

Chafee	Graham (SC)	Roberts
Chambliss	Grassley	Santorum
Cochran	Gregg	Sessions
Coleman	Hagel	Shelby
Collins	Hatch	Smith
Cornyn	Hutchison	Snowe
Craig	Inhofe	Specter
Crapo	Kyl	Stevens
DeWine	Lott	Sununu
Dole	Lugar	Talent
Domenici	McCain	Thomas
Ensign	McConnell	Thomas
Enzi	Miller	Voinovich
Fitzgerald	Murkowski	Warner
Frist	Nickles	

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader.

Mr. FRIST. Mr. President, we have just finished our eleventh rollcall vote in a row, and that is substantial progress. We have been here since 9:15 this morning, and our goal was to address each of the amendments in a systematic way. I commend the Chair for addressing these amendments in a timely fashion. However, we still have a large number of amendments to dispose of. At this time, we are giving Senators a chance to catch their breath to go back to their offices, not for a long time but about 47 minutes, and maybe even grab a bite to eat. We will resume voting right at 2. Although we will not be voting over the next 45 minutes or so, it is my hope we will be able to proceed, which we will, to some opening statements on the bill that will follow completion of the jobs and growth package, and that is the global HIV/AIDS bill, which we will be bringing to the floor.

In order to complete the jobs and growth bill and the global HIV/AIDS bill, we are going to take advantage of this 45 minutes to make some introductory comments about the global AIDS package.

When the Senate resumes the jobs bill, we will automatically begin the voting sequence. The first vote in the series at 2 p.m. will be the normal 15 minutes. Following the first vote, the remaining votes will be 10 minutes. I say again that the voting limit will be strictly enforced to allow us to finish our business as early as possible today.

UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed, as under the order, to the consideration of H.R. 1298, until the hour of 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tu-

berculosis, and malaria, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the first speaker on the global HIV/AIDS bill will be the chairman of the Foreign Relations Committee, Senator LUGAR, who has done yeoman's work in getting us to this point.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the Chair for the recognition, and likewise I appreciate the majority leader giving us this hour of debate, because today it is very important the Senate consider the global HIV/AIDS bill.

For the past year, intense discussions have occurred in Congress and between the executive and legislative branches on how our country can best respond to the global AIDS crisis.

In June 2002, the Foreign Relations Committee unanimously approved an HIV/AIDS bill, initially introduced by Senators FRIST and KERRY, with a large bipartisan group of co-sponsors. The Senate unanimously passed that bill. However, the House of Representatives failed to act on it before the end of the 107th Congress.

At the start of this Congress, the Foreign Relations Committee undertook at the request of the new majority leader to reintroduce the 2002 Senate-passed bill, with some minor changes requested by the Department of State. In addition, we revised portions of the bill to take account of the President's AIDS initiative outlined in his 2003 State of the Union Address.

The Committee's efforts, therefore, incorporated many of the modifications requested by the White House, including the addition of new authorities for the Special HIV/AIDS Coordinator created by our legislation last year and incorporated in the President's AIDS initiative this year.

Our efforts resulted in S. 1009, currently on the Senate calendar. Simultaneously, the House proceeded with its own bill to authorize the President's AIDS initiative. The House passed that bill last month, and it was placed on the Senate calendar.

Many Senators, including myself, come to this debate with preferences on how a bill should be structured on this subject. Nevertheless, I share the majority leader's hope that the Senate will move quickly to pass the House bill before us so that HIV/AIDS funding will not be delayed any further and so President Bush can have an AIDS initiative in hand when he travels to the G-8 summit later this month of May. The House passed their bill by a vote of 375 to 41. It is a good bill worthy of the strong bipartisan support that it received.

The United States must have partners in the effort to stop HIV/AIDS. Passage of this bill will maximize the President's ability to enlist other nations in the fight against AIDS. American leadership is as important as

American contributions to this objective.

We must be mindful of the President's recent observation that, "Time is not on our side," in combating this disease. The global HIV/AIDS pandemic is a humanitarian crisis of horrific proportions. In Africa, nearly 10,000 people contract the HIV virus each day. The United States has a clear moral obligation, as the most powerful nation on earth, to respond generously and quickly to this crisis.

But beyond our moral obligations, we should recognize that this bill is squarely in the self-interest of the United States and the American people. If we are to protect our national security and overcome terrorism, we must devote ourselves to strengthening democracy, building free markets, and encouraging civil society in nations that otherwise might become havens or breeding grounds for terrorists. We must seek to encourage societies that can nurture and fulfill the aspirations of their citizens and deny terrorists the uncontrolled territory and abject poverty in which they thrive.

Few conditions do more harm to these objectives than the HIV/AIDS pandemic. It has imposed a crushing burden on the economies of numerous African nations; it has exacerbated undercurrents of political instability that weaken the fundamentals of responsible government; and it has destroyed millions of family units. Beyond the sick and the dead, the disease has created a generation of orphans, whose prospects for a fulfilling and productive life have been diminished by the loss of parents and other family members.

The President has recognized the urgency of moving forward at this moment in history and has announced his support very solidly. He believes we need to fulfill our altruistic role in the world and to protect U.S. national security. We must join him in this effort by passing the bill before us.

The House bill would authorize the President's Emergency Plan for HIV/AIDS Relief. This plan would provide \$15 billion over the next 5 years for AIDS care, treatment and prevention in those countries already facing an AIDS crisis and in those countries that have experienced a dramatic increase in the disease.

The bill would establish the position of Coordinator for HIV/AIDS to ensure an effective approach by the various agencies of the U.S. Government involved in combating the global spread of AIDS.

The bill also would provide the President with the discretion to devote up to \$1 billion a year for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. In an effort to generate foreign contributions to the global fund, the bill sets a ceiling for American contributions at one-third of total contributions. In other words, we hope to stimulate at least \$2 in foreign contributions to the global fund for each

dollar contributed by the United States.

The Senate can make history this week by passing this bill and sending the measure to the President for his signature. We should do so without delay.

I add, finally, this thought to the debate. The President of the United States, during the ceremonies in which the new members of NATO were ratified by this body last week, and introduced to the public at the White House by the President, took aside Members who were there, and even at a historic moment in which we were discussing NATO, he discussed with us the HIV/AIDS legislation. He indicated that he was going to the summit of the G-8, that it is critical that other nations join us. It is critical today that we pass this legislation.

But in order for the HIV pandemic to be arrested, other nations must be involved. The President emphasized to me and to others that his own advocacy, his own power in that meeting with regard to this issue, is dependent upon having a bill. In a very pragmatic way, the President indicated the House bill, which passed by a large majority, is a good bill. I suspect if the President were to offer all of his amendments, if I were to offer those I have already suggested in the Foreign Relations Committee, likewise the distinguished ranking member, Members of the House and the Senate, who have a variety of ways in which we can improve the situation, we could have a remarkable debate. As a matter of fact, we might have a substantial study of this situation for much of the rest of this Congress. Feelings are very strong on many of these issues.

I am sensitive to this in many ways, having tried, as chairman of the Foreign Relations Committee, from the beginning of this year, to wrestle with this very piece of legislation and how we could bring it to fulfillment.

The President's response to all of this is that the House has passed a good bill. Please pass the same bill without amendment. Please send it to me so I can sign it next week and take it in this month of May to the G-8 summit to make a powerful statement in behalf of the world and in behalf of our leadership.

That has led to my course of action in which I have indicated to my colleagues that I intend to support the President. I intend to support this bill that is before us. I will oppose amendments to the bill because that will clearly complicate the process. A conference would be required. It is not clear how rapidly the conferees could either meet or come to conclusion, and we have a recess 1 week from now, which leaves the President in limbo without a bill.

It is those considerations that I hope Members will keep in mind, will understand, and will in fact support. But at least I appreciate in this opening statement an opportunity to state my own

convictions, my own course of action, and the leadership, at least in this body, that I advocate.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Delaware.

Mr. BIDEN. Mr. President, I understand fully the situation of my friend from Indiana. As my colleague, Barry Goldwater—and we both served with him—used to say: In your heart you know we could have a better bill.

But we have a time problem. We have a circumstance where the House had, frankly, thumbed its nose at us last time. We passed unanimously a bill which was much more significant than this bill, led by our majority leader and by my friend from Massachusetts, Senator KERRY. They put together a real robust, significant bill.

This is a mere shadow of that bill in my view. But I end up almost the same place as my friend from Indiana, my chairman does. That is, you play the hand you are dealt. The House doesn't give a darn about this bill. Frankly, they are threatening if we add any amendments to just ditch it. So once again we are yielding to the lowest common denominator.

The fact is, they have a whip hand right now. The fact is, I want the President to be able to have a bill when he goes to the G-8 because I believe he is committed to trying to get the rest of the world to do more than they are doing. He wants to be able, to use a phrase he likes to use, lay his cards on the table. He wants to be able to ante up and say: This is what I am ready to do. Now, what are you all going to do?

I am willing to help him do that, even though this is not—this is not—the best bill. The best bill was the Kerry-Frist bill. That was the best bill we had, and we passed it. I think we voted it out unanimously last time. It was much more significant than the bill we have now. Then my friend and I, both faced with a similar dilemma, came along with what, a Lugar-Biden/Biden-Lugar bill, which was better than this bill.

But I am not here to talk about that. I am here to say we need a bill. I want everyone to know we are trying our best. I hope the majority leader would attest to the fact I have been straight up with him. We want to add a couple of amendments. Frankly, we are going to have a rough road to hoe. I think we will get one—I hope so, because I think the House may accept it if it is added on—which I think is very important.

Parochially, Senator SANTORUM and I, although he is not the one pushing it and I am—one is on the debt relief, which is something my friend from Indiana and I have worked on for years in various forums. And I think we should get the global AIDS fund up to that minimum threshold of \$500 million.

Last July, the Senate unanimously approved a bill initiated in the Committee on Foreign Relations by Senators KERRY, FRIST, HELMS and myself. It stalled in the other body. There was

little interest expressed by the Bush administration, and the bill died.

In January of this year, as one of the first orders of business, we began discussions in the Committee on Foreign Relations on moving forward on the Kerry-Frist-Helms-Biden bill. Unfortunately, each time we tried to proceed with the bill, the White House or the majority leader asked the chairman to delay, because the administration wanted more time to work on its proposal.

We might have passed a very strong bill months ago. But we did not. Now we are told that time is up, that we must take up the House bill, and that we must not amend the House bill.

I must say that I find it curious that we were asked to delay, and now we are told we cannot amend this bill. But I will return to that subject in a moment.

HIV/AIDS is the worst epidemic that mankind has ever seen. It is a source of instability. It is highly damaging to economic development in some of the poorest countries of the world. It is a humanitarian disaster. It is, in short, a national security issue, and will be for the foreseeable future.

It is right and proper that the Congress and the President work together to develop a comprehensive program of assistance.

As the world's leading economic power, we have a responsibility to lead the world in fighting this plague. I commend the President for focusing attention on this important question. It has clearly helped us push this legislation toward the finish line.

But now that we are nearing that finish line, I think we need to make a few modifications. The bill before us was passed by the House with, I am sure, the best of intentions.

It does not, however, as the title suggests, provide leadership. I believe there is considerable room for improvement in the House-passed bill.

I acknowledge that the bill does some useful things.

First and foremost, it acknowledges the severity of the HIV/AIDS epidemic, and authorizes substantial funds over a 5 year period to address it—\$15 billion over 5 years, to be exact. That's a heck of a lot of money, and well above the current budgets for these programs.

It provides for a strategy, and a coordinator to pull together all the agencies working on this issue. These are all good things.

Unfortunately, the House bill has several flaws.

The bill gives no guidance on the amount of our contributions to the Global Fund. In Fiscal Year 2004, the bill authorizes "up to" \$1 billion. So it could be \$1 or \$1 billion. Which one is it? What do we really expect the Committee on Appropriations to provide? The President's budget requests just \$200 million for the fund, which is far from adequate.

For the remaining 4 years the bill, there is no specific amount set forth. It

merely authorizes "such sums as may be necessary." This is an abdication of Congressional responsibility. It's like giving a contractor money to build a house without stating what you want the house to look like. Who would do something that unwise?

I believe that it is our job to set priorities, and funding levels. The voice of Congress should be heard on this issue. There will be an amendment by one of our colleagues authorizing a responsible contribution of the fund.

The House-passed bill does not deal with the issue of debt relief for countries suffering the burden of an AIDS epidemic.

Last year the Senate-passed bill included a provision, authored by myself and Senator SANTORUM, extending increased debt relief to countries with a severe public health crisis such as AIDS. We should do no less this year.

The House-passed bill contains language that I think is bad policy. It contains a requirement that one-third of all dollars devoted to prevention must be earmarked for abstinence-only until marriage programs.

I am concerned that this limitation is impractical.

I believe that the Agency for International Development and other agencies working on the ground are competent to decide how much money to spend on abstinence-only programs based on local conditions.

We should not assign arbitrary percentages to one element of a comprehensive strategy to prevent the spread of AIDS without a rationale. How did the other body come to the conclusion that 33 percent was appropriate? I do not know. I doubt that anyone does.

There are other problems with the bill. Some are more serious than others.

We will try, with a few amendments, to fix them in an expeditious way.

The majority leader has suggested that we must not amend this bill because there is no time for a conference or for consideration by the other body. With all respect to the leader, I believe he is mistaken.

The reconciliation bill we just passed will not go to conference. The leadership of both bodies intends to bring back the conference report on that bill before the recess. I can assure the leader that any conference on this bill would be far simpler than the conference on the reconciliation bill.

Moreover, the bill need not even go to conference—it could go through the House again, containing the amendments by the Senate. That happens all the time around here. There's no reason that action cannot be scheduled promptly—if the House leadership wants it.

What the leader is really saying is this: we must be a rubber-stamp for the other body. We cannot amend it, not even one word, or else the bill will be in trouble.

I simply don't believe that.

The Senate has a duty to debate and vote on amendments. If you oppose amendments, vote them down. But don't vote them down because you think an amendment will doom the bill.

Let us have a debate. We will do it quickly. We have no intention of delaying passage of this legislation. I urge my colleagues to support a limited number of amendments. Then we can send it to the other body, and get it to the President by the end of next week.

Frankly, I feel a little bit like I was misleading the public at large, as if I were the leader on this subject. The leader on this subject has been Senator JOHN KERRY, on our side of the aisle. So I would like, with the permission of my colleagues, to yield to Senator KERRY to make the substantive opening statement on this bill, since I will have an opportunity to manage it. Again, I compliment him and Senator FRIST, who, frankly, were the emotional, political, and intellectual engines getting this going.

If there is no objection, I yield the floor to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I am extraordinarily grateful, not just for the yielding by my colleague from Delaware, and my friend of many years here, but I am also very grateful for the comments he just made. I appreciate enormously his acknowledgment of the work that has gone into this legislation from the Foreign Relations Committee. Senator FRIST and I did start this effort a number of years ago. In fact, we chaired a major bipartisan, frankly apolitical, completely non-political effort nationally, bringing together most of the people involved in this issue for a long period of time to solicit from them their thoughts about the best way to try to put together, for the first time, a comprehensive approach to the issue of AIDS.

The reason for wanting to make it comprehensive, obviously, is that everything else was failing. There was and is a sense of implosion in continents and countries as a consequence of what is happening.

No country ever had the capacity to provide as much leadership or to provide as much resource as the United States of America to help to deal with this issue. It is good that we are at least on the floor of the Senate today for some brief period of time dealing with this question of the HIV/AIDS, Tuberculosis and Malaria Act which comes over to us from the House. The scope of the AIDS epidemic really cannot be underestimated. It is now spreading to the Caribbean. It is in East European former Soviet bloc countries. It is in Asia. The non-discriminating way that AIDS kills women and children, men and boys, young and old alike, tears up families, and destroys human infrastructure, is beyond people's belief, absent an extraordinary effort comprehensively to

begin to coordinate a global effort to combat it. It is the worst public health, social, and humanitarian crisis of our age.

It is imperative the United States lead the efforts to deal with it. It should not only be on our agenda today, but it needs to be on our agenda in the months and years to come.

Obviously, Congress should send to the President legislation that substantially increases funding for our global AIDS programs, and indeed this bill will do that. But we need to leave no doubt in the world's mind that we are going to be at the forefront of that fight in the years to come.

To underscore what the ranking member of the Foreign Relations Committee just said, the President could have had this legislation last year, or even earlier this year, had the administration and Republican allies in Congress wanted it. Last July, the Senate unanimously passed and sent to the House the bipartisan United States leadership effort against HIV/AIDS.

I thank the majority leader for his efforts to join me in again a completely nonpartisan effort to try to behave in a globally responsible way and in a way that lives up to the highest values and standards of our country.

I introduced that bill a year ago today, along with Senators FRIST, BIDEN, HELMS, DASCHLE, and some 10 other cosponsors. That bipartisan bill was the most comprehensive global HIV/AIDS bill ever introduced in the Congress. It authorized more than double the annual \$1 billion level of funding for AIDS, TB, and malaria programs over each fiscal year of 2003 and 2004, it created an HIV/AIDS coordinator in the Department of State, it ensured the Government had a comprehensive 5-year global strategy on HIV/AIDS, and it provided USAID, CDC, and other HHS agencies with the necessary authorities and resources to carry out an effective program of prevention and treatment abroad.

The House of Representatives had ample opportunity to act on this bill before Congress adjourned last November, but it failed to even take it up. Nor was the House interested in conferring the full bill. The administration provided no impetus, no leadership, and no effort in order to try to get the House to do so. Apparently the comprehensiveness of the bill was too much for the House Republicans to handle.

Speaking to this point on November 13 of last year, Congressman HYDE, chairman of the House International Relations Committee, stated that "Discussions have broken down between the Senate and the House over the size and the scope of the bill." And there was no intervention whatsoever by the administration to try to bring those parties together at any time.

It is more than regrettable that our colleagues in the House refused to act last year. Although this bill predated President Bush's AIDS initiative announced this year in his State of the

Union Address, that very worthy initiative could easily have been funded and carried out under the provisions of the Senate-passed bill. We had a missed opportunity, one that could have saved lives. As Chairman HYDE wrote earlier this week in his own op-ed in the Washington Post, "In the five minutes or so required to read this column, another 30 people will die and another 55 will become infected."

Just think how many people could have been helped had the administration and the House not missed the opportunity offered by the Senate last year to ramp up our efforts.

Since the beginning of this year, Senator BIDEN and I have worked consistently with Senator LUGAR, chairman of the Foreign Relations Committee, to produce a bipartisan global HIV/AIDS bill. Regrettably—and I do regret—each step of the way those efforts were repeatedly frustrated by the White House and some Members on the other side of the aisle. Our most recent effort, S. 1009, the United States Emergency Plan for AIDS Relief Act of 2003, introduced by Senator LUGAR on May 7 and cosponsored by Senators BIDEN, DASCHLE, and SARBANES, was based on the very draft the majority leader, Senator FRIST, brought us for consideration after consultation and input from the White House. But that effort, too, died on the vine.

The White House and the Senate majority leader have made it abundantly clear that the President now wants the Senate to move quickly to pass the bill without amendment. Having been at the forefront of the legislative effort to combat this, I am delighted the President now wants to have a bill in hand when he meets with the G-8 leaders in June. I agree that we can and must leverage other nations to increase their efforts and their resources to combat the AIDS pandemic. And I am confident the President will be able to tell his colleagues and the Congress that we are united in the fight against AIDS. However, the bill we send him ought to not only provide substantially increased resources to fight AIDS, but it should also embody comprehensive, balanced, and effective policies and programs.

The pending House bill does well in resources in terms of authorization—\$15 billion over the next 5 years for the three most infectious global diseases, HIV/AIDS, TB, and malaria. Like last year's bipartisan Senate bill on which it is modeled, the House bill established an HIV/AIDS coordinator, and it mandates a coordinated, comprehensive, and integrated U.S. 5-year strategy. But the bill remains flawed. If left unaddressed, those flaws will seriously undermine the effectiveness and the comprehensiveness of the U.S. AIDS programs.

The House bill provides insufficient resources for the Global Fund to Fight AIDS, TB and Malaria, the public-private partnership established in 2001 with the strong support of President

Bush and United Nations Secretary General Kofi Annan. The global fund reflects the international community's determination to marshal increased resources to combat not only HIV/AIDS but also TB and malaria. Tommy Thompson, Secretary of Health and Human Services, currently chairs the global fund's board of directors. Whereas the Bush administration's new AIDS initiative is focused on only 14 countries—12 in Africa and 2 in the Caribbean—the global fund's scope is worldwide, covering not only countries where AIDS is rampant, but also countries such as Russia, China, and India, where the epidemic is growing rapidly.

The Bush administration's preference for bilateral efforts over multilateral efforts, in my judgment, is discernible because of the way the allocation of funds within the President's announced initiative takes place. The President promised \$15 billion over 5 years. But only \$1 billion of those funds—that is \$200 million a year—would go to the global fund. This annual figure of \$200 million a year is already \$150 million less than we have provided in fiscal year 2003 alone. The President's proposal provides for no increases over the 5-year period.

The House bill authorizes "up to \$1 billion" for the global fund for fiscal year 2004. On the face of it, that looks like an improvement. It is calculated to look like an improvement, but it is not an improvement. The House bill fails to guarantee any specific funding level, and it caps U.S. contributions at 25 percent of the fund's total contributions.

This is simply not adequate. We can, and we should, do more. At a minimum, we should be able to guarantee that our contributions to the fund for fiscal year 2004 are significantly increased over the 2003 level.

I know some of my colleagues believe other countries are not contributing enough to the fund. I share that concern, but I am proud that the United States of America is the largest donor to the fund, and we ought to be. In my view, that is commensurate with leadership, and leadership is what is needed. However, other countries can and should do more, and if leveraging our contributions will enable Chairman Thompson and the leadership of the global fund to raise more resources, I am all for that.

S. 1009, the Lugar-Biden-Kerry bill that was introduced earlier this month, would authorize \$1 billion for the fund for fiscal year 2004, and \$500 million of this would be available without any strings attached. To receive the additional \$500 million, the fund would have to raise \$2 billion in contributions from sources other than the United States. So it provides real leverage, and that is what we ought to be doing. In effect, the United States would be providing one-third of the fund's resources—a figure with which all of us ought to be able to live. I will support changes in the House bill to strike the

House language on the fund and achieve those higher funding levels.

Second, the House bill mandates that one-third of the funds spent on prevention go only to abstinence-until-marriage programs. Now, none of us disagrees that abstinence is an important component of AIDS education. It is important as a matter of values, and of course we ought to engage in that effort. But the effectiveness of these programs depends literally on their comprehensiveness and on their relevancy to the population you are targeting. That means you need all three components of the so-called ABC model: abstinence; be faithful, which includes reducing the number of partners; and the use of condoms.

Obviously, abstinence does not apply to all target populations. For example, take a situation where you have people who are married or they are in a monogamous relationship. It is well and good to promote the concept of abstinence, which we should do, but abstinence-until-marriage programs have their greatest resonance with young people, and I believe we ought to fund those types of programs. But we should not tie the President's hands by specifically earmarking the percentage of funds to be spent on these programs because that denies the reality of what you find on the ground in terms of the targeted population.

I will support an amendment to strike this earmark. We ought to be rational enough as human beings to understand that you do not want to just promote abstinence. What happens when somebody falls short of the abstinence, as everyone in the world knows occurs? Then you want at least to have that person also educated as to what the possibilities are to still prevent the spread of the disease.

In my view, we should be providing the administration with maximum flexibility to ensure that our assistance programs are well targeted to the countries in which we are working. Regrettably, the House bill contains a number of earmarks and limitations ideologically driven but not practically driven, which reduce the flexibility and undermine the capacity to work with various high-risk populations at the epicenter of the HIV/AIDS pandemic.

The House bill guarantees that faith-based organizations may participate in U.S. Government-funded HIV/AIDS programs even if they choose not to participate in all elements of the program. For example, they can be involved in the component that respects abstinence but they may choose not to be involved in providing counseling on safe sex and distributing condoms.

Faith-based organizations are on the front lines of the fight against HIV/AIDS, and I respect that. We welcome that. And they should be. We need them there. I do not believe we should ask any organization, faith-based or otherwise, to compromise their principles in this effort, and I would not do that. But if the U.S. Government is

funding their programs, it is important, with respect to the expenditure of our dollars, that we guarantee that those dollars be spent in the most effective way and that we need to respect the interventions that, in fact, prevent HIV infection, even those they object to on a moral or religious ground.

An organization that does not wish to give out condoms should absolutely not be required to do so, but it also ought to be required to give accurate and medically sound advice on the effectiveness of that method. I will support an amendment to the House bill that makes it clear that all organizations that are funded by the U.S. Government in this fight must follow that policy.

Last year, the Senate-passed AIDS bill contained a title on debt reduction that was authored by Senators BIDEN and SANTORUM. It urged the Secretary of the Treasury to renegotiate the Enhanced HPIC Initiative to provide funds for HIV/AIDS programs through greater debt reduction. The House bill we are now considering contains no such title, despite strong support for it from many quarters, including the Catholic and other churches. This deficiency in the House bill ought to be corrected. I strongly support Senator BIDEN's amendment to put that title back in the bill.

This bill has been a long time in coming. It is here now. Obviously, it is important for the Senate to advance our efforts with respect to AIDS. In my judgment, the amendments that are being offered will improve this legislation in terms of its resources, in terms of its policy, and the flexibility for the President.

I hope those amendments will be adopted, notwithstanding the Chair's desire not to have any amendments, because they will provide us with the capacity to have the full measure of the policy we ought to be passing in order to deal with this issue. It is better to have something that is comprehensive and effective than something that merely meets political cosmetic needs and does less than what is needed to address this extraordinary challenge.

I also believe there is time yet. There is time, if there is good will on both sides and if there is Presidential leadership, to conference a bill with these amendments. There is no reason we should not make that available to the Senate. We can guarantee the President, on our side, that if we do that in good faith, he will have a bill before he goes to the G-8 summit. But if our efforts to improve this bill fail, I will still support it, Mr. President, imperfect as I think it is, because stemming the AIDS pandemic is the goal and any measure that begins the steps towards that cannot be ignored and is better than none.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The majority leader.

Mr. FRIST. Mr. President, I will be speaking for about 10 minutes or so. The Senator from Illinois and I were just discussing all of us who want to speak on, and that we, the Senator from Illinois and the Senator from Massachusetts, from whom we just heard, have worked so hard on this effort.

I think what I will do is get my opening statement out of the way, and then we will come back to the bill a little later today.

I will yield a minute or so to the Senator from Illinois, if he would like to make a comment. I know we are a little constrained for time. We are going back to the growth bill in about 9 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the majority leader for yielding 1 minute.

Mr. President, I think this is a historic piece of legislation. I think the United States is making a commitment to a world problem that is going to haunt us for decades to come.

I salute President Bush for his leadership. I am glad this has been bipartisan. My only regret is that it comes to the floor in a very tight procedural situation. I hope we will have time to have an honest discussion about a few issues and still deal with this bill on a timely and dispatched basis.

I salute the Senator from Tennessee, the majority leader, for his commitment, as well as the Senator from Massachusetts, and my good friend and neighbor from Indiana, Senator LUGAR.

I am going to withhold any further statements for a little later on in the bill. As we get into the dialog, I will offer a few ideas.

Mr. FRIST. Mr. President, we really only have 35 minutes to speak on the bill itself, now that we are officially on the bill. My colleagues can tell from the comments today that this initiative is a huge bipartisan initiative that is supported strongly by Democrats and Republicans. I think they will see as the debate goes forward that nobody thinks the bill is absolutely perfect in the sense that they don't as individuals agree with everything in the bill itself. Again, reflected in the comments we have just heard, if we step back, we are seeing an unprecedented commitment on behalf of this institution, the Senate, the House of Representatives, the Congress, with passage of a bill that follows the leadership of President Bush of \$15 billion over a 5-year period.

I especially appreciate the comments of the Senator from Massachusetts because, indeed, Senator KERRY and I have been working on this issue for years, in an apolitical way, in working with CSIS, which is a nonprofit group that all of us know, and we have brought in the experts from all over the world. They have done a beautiful job. We have sent delegations to China to look at the issue and broadly support it.

I think that is what this bill is all about. So much of what we do appears so partisan and, indeed, we will disagree on dollars and how much should go to the global fund. Some people feel passionately it needs to be more. Others say: Let's give a little more time to the fund. At the end of the day, when we pass this bill, this bipartisan bill—it comes from the House, but it is an assimilation of all the ideas we have been working on—it is something of which we can be quite proud.

The chairman of the Foreign Relations Committee, Senator LUGAR, his made comments I especially appreciate because it walked through the challenges we face in addressing an issue that is very difficult for a lot of people because it involves stigma, a virus that wasn't even around 23 years ago. The HIV, when I was doing medical school and the internship and the early years of residency, had never been heard of, not talked about in the textbooks until 1981, when we saw the first three or four viruses. That virus has now killed 23 million people, has 40 million people infected, and will kill, in the best of all worlds, another 60 million people.

As history looks back at this day or at this year or at these Senators in this body, it will be able to say we did everything possible to reverse the course of that destruction. At the end of today we will say, yes, for this point in time—we have lots of other steps to take—this is the first major step. This is what I wanted to say to my colleagues on both sides of the aisle. This is not going to cure the virus. We have no cure. We have no vaccine. We can reverse that trend, but this is the first major step.

The President took the lead in the State of the Union Message. It is very complementary to the work I have worked with Senator KERRY and Senator LUGAR and Senator BIDEN and Senator DURBIN on over the years. That is most important. This little HIV virus is only about 100 nanometers. That is tiny. It is microscopic. It is invisible to the naked eye. A meter is about that big. It is a billionth of a meter in terms of size, 12,000 times smaller than a human hair. So it is amazing. We are just entering this era where we understand viruses and how we can fight them to the point that we can effectively combat them, but something that small can cause so much destruction.

In terms of process, which people have referred to, we will begin legislation later today on this \$15 billion 5-year effort to combat the worldwide HIV/AIDS epidemic. The bipartisan support is reflected in the fact that the bill that I, in talking to the leadership on the other side of the aisle, said, how can we best immediately begin the response to the destruction of this virus, meaning not put it off 6 months or 12 months or 3 months or a year, and it is using this piece of legislation which will come to the floor later today.

Some have suggested, you kind of knock out the deliberative process by

going to the House bill. I disagree. We have put together various bills. If you look at the House bill, while not everybody agrees with everything in it, it really is an assimilation of the proposals put forward that looks at prevention, care, and treatment. That is what is beautiful. It is the amount of money, \$15 billion, about \$3 billion a year for 5 years, the money, but also it is the first time in legislation that we have linked a public health approach, which you need, to this greatest of all humanitarian and public health tragedies—challenges, as Senator KERRY has just said on the floor, that you link prevention, care, and treatment. With that, over time, we will be able to reverse the course of this virus.

The treatment strategies themselves have to do with antiretroviral drugs. Some people say, let's put all the money there. We don't have a cure yet, so to put all the money there doesn't make sense. We have to go back and look at both prevention, which we know is 100-percent effective, the prevention strategies—I refer back to Uganda, and what is being done there—and also the care. How do you manage people with HIV/AIDS? It could be other antibiotics. It could be nutrition. It could be care. That is why the overall planning and the comprehensive nature of this bill is so important.

The bill before us does represent a lot of coming together into a focus of agreement and consensus on a range of issues—not all of the issues, but on, I would say, most of the issues. That is why we can't let the perfect be the enemy of what the good is in this particular bill.

It is true that in less than 3 weeks the President of the United States, if we pass this bill, will be able to go to the G-8 conference, and that is important. That is not necessarily the driving reason to do it, but it does give us an additional reason to do it—in addition to the fact it will save lives, which is the most important issue to all of us—that the President of the United States can show that we are a caring nation, we are not just a good nation but we are a great nation in terms of reaching out, the caring, the compassion as we go forward. We will be able to lead—yes, we are a powerful nation—and get other nations to participate because we can't solve this problem by ourselves. The United States can't do it. We don't know the answer. We don't have enough money to do it. But when we can bring the family of nations, contributing both commitment and money, we will be able to cure this little virus as we go forward.

There are lots of issues in the bill we will talk about later. One of the most important is that we can start immediately. We will have a skilled coordinator—that is part of the underlying package—will be able to move forward, begin the planning, begin the implementation. Then through the appropriations process we will be able to add the appropriate money.

Let me close as I opened: Again, we will have the opportunity to talk later tonight at greater length. History, ultimately, will judge how we respond. We have done a pretty good job through study, committees, through bills, through proposals, through debates, through the appropriations process, but this gives us the first disciplined, dedicated, focused, comprehensive response which links the public health with the scientific. That is what this is about.

History will look back on this day as the first major step in reversing this greatest of humanitarian challenges of the 21st century. We do have a choice. We could put it off for later or we could choose to do it now. I believe we will choose to act tonight, ultimately pass this bill, and, with that, it will be a demonstration of why we are not just a good Nation but a great nation.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I want to thank the majority leader for bringing this important piece of legislation to the Senate floor. It is desperately needed. The Senate passed something very similar to this proposal 9 months ago. Despite our urgent and repeated requests, Republican leaders in the House refused to act on that bill. But something important happened between then and now. In his State of the Union Address to the Nation, President Bush proposed an historic U.S. commitment to the global AIDS fight. We applaud the President's support. I also want to acknowledge Secretary of State Colin Powell, who has shown great leadership on this issue of global AIDS and taken some criticism for it.

Our colleagues in the House of Representatives, especially Congressmen HENRY HYDE and TOM LANTOS, also deserve thanks for their commitment to this cause. Here in the Senate, many of us have seen the face of AIDS in Africa and the Caribbean personally. This fight has benefitted from their leadership. I especially want to acknowledge the work of Senators DURBIN, KERRY, BIDEN, LEAHY, FEINGOLD, KENNEDY, FRIST, LUGAR, and DEWINE.

Last August, I traveled with several of our colleagues to South Africa, Kenya, Botswana, and Nigeria. We wanted to get a clear look at the development challenges in Africa. The challenges are myriad and massive. They include investment and trade, education and agriculture. One of Africa's greatest challenges is health care—particularly AIDS.

In South Africa, I had the privilege to deliver 1,000 pounds of clothes and toys, donated by the people of South Dakota to children in South Africa affected by HIV/AIDS. Those toys provided some glimmer of hope to the South African children who received them. But this bill offers the beginning of real hope. This bill holds out the promise that some of those children will grow to be adults and perhaps have children on their own.

On that trip, I met a young girl named Mary. She lives in Soweto. She had recently lost both of her parents to AIDS. She had been left to care for her four younger siblings. She was 12 years old. Mary and her siblings are among the world's more than 14 million "AIDS orphans"—children who have lost their mother, or both parents, to AIDS. Worldwide, more than 30 million people have already died from AIDS. Last year, AIDS and AIDS-related illnesses claimed the lives of 3.1 million people. And 5 million more people became newly infected. Today, more than 42 million people are infected with HIV or living with AIDS. More than 75 percent of them live in Africa or the Caribbean.

I am convinced that, if we combine America's resources and technology and the great compassion of the American people with the courage and hope shown by Mary and so many others, we will defeat this disease.

HIV/AIDS is the great humanitarian crisis of our time. But it is more than a humanitarian crisis. AIDS is a national security issue. It is a public health issue. It is an economic issue. And it is a moral issue. We have the tools to fight this disease. It is our duty and our obligation to use them. The U.S. commitment to the global AIDS fight has increased significantly in the last few years. But we could have, and should have, done far more, far sooner. We must not delay any more.

This bill is another step in our fight. It would more than double current U.S. spending for international AIDS programs. It calls for a comprehensive strategy that integrates prevention, treatment, research for a vaccine and help support children—like Mary, orphaned by the disease.

The President is right in calling for us to target nations in Sub-Saharan Africa and the Caribbean. These nations represent the epicenter of the global AIDS crisis. But a crisis is looming in Asia and Central and Eastern Europe. We must do now in those areas what we did not do soon enough in Africa. We must intervene now to stop the spread of HIV/AIDS before it reaches the epic proportions experts warn we could see. For that reason, Democrats will offer an amendment to this bill to guarantee a robust American commitment to the Global Fund to Fight AIDS, Tuberculosis and Malaria. The bilateral efforts aimed at Africa and the Caribbean are needed to address today's crisis. A strong U.S. commitment to the Global AIDS Fund is needed to prevent tomorrow's crisis.

We will also offer an amendment to give the President the flexibility he needs to confront this epidemic. The House bill ties the President's hands on prevention programs. Abstinence must be a central piece of any successful prevention program. But earmarking 33 percent of prevention funds for one approach is counter-productive.

We will also offer other important amendments. One will relieve the debt

burden on the world's poorest nations—many of whom are burdened also by this AIDS crisis. Another will provide American food aid to people suffering from AIDS in desperately poor nations. We know that many people who suffer from AIDS actually die from starvation and malnutrition. Emergency food aid from America's farmers can help keep them alive.

It is important to note, however, that this is just an authorization bill. By itself, it does not commit one dime to prevent AIDS or help its victims. The real test of our commitment to children like Mary and others living with and threatened by AIDS will be whether we fund this promise. A prescription you can't afford to fill does no good at all. The President calls his proposal an "emergency plan." He is right. This is an emergency. We should treat it like an emergency. After we pass this bill, we must appropriate the full amount it prescribes.

We can react to the plight of AIDS orphans like Mary with denial and despair. Or we can respond—as this proposal does—with a determination to save those children and the millions of others threatened by HIV/AIDS.

In Uganda, mothers with AIDS create "memory books" for their children. In their dying days, they gather together photos and stories they want their children to know. They know that they will not live to see their children grow up. With this bill, we have a chance to write a different book—a different kind of history in this fight against AIDS. Let us write that book. Let us pass this bill today. Then, let us quickly agree to commit the resources it promises.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COLEMAN. Mr. President, are we in morning business? What is the status of where we are, Mr. President?

The PRESIDING OFFICER. The Senate is to resume consideration of the tax reconciliation bill.

Mr. COLEMAN. I ask unanimous consent to have an opportunity to address the global AIDS bill very briefly.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003—Continued

Mr. BAUCUS. Mr. President, what is the regular order?

The PRESIDING OFFICER. The reconciliation act, and it is necessary to set aside the pending Burns amendment.

Mr. BAUCUS. I ask unanimous consent that the Burns amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 614

The PRESIDING OFFICER. The business now is the amendment of the Senator from Michigan.

Who yields time?

Ms. STABENOW. Mr. President, I ask unanimous consent that Senator MIKULSKI be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I urge my colleagues to support this very important amendment for the seniors of this country. This does that. First and foremost, before we pass the dividend tax cut and the top rate tax cut, we will proceed to develop and pass a comprehensive prescription drug benefit that is equivalent to what we receive in the Senate. I have heard many colleagues express the concern I share, which is that the seniors and the disabled of this country ought to have the same ability to have the prescription drug coverage we as Federal employees do.

This amendment simply sets our priorities straight. It says before we proceed with these two tax cuts, we will pass a comprehensive prescription drug benefit based on FEHBP, the most common portion of which is used by Senate and House Members. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I oppose this amendment. I feel exactly about Medicare and prescription drug issues as the Senator from Michigan, but this is not the way to do it. This amendment reduces our jobs and growth package even before the Finance Committee takes up a comprehensive prescription drug benefit and Medicare improvement bill.

I hope everybody knows that I am very committed to reporting a \$400 billion bill out of the Finance Committee, and doing it this summer, hopefully within the month. This will add a comprehensive prescription drug benefit for seniors.

The amendment before us jumps the gun. I am working in a bipartisan way on a prescription drug policy that fits within that \$400 billion framework in our budget resolution. In fact, I have a 4 o'clock meeting today with Senators on that issue that, obviously, I am not going to be able to keep because of these rollcall votes. We need to keep the jobs and growth package complete.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I want to raise a point of order. This upsets the balance of our bill. This language is not germane to the measure before the Senate. Therefore, I raise a point of order under section 305(b)(2) of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Due to the fact the budget resolution does not contain enough revenue to do what our distinguished chairman has just indicated, this amendment is necessary to make that happen. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act and the budget resolution for the consideration of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—44

Akaka	Durbin	Levin
Bayh	Edwards	Lieberman
Biden	Feingold	Lincoln
Bingaman	Feinstein	Mikulski
Boxer	Graham (FL)	Murray
Byrd	Harkin	Nelson (FL)
Cantwell	Hollings	Pryor
Chafee	Inouye	Reed
Clinton	Johnson	Reid
Conrad	Kennedy	Rockefeller
Corzine	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Stabenow
Dodd	Lautenberg	Wyden
Dorgan	Leahy	

NAYS—56

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Baucus	Ensign	Nelson (NE)
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Breaux	Frist	Santorum
Brownback	Graham (SC)	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Campbell	Hagel	Snowe
Carper	Hatch	Specter
Chambliss	Hutchison	Stevens
Cochran	Inhofe	Sununu
Coleman	Jeffords	Talent
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment is the Warner amendment. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that the Warner amendment be set aside to take up another amendment, and then we will take up the Warner amendment next.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.