

other authorization is required, securing such a permit or other authorization, issued in compliance with any applicable law, including requirements of Title V of FLPMA and the National Environmental Policy Act. In the event a permit is deemed necessary, the Department will make its best effort to process requests for access under Title V of FLPMA promptly and cooperatively.

7. In order to facilitate the Acknowledgment Process in Utah, the Department hereby declares that the requirements for determinations under the "Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways; Revocation of December 7, 1988 Policy," dated January 22, 1997, shall be inapplicable to acknowledgment requests submitted in accordance with this MOU. While the 1997 Interim Policy shall still apply to all other requests for right-of-way acknowledgment that are not submitted pursuant to this MOU, the Department recognizes that other interested states and counties may wish to submit proposed MOU's for consideration by the Department that are generally consistent with the principles set out in this agreement.

8. The State, Utah counties and the Department shall work cooperatively to minimize trespass situations on roads that are outside the scope of this MOU.

9. It is understood that the State and counties have evidence regarding the existence of many roads, including those in which they assert no ownership interest. They may choose to use this evidence for other purposes, such as to illustrate whether the land through which the roads run have wilderness-like characteristics or resource values. The Acknowledgment Process will take place independently and without prejudice to any other use of this evidence or other valid existing rights, if any.

10. After submitting a road to the Acknowledgment Process, the State or a county may withdraw it from consideration at any time prior to the actual recording of the disclaimer issued by the Department, for any reason, without prejudice. The submission of a road to the Acknowledgment Process does not prejudice the State's or a county's valid existing rights regarding that road under the law.

11. The Department shall execute any implementing agreements with the State of Utah or Economy Act agreements as appropriate with other federal agencies, as required by applicable statutes and regulations, when effectuating the purposes of this MOU.

12. Activities under this MOU and any implementing agreements shall be conducted in accordance with mutually-agreed upon plans for the classification of information by the State, for the review and release of information, and for cooperation in the preparation of any and all reports to Congress. The release of any information by the Department under this MOU will be in accordance with applicable statutes and regulations.

13. Any expenditure of appropriated funds by the Department will be developed in specific agreements authorized by applicable statutes and regulations and is subject to the availability of funds. This MOU shall not be used to obligate or commit funds or as the basis for the transfer of funds.

14. This MOU shall not be construed as creating any right or benefit, substantive or procedural, enforceable at law or in equity, by a party against the State of Utah, Utah counties, the United States, its agencies, its officers, or any other person. This MOU shall not be construed to create any right to judicial review involving the compliance or non-compliance of the State of Utah, Utah counties, the United States, its agencies, its officers, or any other person with the provisions of this MOU.

Signed 4-9-03

Gale A. Norton
Secretary
United States Department of the Interior.

Signed 4-9-03
Michael O. Leavitt
Governor
State of Utah.

For purposes of this MOU, the terms "road" and "highway" shall be deemed synonymous.

Mr. CARPER. Will the Senator from Utah yield briefly?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARPER. I ask unanimous consent that the Senator from Utah be given 1 additional minute and he yield it to me.

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

Mr. CARPER. Mr. President, I am less familiar with Governor Leavitt's environmental record in Utah than is our colleague Senator HATCH. I have known him for more than a decade. We became Governors together in the same year. We were elected in 1992. We know him. We know his family.

I know him to be a thoughtful, decent, caring human being. He is a good manager and a good leader of his State. He has also been a great leader of our Nation's Governors.

I was privileged to serve as Chair of the National Association of Governors at the time he was Vice Chair. He succeeded me as Chair. He is very bright and surrounds himself with excellent people. But what I like best is he is very good at bringing together people with diverse points of view, trying to build consensus. We need that in a lot of areas in our Nation's Capitol these days, and we especially need it with respect to environmental issues. I look forward to voting for his nomination and working with him if he is confirmed.

I thank the Senator for yielding.

Mr. HATCH. I thank my colleague from Delaware. His comments speak volumes as to why we should support Governor Leavitt. I am particularly pleased and grateful for his support in this matter, as I am for the support of the two leaders.

The PRESIDING OFFICER. All time has expired. Under the previous order, the Senate will proceed to a vote on confirmation of the nomination. The question is, Shall the Senate advise and consent to the nomination of Michael O. Leavitt to be Administrator of the Environmental Protection Agency?

Mr. INHOFE. Mr. President, 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.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay".

The result was announced—yeas 88, nays 8, as follows:

[Rollcall Vote No. 412 Ex.]

YEAS—88

Akaka	Dole	Lugar
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Breaux	Graham (FL)	Nickles
Brownback	Graham (SC)	Pryor
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Sessions
Carper	Hollings	Shelby
Chafee	Hutchison	Smith
Chambliss	Inhofe	Snowe
Clinton	Inouye	Specter
Cochran	Jeffords	Stabenow
Coleman	Johnson	Stevens
Collins	Kennedy	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Leahy	Warner
Daschle	Levin	Wyden
DeWine	Lincoln	
Dodd	Lott	

NAYS—8

Boxer	Durbin	Rockefeller
Corzine	Lautenberg	Schumer
Dayton	Reed	

NOT VOTING—4

Bingaman	Kerry
Edwards	Lieberman

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2800, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2800) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

DeWine amendment No. 1966, to increase assistance to combat HIV/AIDS.

Byrd amendment No. 1969, to require that the Administrator of the Coalition Provisional Authority be an officer who is appointed by the President, by and with the advice and consent of the Senate.

McConnell amendment No. 1970, to express the sense of the Senate on Burma.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

(The remarks of Mr. CRAIG are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I begin by thanking the Senator from Idaho. It has been a pleasure for me to work with him on this issue. I think we have been working now for close to 3 years, beginning with the Quincy Library Group in California to try to forge a different forest policy, and also to recognize that our forests are overburdened with undergrowth, with non-indigenous species; and so fires, when they happen, burn hotter and do much more destruction than they have done historically.

I thank the Senator for his sympathy for what our State is going through. I want to tell you that I just spoke with the White House, with Mr. Rove, because I had heard from Mr. Blackwell, the regional forester, that the forest fire has taken a turn, because the winds have changed, and is now heading for half a million acres of bark beetle-infested forests near Lake Arrowhead and 44,000 homes are now in jeopardy.

This is just huge. I hope that anyone listening will begin to bring in some military help, more C-130s. With the winds down, the C-130s can work. Perhaps this area can be worked from the air. But the fire is advancing so strongly and also like a spear into San Diego itself, and over the Santa Monica mountains into Malibu. So we have a real maelstrom on our hands.

We think we have a good bill. We believe we have the only bill that can be accepted by this body, and I am hopeful that the leadership will bring this bill to the floor very shortly. I think we need to put everything aside and just get a bill passed.

The Senator is right about streamlining the administrative review process. Our bill does that. It does so in a way that it does not prevent collaboration, does not prevent public testimony, but it streamlines the process.

I think we have handled judicial review in a way that we can agree makes it truncated; temporary injunction, 60 days, and if you want another, you have to come back and justify it. It is the Federal court in the area of the project. We have the first old-growth protection which will be codified in the history of this country.

It is a good bill. I hope that those who might want to place amendments on this bill will really not do so, so we can pass a bill and get it moved on so the 20 million acres that are in this bill, which we know are at the highest risk of catastrophic fire, can be dealt with quickly.

The Senator and I have talked. The Appropriations Committee has been helpful in getting additional dollars for bark beetle infestation. But for 3 years now, we have known this was going to

happen. The day is upon us and we must do right by our forests. So I am very grateful for the Senator's help and collaboration on this.

Mr. CRAIG. I thank the Senator from California. She has been a full cooperative partner in working in a bipartisan way. She has outlined many of the provisions in the bill that have been worked out between the Agriculture Committee, the chairman, MIKE CRAPO, Senator DOMENICI, BLANCHE LINCOLN, and a good many others. It was a collaborative, bipartisan effort.

I agree that this is a bill that should be on the floor as we speak. It should not be amended. There are a lot of other bills that will come and other issues that can be addressed.

But California is facing its worst nightmare as we speak in the form of fire. The reality of what the Senator spoke to in the San Bernardino Forest in the Greater Lake Arrowhead area is truly a firestorm of great proportions, and we hope the winds will die down and shift and they will come in off the ocean and bring moisture and lift the dewpoint and lower the fires. That isn't happening as we speak. Quite the opposite is happening, as we play out the Santa Ana and get through this season.

But in the meantime, the destruction is now almost immeasurable. You see it on the faces of the people being interviewed. Maybe America finally recognized it when San Diego could not play football in their home stadium. They had to move to Phoenix because they are using the parking lot as a staging area. Maybe America scratched its head a little and said: What is wrong with this? Should this be happening? No, it should not be—at least to the extent that it is.

The Senator from California is right that procedure can help lessen the impact of the kind of fire scenario we are seeing. She and I have teamed up with our leadership and said let's debate this bill now on the Senate floor and throughout the balance of the week, after we finish foreign operations. We can do that. It should not take but a full day of debate. A lot of issues ought to be talked about on this bill, and then we ought to pass it so America can see that the Congress of the United States is responsive when California is at risk to the proportion that it is today. I thank the Senator.

Mrs. FEINSTEIN. I thank the Senator from Idaho, also. I was just talking to Representative LEWIS. He indicated that two members of his family each lost their homes. I understand that Representative DUNCAN HUNTER also lost his home. So they join literally 1,500 families now who are bereft, without housing, without their home. Really, everything they have built is just gone. Now we find that there are another 44,000 homes in jeopardy. So I very much appreciate the comments of the Senator.

AMENDMENT NO. 1977

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to set aside the

pending amendment and call up amendment No. 1977.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Ms. SNOWE, and Mrs. MURRAY, proposes an amendment numbered 1977.

Mrs. FEINSTEIN. 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 clarify the definition of HIV/AIDS prevention for purposes of providing funds for therapeutic medical care)

At the appropriate place, insert the following:

SEC. _____. For purposes of section 403(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(a)) the term "HIV/AIDS prevention" means only those programs and activities that are directed at preventing the sexual transmission of HIV/AIDS, and activities that include a priority emphasis on the public health benefits of refraining from sexual activity before marriage shall be included in determining compliance with the last sentence of such section 403(a).

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add Senator SNOWE and Senator MURRAY as cosponsors of this amendment.

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

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the fiscal 2004 foreign operations bill to provide the administration with greater flexibility in how it funds HIV/AIDS prevention programs.

We believe this amendment is critical to our efforts aimed at stopping the spread of the HIV/AIDS virus and providing a safe and healthy future for millions of people around the world. Time is not on our side, and we must act now.

Our amendment does two things. First, it reserves at least one-third of the funds for prevention of sexual transmission of HIV rather than one-third of all prevention funds for "abstinence-until-marriage" programs. This recognizes that HIV prevention includes many types of activities, and those that target the sexual transmission of HIV/AIDS such as abstinence-until-marriage programs are really only a subset.

Second, our amendment defines an abstinence-until-marriage program as any program that includes, but is not necessarily limited to, providing information that emphasizes the public health benefits of refraining from sexual activity outside of marriage.

Earlier this year I was proud to join my colleagues in passing the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. This is a historic piece of legislation that expressed our resolve to see the United States take a leadership role in the fight against the HIV/AIDS pandemic. The bill recognized that prevention, along with care and treatment, is an essential component of that fight.

The bill, as passed by both Houses and signed by President Bush, contains language that recommends for fiscal year 2004 and 2005 that at least one-third of all global HIV/AIDS prevention funds be set aside for abstinence-before-marriage programs. This sense of the Senate provision becomes a mandate for fiscal year 2004 through 2008. Our amendment simply clarifies the congressional intent of this provision and increases the flexibility of how HIV/AIDS prevention funds are spent.

In order to fulfill our goal of stopping the spread of HIV/AIDS, we should not tie the hands of workers on the ground by limiting the use of HIV/AIDS prevention funds. A brief glance at some of the numbers related to the HIV pandemic demonstrates the importance of funding a wide range of prevention activities.

Worldwide, 40 million people—that is huge—are infected with HIV; 29.4 million people are infected in sub-Saharan Africa alone. That is 70 percent of the world's total. As of 2001, 21.5 million Africans had died of AIDS. That is 21.5 million Africans dead from AIDS. The national intelligence council projects at least 50 million new cases of HIV by 2010 in five countries alone: China, Ethiopia, India, Nigeria, and Russia. Fifty million new cases in five countries. That is a huge pandemic.

Currently fewer than 1 in 5 persons at risk for HIV/AIDS worldwide have access to prevention. Yet UNAIDS and the World Health Organization have conducted research that shows that two-thirds of the estimated 45 million new HIV infections expected to occur between now and 2010 could in fact be averted with effective prevention. Two-thirds of 45 million anticipated cases could be prevented. That is a very critical figure for us to make use of.

Passing the global HIV/AIDS bill was an important first step to meeting that challenge. Our amendment builds on that endeavor and increases the effectiveness of the legislation.

Let me be clear. Our amendment does not strike the 33 percent earmark for abstinence-until-marriage programs. It simply expands the definition of abstinence-until-marriage and gives the administration maximum flexibility to fund programs that successfully increase abstinence among young people. The key word is "successful." All Senators, including myself, know that abstinence is a key strategy in preventing the spread of HIV/AIDS, and the importance we place on those programs is reflected in the legislation. What we are trying to do—and I am trying to do—is give the administration and the people on the ground the flexibility needed to design HIV prevention programs that meet the needs of a given community.

Different programs work better in different communities. There is no real one-size-fits-all program. A May 2003 report from the Bill and Melinda Gates Foundation and the Henry J. Kaiser Foundation highlights that proven

AIDS prevention programs involve behavior change programs, including delay in the initiation of sexual activity, faithfulness, correct and consistent condom use, testing and treatment for sexually transmitted disease, promoting voluntary counseling and testing, harm reduction programs for HIV drug users, preventing the transmission of HIV/AIDS from mother to child, increasing blood safety, empowering women and girls, controlling infection in health care settings, and devising programs geared toward people living with HIV/AIDS.

Let's take a closer look at one of these prevention programs: preventing the transmission of HIV from mother to child. We have seen great strides in recent years in this area. Studies have shown that combining drugs such as Nevirapine with counseling and instruction on the use of such drugs reduces mother-to-child transmission by 50 percent. And we have tens of millions of AIDS orphans in Africa alone. So it is a really important program.

Such cost-effective prevention programs are not related to abstinence and should not be constrained by the 33 percent earmark in funds for prevention. Our amendment will allow local communities to spend money on HIV prevention that is most effective in that community. If the most effective program in a community is the promotion of abstinence until marriage, my amendment will not preclude funding for such a program.

Ensuring that the earmark applies only to programs related to preventing the sexual transmission of HIV would free up additional resources for non-abstinence programs while at the same time maintaining the importance of abstinence-until-marriage activities. In fact, my amendment would not prevent the United States from spending more than one-third of funds for the prevention of the sexual transmission of HIV on abstinence-until-marriage programs if the administration decided that was the most effective use of those funds.

We believe the United States should have the flexibility to fund programs that are successful in leading to increased abstinence.

In response to a letter I wrote to Assistant Secretary of State for Legislative Affairs, Paul V. Kelly inquiring about the definition of an "abstinence-until-marriage" program, Secretary Kelly responded:

Achieving the HIV/AIDS prevention goals of the President's Emergency Plan will require a comprehensive and sustainable approach recognized by both the Plan and the law. The "ABC" model [Abstain, Be faithful, Use condoms], has been used successfully to prevent HIV/AIDS transmission in Uganda as well as Zambia and Ethiopia. These successes show that promoting behavior change and healthy lifestyles, including abstinence and delayed sexual initiation, mutual monogamy, faithfulness and fidelity in marriage and reduction in the number of partners, consistent and correct use of condoms, and avoidance of substance abuse, are suc-

cessful in preventing the spread of HIV/AIDS.

This tells me that this administration understands that the most effective way to prevent HIV is a multipronged approach. We should be able to fund programs that place a priority emphasis on abstinence but also discuss other methods as outlined under the ABC approach.

For example, the United States Agency for International Development has sponsored Zambia's HEART, Helping Each Other Act Responsibly Together, HIV/AIDS prevention program, a mass media campaign that promotes HIV/AIDS prevention through messages about abstinence, consistent condom use, and the fact that "you can't tell by looking" if another person is HIV-positive.

A 2001 impact survey of youth aged 13 to 19 found that many of the respondents chose to remain abstinent because of the campaign. In fact, respondents were more likely to report that they chose to abstain than to report condom use. This confirms what I have long believed: if young people are given the necessary information and education, they will make an informed and health decision regarding their sexual activity.

If programs like the HEART program in Zambia are successful in increasing abstinence, we should not turn our back on them or limit the amount of resources available because they discuss multiple prevention strategies.

Again, this amendment is about giving our Government and other countries the flexibility to get the job done.

Cultural differences, epidemiology, population age groups, and the stage of the epidemic in a given community will all play roles in how an effective HIV/AIDS prevention program is designed.

This amendment is pro-abstinence, it recognizes that there is more to preventing the spread of HIV/AIDS than preventing the sexual transmission of HIV, it balances congressional priorities with public health needs, and it preserves the administration's flexibility in deciding which programs to fund that would be most likely to increase abstinence.

It is a commonsense amendment and I urge my colleagues to support it.

I thank Senators SNOWE and MURRAY for cosponsoring this amendment.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today in support of the amendment offered by Senator FEINSTEIN and myself to clarify the funding under the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003.

As my colleagues will remember, we stayed on the floor late into the night to pass that bill, and we did so in a bipartisan manner, without amendment, because of the critical importance of providing the President with a bill before he attended the G-8 Summit in Evian, France. In doing so, we sent the President to the G-8 with the firm

commitment and resolve of the United States to tackle the global AIDS crisis.

This clarification was not made in May, because of the fact that there was no time to conference any changes from the House-passed bill. I believe we did the right thing by sending that bill to the President when we did, but as we address issues today related to funding that commitment, I believe we have a responsibility to address this clarification.

This amendment recognizes prevention—along with care and treatment—as essential to stemming the AIDS epidemic and supports a multiplicity of HIV prevention strategies. HIV prevention must include many types of activities, of which prevention activities targeting sexual transmission are only a subset.

The amendment is consistent with the intent of the bill by reserving at least one-third of the funds for the prevention of the sexual transmission of HIV for “abstinence-until-marriage” programs—otherwise known as “abstinence only.” Ensuring that one-third of prevention funds, instead of one-third of all funds, are used for these “abstinence only” programs preserves the funding for multilayered approaches which have been most effective in combating HIV transmission. It is also important to note that the amendment takes into account the fact that there are many ways to succeed in changing the behavior of young people so that they abstain, including programs that emphasize the health benefits of refraining from sexual activity before marriage, and ensures that these programs can benefit from this funding.

This clarification reinforces the notion that encouraging programs that educate about abstinence and delayed sexual initiation is a key strategy in preventing the spread of HIV/AIDS. Strategies that include encouraging the delay in the initiation of sexual activity, faithfulness as well as consistent and correct condom use have had the highest rate of prevention of HIV/AIDS on the continent of Africa. According to the May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation, we need to develop a multilayered approach that combines those types of programs with testing and treatment for sexually transmitted diseases, promoting voluntary counseling and testing, harm-reduction programs for IV drug users, preventing mother to child transmission, increasing blood safety, and controlling infection in health care settings.

This amendment supports the intent of the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 by ensuring that funds are targeted to the programs that are the most effective, while balancing the priorities on spending these resources. The amendment also preserves the President’s flexibility in determining which programs will be supported.

Mr. President, I believe this amendment provides the right approach to this critical issue and I urge my colleagues to support this clarification.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from California. I am very strongly supportive of the points she has made.

I see the distinguished chairman of the subcommittee, the senior Senator from Kentucky. I think he and I totally agree that if Members have amendments, they should get them to the floor and then we can begin voting on them. Traditionally, we break at 12:30 for the Republican and Democratic caucuses. I would like to get a vote before then. I do not know what the situation is on the Feinstein amendment. I ask my friend from Kentucky whether that is something on which we might vote. There has not been a chance for someone on the other side to speak as of yet.

I think what we need to do, if we can, and before I yield the floor, is make this plea on our side of the aisle—and I suspect the same one will be made on the other side—that if Members have amendments, bring them and see either Senator MCCONNELL or myself. If they are going to require a rollcall, we can enter into some time agreements.

Senator MCCONNELL and I have some housekeeping amendments which we can dispose of by voice vote, but let’s get these others with a time agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I certainly concur with my friend from Vermont. We hope to finish this bill today. We believe we can. There are not a large number of amendments on each side.

With regard to Senator FEINSTEIN’s amendment, we are taking a look at that now and hope to be able to react soon about moving that one forward as well. If everyone would share our view that it might be desirable to finish this bill today, the way to get that done is to talk to Senator LEAHY and myself about amendments. We are open for business and would love to sit down with Members and talk about their amendments.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Kentucky and the Senator from Vermont for their comments. I very much appreciate them.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are now about a month behind time in get-

ting a number of the appropriations bills through. Senator MCCONNELL and I worked very hard on this bill. I think we have crafted good, bipartisan legislation. Unlike some of the things that happen around here, this has had strong input from both sides of the aisle. It would be a shame if there were so many delays it became part of an omnibus—or, as some more accurately describe, an “ominous”—appropriations bill.

This bill, as much as anything, can reflect the real nature of America. We are the wealthiest, most powerful nation on Earth. There are so many things we can do and should do even better. It requires pennies per person, for example, to remove the threat of measles, diphtheria, and other diseases in Africa and elsewhere, diseases that kill millions of children.

I do not doubt that if anybody in this body were told, “Look at these 20 children; if they will give us \$2 or \$3, we will save their lives; if they do not, the children are going to die,” of course we would reach in our pocket and say: “How about some money for others?”

We do have some money for that. It is nowhere near as much as a wealthy nation such as ours should have, but it is a start. That is just one of the things that is in the bill on which we should move forward.

There will be those who will try to bring the amount on AIDS prevention up to the amount the President of the United States has promised over and over again in speeches. We will be supportive and try to bring it up to that amount. I hope the administration will support us as we try to support what the President has said he wants.

There are so many other areas. There is money in there to help the victims of landmines. There are still millions of landmines in the ground all over the world. The Leahy War Victims Fund that is in here is designed to help them. That is a bipartisan effort.

I say that, not to go down through a litany of everything that is in this piece of legislation, because I would much prefer people come forward and raise their amendments and have them voted on. We, as Senator MCCONNELL said, can finish this bill today. We can finish by early evening with cooperation. After 29 years here, I know what happens to a bill such as this. It is almost like pulling teeth to get people to the floor now. At about 5 or 6 at night, people are here saying, My gosh, I have to go to this; I have to go to that; can’t you put this over to tomorrow?

I know we have time agreements. Now is the time to do it. The McConnell-Leahy store is open. Come by and do your shopping. Let us talk. Let us reason together. Let us seek prayerful guidance under the benevolent tutelage of the distinguished Presiding Officer, and let us get this bill off and get it voted through. The final package is going to pass overwhelmingly. Let’s get the amendments done.

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

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

AMENDMENTS NOS. 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, AND 1988, EN BLOC

Mr. MCCONNELL. Mr. President, the Senator from Vermont and I have cleared a series of amendments which I will send to the desk to be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and others, proposes amendments numbered 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1978

(Purpose: To provide funding to protect and promote media freedoms in Russia)

On page 27, line 1 after the colon insert the following: "Provided further, That \$5,000,000 shall be made available to promote freedom of the media and an independent media in Russia:".

AMENDMENT NO. 1979

(Purpose: To provide authority to use economic assistance appropriations for "Transition Initiatives", and for other purposes)

On page 13, line 22 before the period, insert the following: "Provided further, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$5,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations".

AMENDMENT NO. 1980

(Purpose: To permit USAID to modify the terms of guaranteed loans, and for other purposes)

On page 14, line 6 strike "costs" and insert the following: "costs, including the cost of modifying such direct and guaranteed loans,".

On page 14, line 7 before the period insert the following: "Provided further, That funds made available by this paragraph and under this heading in prior Acts making appropriations for foreign operations, export financing, and related programs, may be used for the cost of modifying any such guaranteed loans under this Act of prior Acts".

AMENDMENT NO. 1981

(Purpose: To require a report on the admission of refugees)

On page 147, between lines 6 and 7, insert the following:

REPORT ON ADMISSION OF REFUGEES

SEC. 692. (a) Congress makes the following findings:

(1) As of October 2003, there are 13,000,000 refugees worldwide, many of whom have fled religious, political, and other forms of persecution.

(2) Refugee resettlement remains a critical tool of international refugee protection and an essential component of the humanitarian and foreign policy of the United States.

(3) Prior to the beginning of each fiscal year, the President designates, in a Presidential Determination, a target number of refugees to be admitted to the United States under the United States Refugee Resettlement Program.

(4) Although the President authorized the admission of 70,000 refugees in fiscal year 2003, only 28,419 refugees were admitted.

(5) From fiscal year 1980 to fiscal year 2000, the average level of U.S. refugee admissions was slightly below 100,000 per year.

(6) The United States Government policy is to resettle the designated number of refugees each fiscal year. Congress expects the Department of State, the Department of Homeland Security, and the Department of Health and Human Services to implement the admission of 70,000 refugees as authorized by the President for fiscal year 2004.

(b)(1) The Secretary of State shall utilize private voluntary organizations with expertise in the protection needs of refugees in the processing of refugees overseas for admission and resettlement to the United States, and shall utilize such agencies in addition to the United Nations High Commissioner for Refugees in the identification and referral of refugees.

(2) The Secretary of State shall establish a system for accepting referrals of appropriate candidates for resettlement from local private, voluntary organizations and work to ensure that particularly vulnerable refugee groups receive special consideration for admission into the United States, including—

(A) long-stayers in countries of first asylum;

(B) unaccompanied refugee minors;

(C) refugees outside traditional camp settings; and

(D) refugees in woman-headed households.

(3) The Secretary of State shall give special consideration to—

(A) refugees of all nationalities who have close family ties to citizens and residents of the United States; and

(B) other groups of refugees who are of special concern to the United States.

(4) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees describing the steps that have been taken to implement this subsection.

(c) Not later than September 30, 2004, if the actual refugee admissions numbers do not conform with the authorized ceiling on the number of refugees who may be admitted, the Secretary of State, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall report to Congress on the—

(1) execution and implementation of the refugee resettlement program; and

(2) reasons for the failure to resettle the maximum number of refugees.

AMENDMENT NO. 1982

On page 75, line 17, after "Afghan" insert the following: "Independent".

AMENDMENT NO. 1983

On page 35, line 10, after the semi-colon, insert "and".

Page 35, line 12, strike "; (3)" and insert in lieu thereof the following: "Provided further, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that".

On page 35, line 15, strike "; and" and insert in lieu thereof the following: "Provided further, That".

AMENDMENT NO. 1984

On page 105, line 25, strike "180 days" and insert in lieu thereof the following: "one year".

On page 106, line 3, strike "nongovernmental" and everything that follows through "plan" on line 6, and insert in lieu thereof the following: "governments and nongovernmental organizations, shall submit to the Committees on Appropriations a strategy".

On page 106, line 10, strike "\$10,000,000" and insert in lieu thereof the following: "\$5,000,000".

On page 106, line 11, strike "implement the action plan" and insert in lieu thereof the following: "develop the strategy".

AMENDMENT NO. 1985

On page 87, line 23, strike "That in" and everything thereafter through "subsection" on line 24, and insert in lieu thereof the following: "That the application of section 507(4)(D) and (E) of such Act".

On page 87, line 26, strike "the" and everything thereafter through "subsection" on page 88, line 1, and insert in lieu thereof the following: "and".

AMENDMENT NO. 1986

On page 20, line 9, before the colon, insert the following: ", of which up to \$1,000,000 may be available for administrative expenses of the United States Agency for International Development".

AMENDMENT NO. 1987

On page 34, line 17, strike "\$2,500,000" and insert in lieu thereof: "\$3,500,000".

AMENDMENT NO. 1988

(Purpose: To withhold funds for foreign assistance for nations that refuse to pay diplomatic parking tickets)

Beginning on page 98, strike line 24 and all that follows through page 99, line 10 and insert the following:

SEC. 644. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties owed by such country shall be withheld from obligation for such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regulation notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance to a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d) The Secretary of State may waive the requirements set forth in subsection (a) with respect to a country if the Secretary—

(1) determines that the waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a written justification for such determination that includes a description of the steps being taken to collect the parking fines and penalties owed by such country.

(e) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment or challenge the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997 through September 30, 2003.

Mr. MCCONNELL. Mr. President, included in the cleared amendments that I sent to the desk is an amendment by myself providing funding for media freedoms to Russia; another McConnell amendment providing authority to ESP assistance for transition initiatives; another one relating to development credit authority guaranteed loans; and an amendment by Senator BROWNBACK related to refugee admissions. Senator LEAHY has four technical amendments and one providing funds for administrative expenses for USAID in the Democratic Republic of Timor-Leste; another Leahy amendment increasing funding for Colombian-United Nations High Commissioner for Human Rights; and a Schumer amendment withholding funds for nations that refuse to pay diplomatic parking tickets.

That is the summary of the amendments that are at the desk. As I have indicated, they have been cleared on both sides.

Mr. LEAHY. Mr. President, I understand I am a cosponsor of Senator BROWNBACK's refugee amendment. If not, I should be.

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

Mr. LEAHY. Mr. President, I have no objection. These are all cleared on our side of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1978 through 1988), were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I have offered an amendment to this foreign operations bill cosponsored by Senators BROWNBACK, KENNEDY, and LEAHY that will help persecuted refugees across the world.

I think this amendment will enhance our Nation's commitment to humanitarian principles.

In 1990, Congress passed what has become known as the "Lautenberg

amendment," a provision that has allowed nearly 700,000 persecuted religious minorities to come to the United States.

These individuals have qualified for refugee status based on their membership in an ethnic, religious, or national minority facing a credible threat of state-enforced persecution.

In 1998, I traveled to the Balkans to visit ethnic Albanians Kosovars who had fled their homes in the face of the brutal rampage of Slobodan Milosovic. Many of these refugees eventually came to the United States, and I was proud to greet them at Fort Dix in New Jersey.

Today, I continue to believe that the United States, as a prosperous global leader, has a special responsibility to those who have been displaced because of political conflict or those who are threatened by ethnic, racial, or religious persecution.

The amendment we included in this bill today reflects our serious concern about the low number of refugees currently gaining entrance to the U.S.

Each year, the President designates a maximum number of refugees to be admitted under the U.S. Refugee Resettlement Program. It is then up to various Government agencies to find and process those refugees who are eligible and to help them gain admission to the U.S.

However, in the past few years, the annual number of admitted refugees has been dramatically lower than ceiling set by the President. In fiscal year 2003, for example, the U.S. admitted only 28,419 refugees, though the limit had been set at 70,000.

With 13 million refugees worldwide, it is unconscionable that the U.S. cannot offer admission to the full number of individuals legally authorized.

There are various reasons for the shortfall in refugees admitted to the U.S. It is extremely demanding on our foreign service officers abroad to find and process each refugee applicant. The amendment agreed to today attempts to improve this process by directing the Department of State to reach out to international non-profit organizations and private voluntary organizations to help identify refugee applicants.

Our amendment also urges the Secretary of State to prioritize those refugees who are most in need, so we can ensure that humanitarian considerations not political ones determine the order of the waiting list for entry.

There is a refugee crisis in the world, and this nation must play a role in trying to solve this crisis. On the African continent alone, some 45 countries host over 3.3 million refugees. These numbers are growing as the accelerating violence in West Africa continues to uproot thousands from their homes.

Current civil conflicts in Liberia, the Congo and elsewhere suggest that the number of refugees will increase in the coming months.

I thank my colleagues for remaining committed to helping victims of op-

pression, war and persecution across the world. As a child of immigrants, I believe that our country's history and values instruct us to continue welcoming in the "tired, the poor, and the huddled masses."

I thank my colleagues for supporting this amendment.

AMENDMENT NO. 1989

Mr. MCCONNELL. Mr. President, there are three additional amendments that have been cleared which we would like to act on individually.

There is a Craig amendment regarding reforestation in Afghanistan. I commend Senator CRAIG for recognizing a problem that we solved while we were in Afghanistan 2 weeks ago, which is the country has stripped a huge percentage of its trees. As a result of that, there is enormous erosion that they would not have otherwise had.

Senator CRAIG knows a good deal about reforestation. He jumped on that and has offered this very worthwhile amendment which would appropriate \$5 million for a reforestation program in Afghanistan. I know Senator CRAIG is hoping this fund will be something like a challenge grant in which corporations and individuals in America and foundations in America that have an interest in reforestation would contribute knowing that at least up to \$5 million of that money will be matched by the these USAID funds.

It is a very worthwhile project. I commend Senator CRAIG for recognizing this and coming up with a way to begin to deal with a huge problem related to the rebuilding of Afghanistan.

I send the Craig amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. CRAIG, proposes an amendment numbered 1989.

Mr. MCCONNELL. 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 facilitate a reforestation program in Afghanistan)

On page 75, line 15 after the colon insert the following:

Provided further, That of the funds made available pursuant to this section, not less than \$5,000,000 shall be made available for a reforestation program in Afghanistan which should utilize, as appropriate, the technical expertise of American Universities: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from American and Afghan businesses:

Mr. LEAHY. Mr. President, I ask unanimous consent that I might be listed as a cosponsor.

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

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1989) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1990

Mr. MCCONNELL. Mr. President, I send to the desk an amendment by Senator DOMENICI relating to the International Law Enforcement Academy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. DOMENICI, proposes an amendment numbered 1990.

Mr. MCCONNELL. 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:

On page 32, line 7, before the colon insert the following: ", of which \$2,105,000 should be made available for construction and completion of a new facility".

Mr. MCCONNELL. Mr. President, I am unaware of any opposition on this side. I believe that is the case on the other side.

Mr. LEAHY. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agreed to.

The amendment (No. 1990) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1991

Mr. MCCONNELL. Mr. President, finally I send an amendment by Senator LEAHY and myself to the desk which provides assistance to the Ibn Khaldun Center for Development in Egypt related to democracy building.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. LEAHY, proposes an amendment numbered 1991.

Mr. MCCONNELL. 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 assistance for the Ibn Khaldun Center for Development in Egypt)

On page 17, line 17, after the colon insert the following:

Provided further, That of the funds made available pursuant to the previous proviso, \$2,000,000 shall be made available for the Ibn Khaldun Center for Development:

Mr. MCCONNELL. Mr. President, I am pleased to offer an amendment—sponsored by the ranking member of the subcommittee—that provides \$2 million for the Ibn Khaldun Center for Development in Egypt.

The Center is directed by Dr. Saad Eddin Ibrahim, a vocal champion of human rights and democracy in Egypt. My colleagues may remember that Dr. Ibrahim was arrested on June 30, 2000, on charges that included defaming the country's image. Many in Cairo and abroad believe that Dr. Ibrahim's arrest was a direct response by the Egyptian Government to his investigations into discrimination against the country's Coptic Christian minority and parliamentary fraud.

Dr. Ibrahim spent several years in jail and was finally acquitted this spring after a second retrial. However, imprisonment neither dulled his desire for democracy, justice or human rights in Egypt nor his passion for pursuing these fundamental rights in the face of repression from the authoritarian Egyptian government.

In fact, when my staff visited Dr. Ibrahim in prison almost 2 years ago he was just as feisty in support of democracy for Egypt as when he passed through Washington a few short months ago.

Given Dr. Ibrahim's noble cause, the amendment provides funding for the center for core support and programmatic activities that promote democracy, the rule of law and human rights in Egypt.

I urge my colleagues to support this amendment, which underscores that an important front in the war on terrorism includes the pursuit of freedom, democratic institutions, the rule of law and human rights in countries throughout the Middle East.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 1991) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, Senator SESSIONS is here and I am prepared to offer an amendment. Therefore, I yield the floor.

AMENDMENT NO. 1993

Mr. SESSIONS. Mr. President, I spoke last night about my concern over our inadequate attention given to the substantial problem of health care transmission of AIDS in Africa. As part of this bill, we are moving forward with a \$15 billion program to deal with AIDS in Africa.

Some of the agencies involved have been too slow, frankly, to recognize how significant the transmission of AIDS is in Africa as a result of medical transmissions. It occurs in two primary ways. One, throughout Africa they are reusing needles for injections. When people come in, they are given shots. There is one story of an elementary classroom where all were injected with an immunization using the same needle, something we would not tolerate in America.

As a matter of fact, we have taken extraordinary steps to make sure that no one in America who goes to a physician or doctor or hospital or clinic comes home infected with AIDS. We did that with the Ryan White Act. We dealt with hemophiliacs who have blood transfusions. We knew that was a major cause of the transmission of AIDS. We stopped that. We test all blood. We know it is clean or we will not allow it to be injected in someone's body.

That is not true now in Africa. Twenty-five percent of the blood in Africa is transfused without being tested.

We also know that in some countries in Africa as much as 40 percent of the adults have the HIV virus. We know that many more transfusions take place in Africa than in the United States. You would be surprised to know that; most people would. Diseases such as malaria cause anemia, and frequently physicians utilize transfusions to deal with that.

They have other problems that lead to the need for transfusions. Many more transfusions take place in Africa. Many more injections take place in Africa, surprisingly. We find that when people go to the doctor in Africa, they can receive a pill, but they tend to get a shot for whatever their problem is. We believe at least as much as 40 percent of the injections in Africa are unnecessary. Perhaps even more of the transfusions are unnecessary. But in addition to being unnecessary, they are highly risky.

That is the problem. When you reuse a needle, you put patients at risk. In America, we have gone to extraordinary lengths to make sure our blood is clean and our needles are clean. In addition, we have gone to great lengths to make sure that health care workers, through accidents, won't prick themselves with a needle that might be contaminated. Remember, we have only about a 1 percent infection rate in the United States, whereas in Africa it is much larger throughout the continent.

We have numbers from a study in South Africa that between ages 2 and 15, there are 670,000 children infected with HIV. Studies have shown that some of their mothers are not infected with HIV. How did they get it? This is not a sexually caused problem for most of them. This is a problem caused, I am afraid, from unsafe health care practices.

Senator LEAHY knows Holly Burkhalter of Physicians for Human Rights. They have been dealing with this issue for some time. They have concluded that it may be the single most significant act we can take to prevent AIDS in the short term in the world.

We have also discovered that it would take only a relatively small portion of the \$15 billion to fix it, the combination of testing and certifying that every transfusion is done with blood that is clean and safe. You take every injection in Africa, even some that are

unnecessary, but every injection in Africa, if you examined all of those and gave a free and clean non-reusable needle for every injection in Africa, we are talking about less than \$100 million, really about \$75 million. That is what it would take. We are going to be spending \$3 billion a year in Africa on AIDS over the next 5 years.

There has been some dispute over how much of HIV is caused by medical transmissions. The WHO says the number is 10 percent. They say that blood transfusions are 5 to 10 percent. They also say that needles account for 2.5 percent.

I have conducted two hearings before the Health, Education Labor and Pensions Committee, of which Senator ENZI, the Presiding Officer, is an able member. We have taken the best witnesses we could get. Dr. Gisselquist and others who are familiar with the issues have testified. I have become more convinced than ever that those numbers are conservative. But at the 10-percent number, the numbers come in at 250,000 to 450,000 infections per year from health care in Africa.

Imagine that: 250,000 to 450,000 human beings, many of them children, many of them infants, going to the doctor to get health care, to get a shot, coming home infected with a disease that will lead to their early death.

Because it is a matter of such colossal error, we need to confront it, and we can. We can do so much better. I will be offering an amendment to urge that we earmark at least \$75 million to fix the problem. I believe in very short order we can completely fix it. There is no excuse for any blood in Africa being used that had not been tested. Seventy-five percent of it is tested now. Why don't we go the rest of the way? Do you think that is not a large number, the 25 percent? It is a tremendous number.

Particularly, women who go for transfusions after birth or because of malaria and anemia, those kinds of conditions, are the ones causing the transfusions. They are coming home with AIDS, and they are dying.

These numbers don't consider the fact that people who have been infected by a health care injection or transfusion can go out and infect others, their spouses, or other people. It creates a cycle of growth in the spread of AIDS that is unacceptable.

Dr. Gisselquist says the numbers should be declining in Africa today. They are not. The only explanation for the failure of the numbers of infections in Africa to decline, in his view, is medical transmissions. He has studied every study of this issue that has ever been done in Africa. From that, he considers it as high as 30 percent, three times the number I mentioned before, three times that number. And on the WHO numbers, we are talking about 1,000 infections per day, a number that can be fixed.

It is time for us to ensure, as part of this bill, that the people who are running our AIDS program for the United

States and the world understand we expect them to confront the medical transmission issue.

The good news is, the great news is that we can bring these percentages to virtually zero. We can stop 1,000 to 2,000 infections per day. We can take it to zero and eliminate this problem for less than \$100 million a year.

I say let's do it. We need to have a sense of urgency. Mr. Tobias, heading this effort, needs to have a sense of absolute urgency. This has been talked about for years.

Last night I had a chart that depicted a headline article in the San Francisco Chronicle, dated October 27, 1998—5 years ago yesterday—detailing needles of death, talking about this very problem. Nothing has been done about it. It will not undermine the effort to deal with the sexual transmission of the disease and it will not, in my view, scare people from going to health care clinics to get treatment—the only two excuses I have heard to date as to why we should not go forward.

I thank the Chair and Senator MCCONNELL for his leadership in managing this bill and his willingness to listen to my concerns.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, this is an excellent amendment that has been cleared on both sides of the aisle. It is an important contribution. The Senator from Alabama is making an effort to combat this plague, which is clearly the No. 1 public health problem in the world today. I thank him for this important contribution.

Has the Senator sent the amendment to the desk?

Mr. SESSIONS. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1993.

Mr. SESSIONS. 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 require that a portion of the funds appropriated for the Global AIDS Initiative shall be made available for injection safety and blood safety programs)

On page 23, line 8, strike the period and insert "": *Provided further*, That of the funds appropriated under this heading, not less than \$29,000,000 shall be made available for injection safety programs, including national planning, the provision and international transport of nonreusable autodisposable syringes or other safe injection equipment, public education, training of health providers, waste management, and publication of quantitative results: *Provided further*, That of the funds appropriated under this heading, not less than \$46,000,000 shall be made available for blood safety programs, in-

cluding the establishment and support of national blood services, the provision of rapid HIV test kits, staff training, and quality assurance programs."

Mr. MCCONNELL. Mr. President, I see my friend from Vermont here.

Mr. LEAHY. Mr. President, I think the Senator has done us all a service with his amendment. I ask unanimous consent that I may be included as a cosponsor.

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

Mr. SESSIONS. I thank the Senator from Vermont.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1966

Mr. DURBIN. Mr. President, I would like to speak for a few moments on behalf of an amendment that I believe is now pending, offered by Senator DEWINE and myself relative to global AIDS.

I thank Senator MIKE DEWINE for his amazing leadership on public health issues, particularly relating to the Third World. Most of my colleagues are not aware of the commitment Senator DEWINE and his wife Fran have made to the island of Haiti, which they have visited, as I understand, 15 different times. I was fortunate to join him on one of those trips a few months back and to meet with some of the poorest people in the world, who happen to live in our backyard. They are suffering from the worst conditions you can imagine and, sadly, also being devastated by their own AIDS epidemic.

Senator DEWINE has, through his family and friends, politically committed himself to the people of Haiti. I believe this amendment he offers today is consistent with that commitment. That is why I am honored to be his cosponsor on this amendment relative to global AIDS, which takes an important step forward in meeting a pledge America has made.

Senator DEWINE said Friday, when he introduced our amendment, this is clearly the right thing to do. If we want to put this into perspective, our headlines every day focus on the war on terrorism and the situation in Iraq, as they should; but Secretary of State Colin Powell very eloquently told the U.N. a few days ago what his perspective was. I will quote that:

AIDS is more devastating than any terrorist attack, any conflict or any weapon of mass destruction.

He went on to say:

It kills indiscriminately, and without mercy. As cruel as any tyrant, the virus can crush the human spirit. It is an insidious and relentless foe. AIDS shatters families, tears

the fabric of societies, and undermines governments. AIDS can destroy countries and destabilize entire regions.

That is what Secretary of State Colin Powell said to the U.N. I think it is an appropriate introduction in the consideration of this important amendment. This is becoming the worst plague the world has ever seen. Imagine those words for a moment, when we consider the plagues throughout the history of the world. Already, 25 million people have been killed by HIV/AIDS. Eight thousand people die from AIDS every day—that is 8,000 mothers, fathers, and children. Today, another 42 million people around the world face a death sentence from AIDS because they have no access to treatment. It can cost as little as a dollar a day.

As parents die, 14 million AIDS orphans have been left without the care and support they need. Unless we act soon, there will be 25 million AIDS orphans by the end of the decade.

Reflect for a moment on the scenes that we have seen in Liberia and other parts of Africa, where we find children carrying automatic weapons, hell-bent on violence and destruction—children who, frankly, have no parental supervision for a variety of reasons, but increasingly because their parents have died from the AIDS epidemic. The boys become predatory with these guns, destabilizing villages, societies, and governments, threatening violence on people in a wanton fashion. The girls, these AIDS orphans, sadly without education and support, many times turn to prostitution, perpetuating the cycle of infection which will then, of course, not only claim their lives but their children as well. That is the cycle of AIDS as we know it today. To think of orphans alone is a sad thought. To think as orphans as predators, or orphans who are young girls who become submissive in societies and perpetuate sexual disease is to really take to heart the comments of Secretary of State Colin Powell.

Each year the world loses a population greater than the population of the city of Chicago, which I represent. We lose a population greater than that to AIDS. We know how to stop these deaths. It is not hopeless. For those who have given up and say this is God's verdict on people who deserve it one way or another, they are not only wrong morally, they are wrong medically.

According to the World Health Organization, 5 million to 6 million HIV-infected people in developing countries immediately need treatment. Fewer than 1 percent of medically eligible people in Africa now have access to treatment. Less than 1 percent have access to treatment today.

The World Health Organization declared AIDS an emergency and promised to treat 3 million people by 2005. It is not going to happen.

Current global spending on AIDS is now less than half of the bare-bones budget, \$10.5 million, that is needed to

reach this goal. We know what the goal should be. We have set the goal. America has joined in setting it with the World Health Organization, and we are going to utterly fail in meeting this goal.

According to Global HIV Prevention Working Group, current prevention spending falls \$3.8 billion short of what is needed by 2005. If we close this prevention gap, if we meet the goals we have set—those of us in the West who are blessed with the best hospitals, doctors, and technology in the world—we can prevent 29 million to 45 million infections by 2010.

As the CIA director, Mr. Tenet, recently said about AIDS:

Is this a security issue? You bet it is. With more than 40 million people infected right now, a figure that—by 2010—may reach 100 million, AIDS is building dangerous momentum in regions beyond Africa.

As the disease spreads, it unravels social structures, decimates populations, and destabilizes entire nations.

The National Intelligence Council found that in five of the world's most populous nations, the number of HIV-infected people will grow to an estimated 50 million to 75 million by 2010. AIDS is particularly devastating national armies around the world that ensure stability. In South Africa, according to the RAND Institute, some military units have infection rates as high as 90 percent.

This amendment will add \$289 million in funding to the battle against AIDS. The President pledged the U.S. would come forward with \$15 billion over 5 years. This Congress went on record saying we would spend \$3 billion this year. The DeWine-Durbin amendment moves us to \$2.4 billion. We are still not where we promised we would be. But we must take this important step forward. I urge my colleagues to join me.

As Majority Leader FRIST said so well:

History will judge whether a world led by America stood by and let transpire one of the greatest destructions of human life in recorded history—or performed one of its most heroic rescues.

We can spare babies from AIDS. We can give mothers hope. We can give families an opportunity to survive. I have been to Africa. I have met these people. I have sat with them. I have cried with them over their plight in this world today. I have left feeling helpless and determined to come to this floor, as often as God gives me the strength to stand behind this desk, and fight that we will have money in our budget to meet the promise we have given to these poor people around the world.

No one else, no other nation, is as rich as the United States. No other nation has stepped forward with this massive commitment. The DeWine-Durbin amendment today moves us closer. We reached \$2.4 billion. We are still about \$600 million short of what we promised. After this amendment is considered, I

will offer an amendment to make up that difference.

I implore my colleagues on both sides of the aisle, do what is right today, not only for the stability of the world but to give hope to people around the world who wonder if anyone notices and anyone is listening. We notice, we are listening, and the DeWine-Durbin amendment, with so many cosponsors, will move us toward providing hope to these families for a future.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent that the time for the noon recess be extended by 10 minutes.

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

The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Illinois for his very fine statement and for his sponsorship of this amendment. This is the third time my colleague and I have worked on an amendment on AIDS help for the people of the world who are literally dying of this dread disease. I salute him for his very fine work and for his very fine comments today.

Last Friday, we offered an amendment to the Foreign Operations bill that would increase the bill's current funding level for the global AIDS initiative by \$289 million, as Senator DURBIN has indicated. This additional funding would bring the total fiscal year 2004 allocation to \$2.4 billion. This \$2.4 billion would allow us to meet our goal of providing at least \$2 billion in bilateral assistance, and it would also allow us to meet our current matching commitment to the global fund to fight AIDS, tuberculosis, and malaria.

The new AIDS coordinator, Randall Tobias, would be able to distribute this money for the prevention, treatment, and control of and research in regard to AIDS/HIV, tuberculosis, as well as malaria.

I am very pleased a number of our colleagues have joined us as cosponsors of this amendment. In addition to Senator DURBIN, Senator COLEMAN, Senator WARNER, Senator DASCHLE, Senator LEAHY, Senator GRAHAM of South Carolina, Senator ALEXANDER, Senator SANTORUM, Senator COLLINS, Senator SMITH of Oregon, Senator BINGAMAN, Senator CORZINE, Senator BROWNBACK, Senator LUGAR, Senator ROBERTS, Senator HAGEL, Senator DOLE, Senator SPECTER, Senator HATCH, Senator CLINTON, as well as Senator KERRY have also cosponsored this amendment. I thank them all for their cosponsorship. I thank each one of them for their support and for their own efforts to fight the ravages of the global AIDS epidemic.

Fighting AIDS is a monumental task, a huge effort that will demand the time, resources, support, and certainly the prayers of the American people and people around the world for years to come.

It is a global problem with global implications. It is delicate; it is intricate; it is anything but simple. I think the American people understand this. They certainly need to know this. They need to know we will be fighting against AIDS and HIV for a long time.

The disease, death, and destruction it has left in its wake will not go away overnight, no matter what we do. Our amendment today will not completely solve this problem. It will not make AIDS go away, but it will help. It will begin to make a difference. It certainly can make a difference. The resources this amendment will provide will, in fact, save lives.

Let there be no mistake about it; passing this amendment will save thousands of lives. It will save lives because the resources we will provide by this amendment will go to organizations, groups, doctors, and nonprofit organizations that are already in the field, already are in these countries, that have already proven they have the ability to go out and do the job. So in this regard, it is very simple. There are things we can do right now to save these lives and to make an immediate difference. For example, as I said Friday, I have had the opportunity to travel to Guyana and Haiti in this hemisphere and, as we did this past summer, along with Senator FRIST and other Members of the Senate, we traveled to the southern part of Africa, where we had the opportunity to see doctors and organizations in the field doing the work. They were already saving lives and they looked at us and, in so many words, said: Give us the resources, give us the help, give us the assistance we need so we can expand the work we are doing.

We saw them in place. What this bill will do is to give them more help and assistance so they can expand their work, treat more people and help save more lives.

I think the most striking example of this is when we see a mother who is HIV-positive, we know the facts are if she is HIV-positive when she is pregnant with a child and about to give birth, the odds are 30 percent that child will be HIV-positive and that child will be condemned to death. We also know, though, that for as little as \$3, that mother can be treated and the odds will be reduced from 30 percent to 5 percent or 4 percent that she will give birth to a child who will be HIV-positive. We can give lifesaving drugs and that lifesaving treatment for a very small amount of money, for the cost of two cups of coffee in the United States. We can do that, and we need to do it.

In addition to fighting HIV/AIDS, we must remain vigilant in our efforts to fight other global epidemics. That is another reason this amendment is so important. The funds it provides, in addition to fighting HIV/AIDS, can be used to fight the spread of tuberculosis and malaria. These are two diseases we have the ability to fight, two diseases we have an obligation to fight.

Like HIV/AIDS, the statistics are staggering. According to the World

Health Organization, tuberculosis kills 2 million people per year. It is estimated that between 2000 and 2020, nearly 1 billion people will be newly infected by TB; 200 million people will get sick from it; and 35 million people will die from it if the control of it is not further strengthened. TB is a leading cause of death among women of reproductive age worldwide and it is estimated to cause more deaths among this group than all causes of maternal mortality. With an estimated 3 million new cases of TB each year, Southeast Asia is the world's hardest hit region. In Eastern Europe, TB deaths are increasing after almost 40 years of steady decline. More than 1.5 million TB cases occur in sub-Saharan Africa each year. This number is rising rapidly, largely due to the high prevalence of HIV.

The fact is, people who are HIV positive or who already have AIDS are far more susceptible to acquiring tuberculosis. Their compromised immune system, quite simply, has a very difficult time fighting off the TB infection. As a result, TB is the leading killer of people living with HIV/AIDS. One-third of people infected with HIV would develop TB—one-third. At the end of the year 2001, 13.1 million people living with HIV/AIDS were coinfecting with tuberculosis.

In Africa alone, more than 50 percent of individuals with active TB are also HIV positive. And in Asia, TB accounts for 40 percent of AIDS deaths.

The spread of malaria is equally troubling. According to the World Health Organization, over 40 percent of the world's children live in malaria epidemic countries. Each year, approximately 300 to 500 million malaria infections lead to over 1 million deaths, of which over 75 percent occur in African children. In fact, every 30 seconds an African child dies of malaria.

As with HIV/AIDS, there are some relatively simple things we can do to help prevent these needless deaths. For example, insecticide-treated nets have been shown to reduce mortality among children under 5 years by approximately 20 percent. This translates to the prevention of almost half a million deaths each year in sub-Saharan Africa alone. Simple items such as these nets can cost as little as \$1.50, while a year's supply of insecticides to retreat a net costs from 30 cents to 60 cents. Yet a recent "Child Survival" series in the British medical journal *The Lancet* concluded that:

Fewer than 5 percent of children in regions of Africa with very high prevalence rates of malaria are using insecticide treated materials to prevent malaria.

Again, as with HIV/AIDS, we as a nation and as a people have the resources and the ability to fight these preventable diseases. With this amendment, we can do so much good. So I say to the Members of the Senate, I say to my colleagues, we should not and we must not tolerate a world where so many people are suffering from HIV/AIDS

and so many people are suffering from malaria and tuberculosis. We simply should not tolerate a world where this suffering and dying occurs. And where we have the ability and where we have the tools to help make a difference and to save lives, we must act, and we must act quickly. We should not delay. We must act now.

Every 10 seconds, someone in the world dies because of AIDS. In just the short time I have been speaking here on the Senate floor—in just that time—at least 60 people have died because of AIDS. Those are lives that we can help save. Those are lives that I believe we must help save.

I urge my colleagues to join us, to join Senators DURBIN, COLEMAN, WARNER, DASCHLE, LEAHY, GRAHAM of South Carolina, ALEXANDER, SANTORUM, COLLINS, SMITH of Oregon, BINGAMAN, CORZINE, BROWNBACK, LUGAR, ROBERTS, HAGEL, DOLE, SPECTER, HATCH, CLINTON, and KERRY in supporting this amendment. This amendment will mean more lives can be saved. It is as simple as that.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived and passed, under the unanimous consent agreement we are now in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator LEAHY asked that I fill in for him for the next little bit. We have an amendment to offer. We have no one here from the majority, but I am very confident there is no problem with the Senator from North Dakota offering an amendment. I ask unanimous consent that the pending amendment be set aside so the Senator from North Dakota can offer his amendment.

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

The Senator from North Dakota.

AMENDMENT NO. 1994

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

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. SCHUMER, proposes an amendment numbered 1994.

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.