent. This compared with pre-1993 rates of between 1 percent and 1.5 percent.

The study also finds that condom breakage and misuse are common; that drug and alcohol use can lead to unsafe sex; and that being in a long-term relationship is the biggest predictor for having unsafe sex.

Local company gets FDA nod

The Beaverton-based Epitepe Inc. says the Food and Drug Administration has approved the company's application to market its OraSure oral specimen collection device for use in detecting antibodies against the HIV-1 virus.

The OraSure device consists of an absorbent pad mounted on a lollipop-style plastic stick. The pad, which is treated with a salt solution to enhance collection of antibodies in the oral cavity, is placed between the lower gum and cheek for two minutes. The collected oral fluid specimen is placed in a sealed vial that contains a preservative solution. Specimens are sent to clinical laboratories for testing. Test results are reported to the medical professional who is responsible for conveying results to the patient.

OraSure is not intended for home use.

Compiled by Bob Roehr and Inga Sorensen

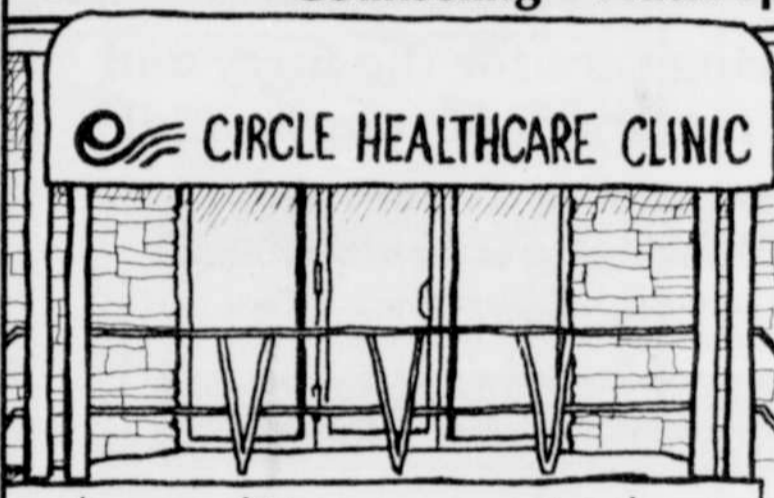


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