amendment. In fact, there will be additional amendments on that. We wanted to finish the bill tonight.

This is in keeping with our discussions. I would hope we could go ahead and offer the first amendment.

Mr. BIDEN. Will the minority leader yield?

Mr. DASCHLE. I am happy to yield.

Mr. BIDEN. We have a number of amendments on this side. And when I say ''a number,'' we have more than one. We are getting time agreements on all the amendments. For the benefit of the Senate, I might tell you quickly of the major amendments that we have and the time agreements: The Durbin-Kerry, et cetera, amendment on global AIDS funding is 10 minutes equally divided. Senator FEINSTEIN has an amendment; it is up to 30 minutes equally divided. Senator DORGAN has an amendment and has agreed to 10 minutes equally divided. Senator KENNEDY has an amendment, 30 minutes equally divided. Senator DODD has one, 20 minutes equally divided; Senator BOXER, 10 minutes equally divided.

The reason I bothered to tell you that is I think we can do this. I think we can meet the objective of the majority leader to get this bill passed. People are being very cooperative. If we move like this, I think we should do it quickly.

Mr. DASCHLE. I thank the Senator from Delaware.

I yield the floor.

Mr. FRIST. Mr. President, I ask unanimous consent that no other amendments be in order, other than a managers' amendment, which must be agreed to by both managers and the two leaders, and that the bill now be temporarily set aside and the Senate resume consideration of the global AIDS bill as under the previous order, and that the other provisions of the order with respect to S. 1054 remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. CORZINE. Reserving the right to object, I am in the midst of a negotiation on a colloquy we will put in so we can withdraw an amendment. I want to make sure that has been accepted.

Mr. FRIST. The Senator would be able to do that, Mr. President.

Mr. CORZINE. If there is no guarantee that we are going to have acceptance of the colloquy, then I cannot offer my amendment.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the request be amended to accommodate the colloquy offered by the Senator from New Jersey or an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, reserving the right to object, I also have an amendment being submitted that I would like to be included on the list.

Mr. FRIST. Is that request for the global HIV/AIDS bill? Just to clarify, on the global HIV/AIDS bill, people will still be able to propose amendments. The unanimous consent was for the underlying jobs and growth bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The Senate will continue consideration of H.R. 1298, which 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, tuberculosis, and malaria, and for other purposes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I misspoke. The Durbin-Kerry-Biden, et al, amendment is 20 minutes equally divided.

Mr. FRIST. Mr. President, I ask unanimous consent that there be 10 minutes equally divided in the usual form in relation to the Durbin global fund amendment; further, that following the debate, the Senate proceed to a vote in relation to the amendment, with no amendment in order prior to the vote.

Finally, I ask that following that vote, the Senate proceed to the final amendments to the jobs bill, if available, and passage of the jobs and growth legislation.

I will modify that to ask that there be 20 minutes equally divided in the usual form, with the remainder of the unanimous consent request as described.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

AMENDMENT NO. 676

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DASCHLE, and Mr. KERRY, proposes an amendment numbered 676.

Mr. DURBIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide alternate terms for the United States participation in the Global Fund to Fight AIDS, Tuberculosis and Marlaria)

Beginning on page 35, strike line 22, and all that follows through page 45, line 25, and insert the following section:

SEC. 202. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA.

(a) AUTHORITY FOR UNITED STATES PARTICIPATION.—

(1) UNITED STATES PARTICIPATION.—The United States is authorized to(participate in the Global Fund.

(2) PRIVILEGES AND IMMUNITIES.—The Global Fund shall be considered a public international organization for purposes of section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

(b) PUBLIC DISSEMINATION.—Not later than 180 days after the date of the enactment of this Act, and regularly thereafter for the duration of the Global Fund, the Coordinator of the United States Government Activities to Combat HIV/AIDS Globally shall make available to the public, through electronic media and other publication mechanisms, the following documents:

(1) Any proposal approved for funding by the Global Fund.

(2) A list of all organizations that comprise each country coordinating mechanism, as such mechanism is recognized by the Global Fund.

(3) A list of all organizations that received funds from the Global Fund, including the amount of such funds received by each organization.

(c) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Coordinator of the United States Government Activities to Combat HIV/AIDS Globally shall submit to the appropriate congressional committees a report on the Global Fund. The report shall include, for the reporting period, the following elements:

(1) Contributions pledged to or received by the Global Fund (including donations from the private sector).

(2) Efforts made by the Global Fund to increase contributions from all sources other than the United States.

(3) Programs funded by the Global Fund.

(4) An evaluation of the effectiveness of such programs.

(5) Recommendations regarding the adequacy of such programs.

(d) UNITED STATES FINANCIAL PARTICIPATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401, there are authorized to be appropriated for United States contributions to the Global Fund, in addition to any other amounts authorized to be appropriated under any other provision of law for such purpose, $1,000,000,000 for fiscal year 2004, $1,200,000,000 for fiscal year 2005, and such sums as may be necessary for fiscal years 2006 through 2008.

(2) AVAILABILITY OF FUNDS.—

(A) CERTAIN FISCAL YEAR 2004 FUNDS.—Of the amount authorized to be appropriated by paragraph (1) for fiscal year 2004, the amount in excess of $500,000,000 shall be available only if the Global Fund receives, during the period beginning on April 1, 2003, and ending on March 31, 2004, pledges from all donors other than the United States for funding new grant proposals in an amount not less than $2,000,000,000.

(B) CERTAIN FISCAL YEAR 2005 FUNDS.—Of the amount authorized to be appropriated by paragraph (1) for fiscal year 2005, the amount in excess of $600,000,000 shall be available only if the Global Fund receives, during the period beginning on April 1, 2004, and ending on March 31, 2005, pledges from all donors other than the United States for funding new grant proposals in an amount not less than $2,400,000,000.

(C) RECEIPT OF PLEDGES BEFORE PERIOD END.—If the Global Fund receives in a period described in subparagraph (A) or (B) the pledges described in such subparagraph in the amount required by such subparagraph as of a date before the end of such period, the United States contribution specified in such

subparagraph shall be available as of such date.

(D) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated by paragraph (1), and available under that paragraph or this paragraph, shall remain available until expended.

(3) PRIOR FISCAL YEAR FUNDS.—Any unobligated balances of funds made available for fiscal years 2001 and 2002 under section 141 of the Global AIDS and Tuberculosis Relief Act of 2000 (22 U.S.C. 6841)—

(A) are authorized to remain available until expended; and

(B) shall be merged with, and made available for the same purposes as, the funds authorized to be appropriated by paragraph (1).

Mr. DURBIN. Mr. President, I know it is late at night, so I will abbreviate this debate. I hope it is no reflection on the seriousness of this issue. Everyone understands the global AIDS epidemic is a challenge facing our generation and our children's generation to which we need to respond.

As I said earlier today, there has been outstanding leadership on this issue on both sides of the aisle. The President of the United States, in the State of the Union Address, set a standard and goal for America that deserves the applause of both sides of the aisle—a $15 billion commitment to the global AIDS fight.

I have seen extraordinary efforts on both sides of the aisle, with Senator FRIST, our majority leader, on the Republican side, as the nominal and real leader on this issue, as well as Senator LUGAR; and on our side, Senator BIDEN, as well as Senator KERRY. The list goes on.

The reason I raise these points at this moment is this: I served for 14 years in the House before I came to the Senate. It is a very important Chamber. They make important decisions. But all wisdom doesn't reside on that side of the rotunda. What I am asking you to consider this evening as the initial amendment on this issue is what we have already voted for in the Senate on a bipartisan basis. What I am suggesting to you is not novel; it is not radical; it is not partisan; it is what the Senate agreed to do. I am asking us to stand behind our bipartisan position and say to our friends in the House this is not a wholesale change of your bill, but it is a modification that is critically important.

Let me tell you why I think it is critically important and why I hope we can stand together as the Senate and say to the House Members, please, let's work together for this modification, which is really to the benefit of all of us.

Here is what it does. It relates to our contribution to the global fund. It is what we have already voted for in the Senate. It says that in the next fiscal year, 2004, we will contribute $1 billion to the global fund under the following conditions: The first $500 million will go to the global fund, with no strings attached, no limitations. The second $500 million will go, as long as it is matched by other contributions—and not just matched but matched on a 2-to-1 basis.

In other words, the second tranche of $500 million will require $2 of foreign contributions from other nations for every $1 contributed by the United States. That is the approach that I believe is sensible. It says we are committed to the global fund and we understand that they need resources, but the United States cannot carry this alone. We will lead because we are the richest nation on Earth, and our President has committed us to this leadership. But then, once we have made the $500 million commitment, we will turn to the rest of the world to join us in this effort.

That is not a radical notion; it is a notion which, frankly, the House version of this bill considers as well. But there is an error in the language in the House bill. Some of you have said to me you just want to take this bill as passed by the House, pass it in the Senate, not change a word, and hand it to the President on Air Force One on his way to the G–8 conference.

If you will turn to page 38 of the House version, there is a serious error about the match. It suggests, when you read it, that we are not putting up a third of the money to be matched but 25 percent. It is just a drafting error. But as wise, as seasoned, and as experienced as the House Members may be, they made a mistake.

This amendment corrects that mistake and it says it is truly a 2-to-1 match. We will come up with one-third. They made a mistake in drafting. Why would we want the President to take that mistake with him on Air Force One?

I also tell you that this bill does something the House bill doesn't do. I think it is something they would readily agree to. We all know, at least, that the global fund has been recently reviewed by the GAO and it was found to be a good organization, committing money to good projects around the world. But we owe it to the taxpayers of this country to make sure that the dollars we put in the global fund are well spent.

So this amendment, offered by myself, Senator DASCHLE, Senator KERRY, and others, makes public and available all the approved proposals to the global fund—transparency—so we can see what they are funding.

It lists all the organizations that make up the country coordinating mechanism. It lists all the organizations receiving funding, and it calls for a report from the global fund that includes where the money is going to be spent.

That is the kind of accountability and transparency which does not violate the spirit of the House bill but merely adds provisions which I think protect taxpayers' dollars in a responsible way.

I withhold the remainder of my time and yield to the other side for their response. I hope my colleagues will favorably consider this amendment.

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I urge my colleagues to vote against this amendment. I want to give everyone a bit of the philosophy developed in the House that my colleagues have not had the opportunity to observe. There are numbers very important in this debate.

The United States has had a tremendous commitment. The United States will continue to have a tremendous commitment. What we are trying to do is make sure the other countries also join in this commitment and that it does not become solely a U.S. fund.

This chart shows that the United States has maintained its commitment to the global fund. We have pledged $200 million a year. Here is what is happening with the other countries: They started at 275. By 2006, they dropped off to a little bit above zero. By 2008, they hit zero. That is what the commitment is at the present time.

This chart shows how the fund is shaping up at the moment. The United States is putting in 51 percent of the money, not 33 percent of the money—51 percent of the money.

Some of the numbers you have heard go back to 2001, 2002, and 2003 when we had a higher commitment, but the other countries had a higher commitment. They were almost at $150 million. That has been dropping off steadily.

When we get into the pledges, it drops off considerably faster. We have to do something to get the other countries energized to still be a part of this. This should not be, cannot be, and will not work if it is just U.S. funds.

This chart shows the way that it shapes up with the bill, the way the House brought it out. We will be providing 42 percent, then 60 percent, then 96 percent, then 99.5 percent, and then 100 percent of the fund if this amendment is not defeated. I do not think we ever intended to be 100 percent of the entire world solution to this problem, and we are not doing our job with the rest of the world if we become 100 percent of the solution. It is participation by the countries that is extremely important.

The global fund administrator supports the leveraging efforts. He recognizes what is happening with those pledges and what is happening with the rest of the world. He says:

> I hope and expect that the U.S. will continue to ensure that its contribution represents a ''fair share'' relative to the total commitments to the fund, potentially through a ''challenge grant''—

And that is the way it is written coming out of the House. It is saying that we will put up money to encourage others, and as they reach their goals on the pledges, we will increase ours. We are setting aside an extra $1 billion to do that.

> . . . potentially through a ''challenge grant'' mechanism as we await the new and renewed pledges of other donors.

We have the support of the administrator of the global fund. We at present are exceeding what we envisioned doing in that fund. We know it is extremely important. The only way that it works is if we have the involvement from all of the countries or at least more of the countries than we have at the present time.

The intent of the global fund was to be a global multilateral response to these epidemics. Thus far, the United States has clearly shown its commitment to this issue, and we are asking others to contribute to this necessary cause. The global fund cannot become an ''us'' or a U.S.-only fund. If it is to be successful, other countries have to be a part of the contributions.

I ask my colleagues to join in defeating this amendment so that we keep that challenge grant commitment there. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The sponsor has 4½ minutes. The opposition has 5 minutes 42 seconds.

Mr. BIDEN. I yield whatever time the Senator from Illinois needs on the remaining time.

Mr. DURBIN. Mr. President, I agree with everything the Senator from Wyoming said. This amendment agrees with everything the Senator from Wyoming said. There is no doubt about the fact that the United States should not carry this burden alone. The House was right to establish a standard that the United States would be contributing as long as other nations contributed as well. That is exactly what this amendment says.

I think we have passed the point of questioning whether the global fund is an important investment in fighting global AIDS. In fact, we were instrumental as a nation in setting up the global fund. Now I think we have to work with other countries around the world to ensure its success.

The global fund is operating now in 92 countries in the first two rounds. The grants are intended to respond to locally defined needs, and it has really shown successful pilot programs. But the fund is in a dire situation at this moment.

Those who have joined our global AIDS caucus know that when we met last week with Dr. Feecham, who heads up the fund, they are running out of money to deal with the global AIDS epidemic.

I am saying let's put $500 million into the global fund from the United States but no more money unless it is matched 2 to 1 from other sources than the United States. I am completely in agreement with the Senator from Wyoming. This should not be the United States alone. I ask you to merely stand by the position of the Senate which we voted for on a bipartisan basis last year.

I yield to the minority leader, Senator DASCHLE.

Mr. DASCHLE. Mr. President, the Senator from Illinois is exactly right. I do not disagree with anything the Senator from Wyoming said. We agree it should not be a commitment solely made by the United States, and that really is the whole purpose of this legislation. That is why we are trying to pass this legislation tonight so the President can take this authority with him to the conference and use it as leverage, use it for setting the example, use it as an opportunity to lay out our expectations for the rest of the world.

We are simply saying we are going to commit to 500, and you have to commit to a billion. You have to commit two times to the one unit we are committing. We want a 2-to-1 ratio internationally, and we are basically setting a floor. We say we will do the 500, and you come up with the rest. It has to be a 2-to-1 ratio accommodation to address directly the concerns legitimately raised by the Senator from Wyoming. So there is no disagreement. We just want world cooperation, world involvement, world commitment, and we believe this is an opportunity to achieve that.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me try to describe what I believe is the lay of the land at this stage. We have had in the Foreign Relations Committee about 4 months of discussion about various ways that this issue might be approached. And that followed, as was pointed out earlier in the day in the debate, the remarkable bill that was offered by Senators FRIST and KERRY last year. It passed unanimously. It did not receive consideration in the House, and it did not become law.

The issue was revived in a big way when President Bush mentioned this prominently in his State of the Union Address. President Bush not only mentioned it then, but he has been mentioning it on almost every occasion when he has met with Senators. This is very important to us, it is very important to our President, and it is very important to the world that a bill pass this evening.

The situation comes down to this. In the Foreign Relations Committee, ultimately, the distinguished ranking member, Senator BIDEN, and I formulated a bill which we believed had a strong majority in our committee. We believed it had a strong majority potentially on the floor of the Senate.

The House of Representatives, in the meanwhile, under the leadership of Congressman HYDE and Congressman LANTOS, has passed an excellent bill, in our judgment. We believe we could have improved upon it. The amendments that are being offered tonight all suggest they might improve upon it.

As a matter of fact, some have foreign policy objectives that I would agree with wholeheartedly. But the issue tonight comes down to this: The President of the United States has visited with me, Senator BIDEN, and others, as late as last Thursday—and, in fact, in Indianapolis on Tuesday. He has indicated to me he believes the only chance that he will have a bill he can sign, that he can take to the G–8 meeting that commences June 1, is if the Senate adopts the House bill without amendments, without conference, without possible parliamentary strategies that stand between the President and a bill that he will take to the G–8.

Why does he want to do that? Because he wants money from the G–8. He wants commitments. He wants somebody besides the United States in this ball game. It is very important that he succeed. This is not a peripheral item for the President. It is up front. He has appealed in every way he knows.

I have told him I will support him, and I will do the best I can to manage a bill this evening that passes that has no amendments, however meritorious, because I believe that way he will have a bill, we will have success at the G–8 and, more importantly, the people who are going to be helped will be helped as opposed to our having an extended study in which people come from the left, from the right, from the center, perfecting this and that, but we do not have a bill and our President goes to the G–8 without that momentum of support he wants.

Now, that will be the issue in my remarks on each amendment. It finally comes down to the fact that I will ask my colleagues in the Senate to defeat amendments; to pass the bill; to do so promptly; to do so tonight, so that the issue is concluded, the President is supported, and he moves on.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time is remaining?

The PRESIDING OFFICER. One minute 40 seconds for each side.

Mr. BIDEN. I ask unanimous consent that I have an additional 2 minutes—I will not ask that again tonight—to respond to or to reaffirm some of what the chairman said.

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

Mr. BIDEN. It is true we did go see the President. The Senator from Indiana and I have a slightly different take on what we told the President. My view is the President has incredible leverage with the Republican House. And my point to the President was: Mr. President, what we had in the Biden-Lugar bill and, prior to that, the bill of the leader, Senator KERRY, and Senator FEINGOLD, who have been the real leaders on this issue, you liked all of it; you said it was okay, and so, Mr. President, I do not know why you cannot pick up the phone, call Mr. DELAY and say, I, the most popular Republican in the Nation, want this.

He said he cannot do that, he will not be able to get a bill.

He also said he needs this bill. Why do we need this before the G–8? He says he needs this before the G–8 to demonstrate to the G–8 we are doing something and we expect them to do more.

I take the President at his word that that is why he wants it, but the reason why the Durbin amendment is so important is everybody knows the House does not really care about this bill. The House bill says up to a billion dollars—up to, meaning zero to a billion. My argument to the President is, if we have $500 million at the front end, everybody in the G–8 will believe it and he will really have leverage.

The problem I have is, I do not understand why the President of the United States is unwilling to exercise his leverage on the House leadership. So I really think we are helping him in spite of what he wants. Let's help him.

Sometimes, as my dear mother used to say: This is for your own good, Joey.

This is for his own good. We give him a bottom line of $500 million to go to the G–8. Then Chirac will look and say, they mean it. If you go with zero to a billion, knowing that Mr. HASTERT, who does not like this bill, Mr. DELAY, who does not like this bill, the same House that killed this bill before, they will say, we do not have to do anything. We know those guys are not going to do anything. Their reputations are well earned and well known.

I do not say that in a pejorative way. They do not like this bill. Everybody knows they do not like this bill. They do not even like their own bill.

Because the President, to his credit, said in the State of the Union, I want one, they had to pass something. So let's help the President. Let's give him some leverage.

I would be willing to bet that if this passes, I will be dumbfounded if the President does not pick up the phone and say, Denny, I need a little help—meaning Speaker HASTERT—and, Mr. DELAY, we are both from Texas; me, President, you No. 2. Maybe we can get this done.

I have confidence in the President's leadership. So let us help him out. Give him some leverage. Let him get the job done.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, to get away from the rhetoric about what the President can and cannot do, let's go back to the amendment. The purpose of the bill we are looking at now is to make sure we are providing a challenge grant for the world. That is what we have been asked to do. That is what the President wants to take to the G–8. That is what we need to do right now. We do not need to put out a promise that we are going to have $500 million immediately. The up to $1 billion—that is still a big number for me. I have trouble saying it. The promise of up to $1 billion is if there is a match by the others. If they match, we give. The House agreed to that. We will agree to it. But to put in another number there to show we are willing to go even further than any other country in the world and maybe even be willing to fund the fund 100 percent is not a good idea at this point.

What we need to do is follow what the House did, make sure there is an assurance there that the President can take. We do not need to try and outbid the rest of the world when they are not even bidding. When you go to an auction sale, you do not drive up your own bid. That is what we are doing, is an auction sale. We are trying to provide a little bit of psychology to get everybody to participate so they will have more concern even in their own country. So let's not bid against ourselves. Let's defeat this amendment.

Mr. FEINGOLD. Mr. President, I rise in support of the Durbin amendment, which strikes an important balance between supporting the Global Fund for AIDS, TB, and Malaria and demanding accountability and appropriate burdensharing.

The Global Fund holds tremendous promise for leveraging donations to ensure maximum impact, helping us all to get the most for our money. It not only deserves U.S. support—it needs it to survive, because our leadership sends a critical signal to the rest of the donor community. Today we are being urged to strengthen the President's hand with other donors at the next G–8 meeting. Well Mr. President, I want to strengthen his hand. Making a strong commitment to the fund—and conditioning part of that commitment on a significant effort from other donors, definitely fits the bill.

The President's historic commitment in his State of the Union Address raised expectations around the world. But the United States cannot possibly tackle this pandemic alone. We must throw down the gauntlet, and signal our substantial support for the fund and our respect for its mission. This is the kind of leadership that can make the President's vision a reality, making a real difference in the lives of millions around the world.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the Senator from Wyoming must be arguing with himself, because there is no argument on this side of the aisle. We agree with him. The United States should lead, but we should also ask other countries to join us, and the formula we have come up with is not a partisan response. It is the formula that came out of the Foreign Relations Committee, chaired by a great Republican Senator from Indiana named LUGAR.

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

Mr. DURBIN. I ask my colleagues to join in supporting the Biden-Lugar approach.

The PRESIDING OFFICER. The opposition has 9 seconds.

The Senator from Indiana.

Mr. LUGAR. The President of the United States needs an opportunity to forward our cause. Please give him that opportunity. Pass a clean bill this evening. Please vote against this amendment.

The PRESIDING OFFICER. The time has expired. The question is on agreeing to amendment No. 676.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—48

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

NAYS—52

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

The amendment (No. 676) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Mr. President, it is my understanding that the distinguished Senator from North Dakota has an amendment.

I ask the Chair what the time agreement is on the Dorgan amendment.

The PRESIDING OFFICER. There is no time agreement.

Mr. REID. Mr. President, I ask unanimous consent that the time on the Dorgan amendment be evenly divided with 5 minutes on each side.

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

The Senator from North Dakota.

AMENDMENT NO. 678

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN proposes an amendment numbered 678.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide emergency funding for food aid to HIV/AIDS affected populations in sub-Saharan Africa)

At the appropriate place insert the following:

SEC. ___. EMERGENCY FOOD AID FOR HIV/AIDS VICTIMS.

(a) FINDINGS.—The Senate finds the following:

(1) Whereas the Centers for Disease Control and Prevention found that ''For persons living with HIV/AIDS, practicing sound nutrition can play a key role in preventing malnutrition and wasting syndrome, which can weaken an already compromised immune system.''.

(2) Whereas there are immediate needs for additional food aid in sub-Saharan Africa where the World Food Program has estimated that more than 40,000,000 people are at risk of starvation.

(3) Whereas prices of certain staple commodities have increased by 30 percent over the past year, which was not anticipated by the President's fiscal year 2004 budget request.

(4) The Commodity Credit Corporation has the legal authority to finance up to $30,000,000,000 for ongoing agriculture programs and $250,000,000 represents a use of less than 1 percent of such authority to combat the worst public health crisis in 500 years.

(b) COMMODITY CREDIT CORPORATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall immediately use the funds, facilities, and authorities of the Commodity Credit Corporation to provide an additional $250,000,000 in fiscal year 2003 to carry out programs authorized under title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) to assist in mitigating the effects of HIV/AIDS on affected populations in sub-Saharan Africa and other developing nations, and by September 30, 2003, the Administrator of the United States Agency for International Development shall enter into agreements with private voluntary organizations, non-governmental organizations, and other appropriate organizations for the provision of such agricultural commodities through programs that—

(A) provide nutritional assistance to individuals with HIV/AIDS and to children, households, and communities affected by HIV/AIDS; and

(B) generate funds from the sale of such commodities for activities related to the prevention and treatment of HIV/AIDS, support services and care for HIV/AIDS infected individuals and affected households, and the creation of sustainable livelihoods among individuals in HIV/AIDS affected communities, including income-generating and business activities.

(2) REQUIREMENT.—The food aid provided under this subsection shall be in addition to any other food aid acquired and provided by the Commodity Credit Corporation prior to the date of enactment of this Act. Agricultural commodities made available under this subsection may, notwithstanding any other provision of law, be shipped in fiscal years 2003 and 2004.

Mr. DORGAN. Mr. President, this amendment provides $250 million in food aid through the Commodity Credit Corporation to those who are suffering from AIDS/HIV infections in sub-Saharan Africa. The Senate is already on record in supporting this level of food aid. During the consideration of the fiscal year 2003 omnibus appropriations bill, the Senate approved a bipartisan amendment that would have provided $500 million for this type of food aid. That was reduced to $250 million in the conference. This amendment would simply add back the amount which was cut in conference.

In 1984, 8 million people were in need of food aid. In sub-Saharan Africa today, that number is 11 million. Some are predicting that it will go up to 20 million. Yet there is little attention in 2003 to this crisis.

The United Nations reports that 29.4 million adults and children are infected with the HIV virus in sub-Saharan Africa, and 11 million orphans currently living in Africa are facing the risk of malnutrition as a result of the AIDS crisis.

The relationship between these two crises is very strong. The World Food Program Director, James Morris, testified before the Senate on February 25 of this year and stated that HIV and AIDS was the central cause of famine in that part of Africa. Poverty in that part of the world contributes to the AIDS epidemic. Not only are the health systems inundated but poverty and hunger lead many women to be commercial sex workers. Devastation in the rural areas causes many men to become migrant workers in urban areas which leads to multiple partners. In addition, once a person is infected with the HIV virus, for those who are lucky enough to get medical treatment, good nutrition is crucial in helping ward off infections. Malnutrition complicates and accelerates the problems associated with this HIV infection. The body is unable to fight the disease when it is starving for food.

This is a crisis that calls out for a dramatic response. Anyone in this Senate who has held a child in his or her arms who is dying of malnutrition and starvation—and some of us have—will never forget that experience. The fact is that tonight in sub-Saharan Africa, there are hundreds of thousands—millions—of people at risk, especially children.

This Senate has already made the decision that it would support $500 million. That was cut to $250 million in conference on the omnibus. I propose that we restore that $250 million, and do what we should do—do what a generous and good country must do at this point.

I ask that my amendment be supported by my colleagues.

I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I rise today in support of the Dorgan-Leahy amendment. This amendment tries to get at the heart of two interconnected problems that are literally wiping out countries in sub-Saharan Africa. Famine and AIDS.

This amendment directs the Secretary of Agriculture to use the authorities of the Commodity Credit Corporation (CCC) to provide $250 million in desperately needed food aid to HIV/AIDS victims in sub-Saharan Africa and other developing countries. Moreover, it allows the administration to sell this food aid and use the money to purchase drugs, medical equipment, and other supplies to help combat HIV/AIDS in sub-Saharan Africa.

In other words, this amendment takes a small step in addressing two of the most critical problems on the African continent.

We have all seen the pictures and heard the statistics about AIDS in Africa. But, let me take just a moment to reiterate a couple of points. According to the Congressional Research Service, about 30 million adults and children are infected with the HIV virus in Africa. As of 2001, an estimated 21.5 million Africans had died of AIDS, including 2.2 million who died in that year. AIDS is now the leading cause of death in Africa.

At the same time AIDS is ravaging the continent, a famine has placed more than 40 million Africans at risk of starvation. Men, women, and children of all ages of all religions are dying, because they cannot get enough to eat.

There is a direct connection between HIV/AIDS and malnourishment. The House bill recognizes that fact. Let me read to you one section—and I am quoting: ''Healthy and nutritious foods for individuals infected or living with HIV/AIDS are an important complement in HIV/AIDS medicines for such individuals.'' The bill goes on to say: ''Individuals infected with HIV have higher nutritional requirements than individuals who are not infected with HIV . . . Also, there is evidence to suggest that the full benefit of therapy to treat HIV/AIDS may not be achieved in individuals who are malnourished . . .''

There are plenty of statistics, medical studies, and reports. But, it is common sense. When people are starving, its harder for their bodies to fight the HIV/AIDS virus.

We know that HIV/AIDS is the worst public health crisis in human history. We see 40 million people at risk of starvation in Africa. We need to do something about it right now.

To be sure, H.R. 1298 is an important bill and it is a good start at taking action. But there is a gaping hole in this bill—resources. This bill does not appropriate one dime of money to address this problem. Let me repeat that. This bill does not appropriate one dime of money to address AIDS or famine in Africa.

As I have said over and over, we can have the best policies in the world, but

if we don't have the money to back them up, our policies simply will not be effective.

I am a member of the Appropriations Committee. I have seen the President's budget request for P.L. 480 food aid. Is there an increase to effectively deal with this problem? No. The President's budget decreases food aid by $574 million. That is a 32 percent cut from last year's level.

More importantly, the funds we do provide in the fiscal year 2004 budget won't be available for months. We don't have months. By then, the problem will have gotten worse. More people will have died. We need to break this cycle. That is exactly what this amendment does. It tells the Secretary of Agriculture to use existing authorities to provide $250 million in food aid for HIV/AIDS affected populations in sub-Saharan Africa.

We are not giving the Secretary of Agriculture any new authority. The CCC can already provide $30 billion to support agricultural programs—both here and abroad. This amendment simply says that we should use less than 1 percent of this authority to combat the worst public health crisis in human history.

We all know that we need to act for humanitarian reasons. But, we should not forget that there are important national security reasons for taking action to address AIDS and famine in Africa. For example, CIA Director Tenent testified that ''[t]he chronic problems of sub-Saharan Africa make it, too, fertile ground for direct and indirect threats to United States interests. Governments without accountability and natural disasters have left Africa with the highest concentration of human misery in the world''.

This should not be a hard amendment to support. Each and every Senator has already essentially expressed his or her support for this amendment. Let me explain.

During Senate consideration of the fiscal year 2003 Omnibus Appropriations bill, Senator BILL NELSON and I offered a bipartisan amendment to add $500 million in emergency food aid to sub-Saharan Africa. The amendment was accepted by the Senate, but was reduced by the House to $250 million in the conference committee.

My amendment simply directs to Secretary of Agriculture to use the authorities of the Credit Commodity Corporation to restore this $250 million that the Senate supported but the House eliminated in conference.

I want to remind people that this $500 million figure was not picked out of the air. It was based on an assessment by humanitarian organizations with field operations in Africa. More importantly, this figure represents the U.S. share of what is needed to combat this problem. In other words, it doesn't let other donors off the hook.

I would point out that the Dorgan-Leahy amendment has a wide range of support from international relief organizations—from Catholic Relief Services to Oxfam to the International Rescue Committee. In addition, agricultural organizations, as represented by the Coalition for Food Aid, supports this amendment.

This is not a partisan issue. One has to look no further than Republican Representative FRANK WOLF's op-ed in Sunday's Washington Post on this very issue. It is, however, a security issue. It is a humanitarian issue. It is a moral issue.

The AIDS pandemic in Africa is out of control. A famine threatens the lives of 40 million people. We need to act. We need to act now. We need to provide real resources. This amendment does all of these things.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself as much time as required.

The argument against the Dorgan amendment, which I will make, is that a budget point of order clearly is applicable against this particular amendment, and at the appropriate time I will raise that budget point of order.

I say simply that the bill we are considering, which came through the House of Representatives and is the basis for our debate today, does mention food assistance, and does so generously, as a prevention technique. It is mentioned at several points throughout the legislation. So it has not been overlooked. But the amendment that is being offered by my distinguished colleague clearly approaches appropriations language, as opposed to authorization language, and clearly is in violation of the budget we have adopted. At the appropriate time, I will seek recognition to raise the budget point or order.

In addition, the fact is that once again it amends the basic bill we are attempting to pass tonight, which is very important for Members to consider.

Mr. DORGAN. Mr. President, there is indeed a point of order. But I hope someone in this Chamber will take it upon themselves to explain to those who are sick and to the hungry children who are dying that this can't be done because there was a point of order in the Senate at 11 o'clock at night in consideration of this bill. The fact is we have already made this decision. This is not a partisan issue. We have made this decision previously.

The Senate said we will provide $500 million to try to provide assistance to those who are devastated by HIV and devastated by malnutrition and hunger. We have already made that decision in the Senate. It was cut to $250 million in conference.

Let us again decide that this emergency problem cries out for our response and not for a claim of a point of order. This is talking about feeding hungry people who are devastated by famine and who are ravaged by HIV and AIDS. This deserves our support, and deserves it tonight.

I yield the floor.

Mr. LUGAR. Mr. President, as each one of us discussed amendments tonight, there are ways in which this bill could be perfected. There will be an opportunity in a humanitarian way to try to perfect our work. Our work tonight, however, is to pass this legislation so that our President has a bill at the G–8. In furtherance of that, I note that the pending amendment offered by the distinguished Senator from North Dakota increases mandatory spending, and, if adopted, would cause the underlying bill to exceed the committee section 302(a) allocations. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for the consideration of the pending amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

The yeas and nays resulted—yeas 48, nays 52, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—48

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

NAYS—52

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

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

Mr. LUGAR. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.