

partner with us. That is a sign of a great man. I think he is a great leader for the world as well as for Great Britain. I hope that people don't think of it as a speech of a liberal or even of a conservative. He was speaking to us as Americans and bringing out the best in us. I really am delighted that we gave him the opportunity to speak to us.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004—Continued

Mr. STEVENS. Mr. President, we are awaiting an amendment to be offered. I hope Senators will come and bring their amendments.

Mr. REID. Would the Senator yield?

Mr. STEVENS. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I say to the distinguished comanager of the bill, we are waiting for Senator BYRD to come and offer his two amendments, one dealing with adding some money to the bill, the other dealing with adding some money for AIDS, rearranging the bill, I should say.

The Senator from Delaware is considering offering an amendment and also the Senator from California, Mrs. FEINSTEIN, and Senator SCHUMER. I would say to those Senators or their staffs who are within the sound of my voice that Senator BYRD is not here. I am sure we could move forward on one of their amendments. I would recommend that they work their way to the floor or at least call the cloakroom so we can get them lined up to offer one of their amendments. There is really a down time here now.

I think it would be to everyone's advantage that we move forward on this most important bill. As has been indicated, we are going to certainly try to finish this bill tonight. It appears we can do so. We don't have a lot of amendments remaining.

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1283

(Purpose: To rescind \$1,100,000,000 of the amounts appropriated for procurement and research, development, test and evaluation, and to appropriate \$1,100,000,000 for fighting AIDS/HIV, tuberculosis, and malaria)

Mr. BYRD. Mr. President, I have an amendment which I shall send to the desk shortly.

This January, in his State of the Union Address, President Bush announced a 5-year, \$15 billion global AIDS initiative. The President received a lot of praise for that an-

nouncement, as he should have. AIDS is a dreadful disease which is currently inflicting an almost unimaginable toll on the African continent, devastating entire populations.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. According to UNAIDS—the Joint United Nations Program on HIV/AIDS—in 2002, there were 29.4 million people living with HIV and AIDS in sub-Saharan Africa. Africa has about 10 percent of the world's population but more than 70 percent of the worldwide total of infected people. In fact, the infection rate among adults is about 8.8 percent in Africa, compared with 1.2 percent worldwide.

More than 17 million Africans have died from AIDS since its emergence, and UNAIDS estimates that by 2020, an additional 55 million Africans will lose their lives to the epidemic. The sheer brutality of these statistics is hard to fathom and must tug at the hearts and souls of all of us in this body.

AIDS' severe social and economic consequences are depriving Africa of skilled workers and teachers while reducing life expectancy by decades in some countries. An estimated 11 million children in Africa have been orphaned by AIDS—having literally watched their AIDS-inflicted parents slowly slip away before their eyes. These AIDS orphans are now facing increased risk of malnutrition and reduced prospects for education. AIDS is being blamed for declines in agricultural production in some nations, and is regarded as a major contributor to the famine threatening southern Africa. The United Nations Development Programme Annual Report for 2003 states that, "HIV/AIDS is a catastrophe for economic stability and may be the world's most serious development crisis."

For far too long, the world has turned a blind eye to the suffering on the African continent. Does the United States, as the wealthiest Nation on Earth, not have a special moral responsibility to act to alleviate some of the worldwide misery caused by AIDS? Americans have always been generous and caring people, and I have no doubt that they would expect their elected officials to rise to the occasion and take the lead in ridding the world of this horrid disease, wherever it takes root.

I am pleased by Congress' initial response to the President's call for action to combat the AIDS crisis in Africa—with passage of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. And I was encouraged that our President publicly touted the legislation's passage as a moral triumph.

However, I have seen far too many fancy White House bill signing ceremonies and dressed-up press releases in the last 2½ years to be entirely confident that this Administration would simply keep its promise to fully fund this legislation. Once the cameras stop

rolling and the headlines fade away, this administration seems to have established a troubling pattern of repeatedly making promises but failing to deliver the dollars needed to keep them. The drastically underfunded No Child Left Behind Act and the President's skimpy funding requests to meet our homeland security needs are perfect examples.

Last week, as President Bush visited five African countries, he again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, \$15 billion program to attack the disease in the world's poorest countries. I commend him for having gone to Africa, and for promoting greater efforts to fight AIDS.

He should be held to his commitment to those in Africa who are suffering from AIDS.

Clearly, an expectation has been created that the administration and Congress will provide \$3 billion toward this noble initiative in fiscal year 2004, as language explicitly authorizing that amount for fiscal year 2004 is spelled out in the new Global AIDS law that the President proudly signed.

Unfortunately, despite all the recent headlines, photo-ops, and White House promises regarding the African AIDS crisis, the simple fact remains that the President did not put enough money behind his promises, as he failed to include \$3 billion to fight AIDS in his fiscal year 2004 budget. That is right! He requested only \$1.9 billion, not the \$3 billion that the world now expects. That is \$1.1 billion less than what he promised.

Just last Thursday, Members of this body went on record, by a vote of 78-to-18, in support of a Sense of the Congress Resolution that stated our intent to provide full appropriations for the \$15 billion AIDS initiative touted by our President, including \$3 billion in fiscal year 2004.

The lives of millions worldwide are at stake. Now is the time to honor the financial commitment made by Congress and the President to combat Global AIDS. My amendment to the Defense Appropriations bill would do just that by allocating \$750 million in fiscal year 2004 to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally for the purpose of making a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria and \$350 million for the Secretary of Health and Human Services for programs to combat AIDS overseas. This amendment would be completely offset by a \$1.1 billion across-the-board cut in the amounts appropriated for the Department of Defense under Titles III and IV of this legislation for Procurement, as well as for Research, Development, Test and Evaluation.

The bill before the Senate includes \$73,976,000,000 in procurement spending,

an amount that is \$1,255,000,000 above the President's request. This bill also includes \$63,565,000,000 for research and development programs, a level that is \$1,738,000,000 above the President's request. Certainly, the Senate should be willing to reduce the current procurement and research funding by less than eight-tenths of 1 percent in order to fulfill the President's promise. It is his promise. He had pledged our Nation's help with one of the most dreaded and destructive scourges on the globe. But he is trying to shift the burden to Congress to make up the difference in the underfunded budget request. Congress should step up to this challenge and appropriate the money that we have already authorized by an overwhelming vote.

My amendment would allow us to fulfill the humanitarian promise made by our Government to fight the worst public health crisis that history has ever known with a total \$3 billion appropriation in fiscal year 2004.

This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

Mr. President, AIDS is a catastrophe for millions around the globe. What better message can we send than to reduce our behemoth military budget ever so slightly in order to keep our national word to help fight this dread disease. It is the right thing to do. It is the noble thing to do. Let's do it.

Mr. BYRD. Mr. President, I send to the desk an amendment. I ask unanimous consent that the following co-sponsors be added.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE and Mr. BINGAMAN, proposes an amendment numbered 1283:

On page 120, between lines 17 and 18, insert the following:

(RESCISSION OF FUNDS)

SEC. 8124. (a) Of the amounts appropriated under titles III and IV of this Act, \$1,100,000,000 is hereby rescinded. The Secretary of Defense shall allocate the rescinded amount proportionately by program, project, and activity.

(b) In addition to other amounts appropriated or otherwise made available under this Act, funds are hereby appropriated to the Department of Defense for fiscal year 2004 in the total amount of \$1,100,000,000.

(c) Of the amount appropriated under subsection (b), the Secretary shall transfer \$750,000,000, to remain available until expended, to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Of the amount appropriated under subsection (b), the Secretary shall transfer \$350,000,000 to the Secretary of Health and Human Services for global HIV/AIDS programs of the Centers for Disease Control and

Prevention and the National Institutes of Health.

Mr. BYRD. Mr. President, the co-sponsors are Senators CLINTON, PRYOR, LAUTENBERG, MURRAY, and CORZINE. I ask they be added.

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

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, AIDS has been a matter of attention by our subcommittee since 1982. It was our subcommittee that initiated the first AIDS research with public funds that I know of in the world. That research is still going on by the Department of Defense. We were looking for some way to prevent the transmission of AIDS. I am sad to say we have not been successful.

In the period just prior to our bill in the eighties, I had listened to a lecture at the Cosmos Club where the lecturer had predicted we would witness AIDS becoming a plague—more than an epidemic; it actually would become a plague. That prediction has become too true, and the President has committed \$15 billion over a period of 3 years for our contributions to the AIDS program.

We have in our budget so far total spending of \$2.4 billion that is directed to global AIDS spending. I am trying to get the total figures. I think we have over another \$2 billion in our total budget directed toward AIDS spending.

It is true that money is going to agencies other than USAID, but in foreign operations, there is \$1.5 billion, and Labor, Health and Human Services has \$683 million.

My point is, we have an enormous amount of money in the bill before us already for AIDS spending. I am compelled to oppose the Senator's amendment because it transfers from defense procurement and research and development programs to another bill, the Health and Human Services bill and the Agency for International Development, which is in a third bill, the State-Justice-Commerce bill, portions of money allocated by our committee to those two other subcommittees. In effect, Senator BYRD's amendment would transfer from the Defense Department to the Department of Health and Human Services and the Department of State \$1.1 billion.

I have to oppose this amendment in the first place because I believe we have already met the commitment of the President. There is no reason I know of to accelerate that and provide more than the \$3 billion. We have already committed to—as a matter of fact, because of the request initially, I believe we have in excess of \$4 billion in this budget available to us for AIDS already.

The fund the Senator from West Virginia would take the money from is for the modernization of our aircraft. We are trying to modernize this force. We need to replace aging C-130s and the aging C-46 helicopters. We have an

enormous number of vehicles and aircraft that have to be replaced because of the damage they have suffered from activities in Afghanistan and Iraq.

The modernization funding in this account is also for the National Guard and Reserve. We all have some real concern over the amount of money that is already available for those activities. Bluntly, I do not think we can afford to take \$1.1 billion out of defense and put it into the Department of State and the Department of Health and Human Services, or Education—wherever it goes—at this time.

We are going to lose a sizable number of the weapons systems we would otherwise modernize or replace with this \$1 billion. I call attention particularly to the fact that despite the authorization and request of the President, we were unable to fund the F-18 fighter the administration seeks to procure. We are unable to fund the total amount of F-22s. We have reduced the number of ships in the Virginia class from seven to five. I am already mentally confused over why we have to be so constricted, but that was the problem in the overall budget. We already have taken \$3.1 billion out of the Defense budget and spread it through the non-defense budgets in order to meet the objections that were raised by so many Senators to the allocations we initially intended to make without that \$3.1 billion. This would make it \$4.2 billion out of Defense.

I say to my friend from West Virginia, we just cannot do that. There is no way we can take any more money out of the funds we have set aside to replace the aging fighters, helicopters, and the equipment that was damaged or destroyed in Iraq and Afghanistan.

We do have a letter from Dr. O'Neill, the Director of Office of National AIDS Policy. He says this:

By careful design, the President's 2004 budget request is for \$2 billion—

On this set-aside fund. As I said, our accounting is that set-aside fund for global activities is \$2.241 billion.

In any event, to continue Mr. O'Neill's letter, he said:

This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure base needed to ensure delivery of appropriate medical treatment protocols and the long-term success of this initiative.

He stated in another paragraph, and I am pulling sentences out of this letter:

For the reasons stated above, the administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's FY 2004 budget.

I ask unanimous consent that the letter be printed in the RECORD in full after my statement.

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

(See exhibit 1.)

Mr. STEVENS. Prior to the President's initiative, the total for AIDS

was \$1.2 billion. It is my judgment, because of the amount of money we are spending in all the other agencies to increase our knowledge and ability to deal with AIDS, that this is a proper amount of money. We have the commitment that this money will increase as we get more and more people trained.

We listened to the Secretary of State the other morning tell us about the problem we have in finding people to train and help with the medical problems of the people we are dealing with in terms of AIDS throughout Africa in particular. I thought it was a very

moving response he gave to the questions about AIDS.

Very clearly, right now there are two issues in the amendment of the Senator. First, I believe we have met the initial year's objective for the President's global initiative on AIDS. I believe we have an overwhelming amount of money in the total bills before the Congress this year, all 13 appropriations bills, on AIDS. Further, the way the Senator from West Virginia wants to offset this amount, in my judgment, will bring great harm to the area of modernization of our aging equipment and the replacement of the equipment

that has been damaged and destroyed by war.

So I am forced to say to the Senator from West Virginia that I am compelled to make a motion to table his amendment at an appropriate time. I certainly do not want to do that before my friend has had a chance to make any comments he wants to make about my comments.

I ask unanimous consent that the schedule of the projection of spending for global AIDS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S.G. CONTRIBUTIONS TO GLOBAL HIV/AIDS SPENDING

(Dollars in millions)

USG appropriations	FY 2004 budget	FY 2005 budget	FY 2006 budget	FY 2007 budget	FY 2008 budget	Total FY 2004-2008
Base Bilateral Spending .....	\$970	\$970	\$970	\$970	\$970	\$4,850
Global Fund .....	200	200	200	200	200	1,000
Mother to Child Initiative <sup>1</sup> .....	300	n/a	n/a	n/a	n/a	300
Emergency Plan for AIDS Relief .....	450	1,250	1,800	2,400	2,600	8,500
TB and Malaria .....	120	120	120	120	120	600
<b>Total HIV/AIDS Spending .....</b>	<b>2,040</b>	<b>2,540</b>	<b>3,090</b>	<b>3,690</b>	<b>3,890</b>	<b>15,250</b>

<sup>1</sup> Beginning in FY2005, funding for the Mother to Child Initiative is part of the Emergency Plan.

Mr. STEVENS. It shows in 2004, \$2.040 billion; in 2005, there is \$2.540 billion; in 2006, there is \$3.090 billion; in 2007, \$3.690 billion; in 2008, \$3.890 billion. In all, the total is \$15.250 billion over the 5-year period. This is a commitment that we will keep.

I think it is wise to start this program on a sound basis. This summary I have had prepared shows all treatment

of AIDS and all of our programs other than defense.

The last chart I want to put in the RECORD shows zero for defense, as far as AIDS is concerned. In the lump sum we have for medical research, I know there is a sum of money that continues to be spent in pursuing the research base for a way to prevent transmission of AIDS, to develop a vaccine for AIDS.

That is not disclosed on this, so there is actually more than this in the total amount for the bill.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Program	FY'03 appropriation	FY'04 budget request	FY'04 recommendation??—dependent on allocation
<b>Subcommittee—Foreign Operations:</b>			
Child Survival Assistance for bilateral programs .....	591,500,000	650,000,000	685,000,000
Child Survival Assistance for Global Fund .....	250,000,000	100,000,000	300,000,000
Other Economic Assistance .....	38,500,000	40,000,000	50,000,000
Bilateral Malaria & AIDS .....	105,000,000	105,000,000	105,000,000
State Department Global AIDS Initiative .....	0	450,000,000	450,000,000
Other .....	2,000,000	1,500,000	1,500,000
<b>Total Foreign Operations .....</b>	<b>987,000,000</b>	<b>1,346,500,000</b>	<b>1,591,500,000</b>
<b>Subcommittee—Labor-HHS:</b>			
CDC Global AIDS program .....	142,569,000	143,763,000	142,569,000
CDC Mother to Child Transmission .....	40,000,000	150,000,000	90,000,000
CDC International Applied Prevention Research .....	11,000,000	11,000,000	11,000,000
NIH International Research .....	252,300,000	274,700,000	274,700,000
DOL AIDS in the workplace .....	10,000,000	0	0
Global Fund Contribution from NIH .....	100,000,000	100,000,000	150,000,000
CDC Malaria & Tuberculosis .....	15,000,000	15,000,000	15,000,000
<b>Total Labor-HHS .....</b>	<b>570,869,000</b>	<b>694,463,000</b>	<b>683,269,000</b>
<b>Subcommittee—Defense:</b>			
DOD HIV-AIDS education w/African Armed Forces .....	7,000,000	0	0
<b>Subcommittee—Agriculture:</b>			
Section 416(b) Food Aid .....	25,000,000	0	0
<b>Total—All Subcommittees .....</b>	<b>1,589,869,000</b>	<b>2,040,963,000</b>	<b>2,274,769,000</b>

Mr. STEVENS. Does the Senator from West Virginia wish to make an additional statement before I make a motion to table?

Mr. BYRD. Yes, I do, and there are other Senators who wish to speak on this.

Has the Senator yielded the floor?

Mr. STEVENS. Yes, I have.

EXHIBIT 1

THE WHITE HOUSE,  
Washington, July 17, 2003.

Hon. BILL FRIST,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER FRIST: It is my understanding that an amendment regarding funding for HIV/AIDS, tuberculosis and malaria may be offered today to the Department of Defense FY2004 appropriations bill currently under consideration on the Senate floor.

I want to reiterate the Administration's strong support for the FY2004 budget request of \$2 billion for all international HIV/AIDS, tuberculosis and malaria activities, includ-

ing \$200 million for the Global Fund to Fight HIV/AIDS, TB, and Malaria. This request is a solid first step in fulfilling the President's commitment of providing \$15 billion over the next five years to address the HIV/AIDS pandemic in Africa, the Caribbean and around the world.

I recently finished traveling to Africa with the President where he saw first-hand the positive impact that current U.S. funding is having in caring for the sick, providing treatment for individuals living with HIV/AIDS and extending lives. He also witnessed

the vast infrastructure and capacity challenges that need to be addressed in order to scale-up many of these efforts.

It is by careful design that the President's FY2004 budget request is for \$2 billion. This request was based on the sound judgment that funds in excess of this amount could not be spent effectively in this first year. These funds will be spent in a focused manner, increasing each year, to efficiently and effectively create the necessary training, technology, and infrastructure based needed to ensure delivery of appropriate medical treatment protocols and the long term success of this initiative.

These funds are vital to our efforts to combat HIV/AIDS abroad, but must be spent in the right way, at the right time. Similarly, efforts to increase funding to the Global Fund to Fight AIDS, TB and Malaria are not appropriate at this time. Currently, the United States is responsible for over 40% of all contributions made to the Global Fund. We have reached a critical time in the Global Fund's development, and other nations must join the U.S. in supporting the work of the Global Fund.

For the reasons stated above, the Administration strongly opposes any efforts to increase funding beyond the \$2 billion requested in the President's FY2004 budget. I appreciate your unwavering leadership on this issue and look forward to the continued strong bipartisan support of the Senate in ensuring the success of this lifesaving initiative.

Sincerely,

DR. JOSEPH F. O'NEILL,

*Director, Office of National AIDS Policy.*

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there is ample precedent for across-the-board cuts in the Defense bill. In fact, the language is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. Even with these cuts, the procurement, research, and development accounts remain \$2 billion above the President's request and \$6.7 billion above fiscal year 2003. So the procurement, research, and development accounts are robustly funded.

This amendment provides the funds called for in the 78-to-18 vote last week on the State Department authorization which called for \$3 billion.

I understand Senator HARKIN wishes to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in strong support of the amendment offered by Senator BYRD. This amendment fulfills a promise we made to the entire world to fund the global AIDS initiative. When I say "we," I mean all of us—the Congress and the President of the United States. President Bush made this promise to fund the global AIDS initiative at \$15 billion, \$3 billion per year for 5 years, in his State of the Union Address last January. I was there. I remember when he said it.

I remember after the President made that commitment, everyone—Republicans and Democrats, House Members and Senators—all stood and gave him a prolonged standing applause for that commitment. The President even signed a bill authorizing this money. We passed a bill saying, yes, we authorize it.

Recently, the President has traveled through Africa restating this commitment, and I was quite taken by the President's words in Africa saying we were going to meet our commitment and we would provide the \$3 billion this year. Yet the President neglected to include this full funding in his budget for this initiative. Rather than calling for \$3 billion in 2004 that was promised and authorized, the President's budget calls for a mere \$1.9 billion, falling far short of the promises he made and we made.

Yet the President is in Africa saying we are going to provide \$3 billion. Basically, I think he said we have provided \$3 billion. That is what is authorized. We know around here you can authorize anything but until the Appropriations Committee appropriates the money it is meaningless.

Here is the President saying we came up with the \$3 billion to fight AIDS in Africa, the African leaders applaud him, thanking him for that, and yet he only put \$1.9 billion in the budget.

Millions of people experience pain and suffering caused by the AIDS epidemic. People around the world are being robbed of healthy and productive lives. This epidemic is ravaging families, communities, and economies across the globe, nowhere more so than in Africa. The United States has a responsibility to fulfill the promise we made.

The amendment offered by the Senator from West Virginia would uphold our commitment, our promise, to fight the AIDS epidemic and our promise to adequately fund the initiative. This amendment offered by Senator BYRD provides the full \$3 billion for 2004, the full \$3 billion that the President was taking credit for and touting in his recent trip to Africa. This would be offset by taking the \$1.1 billion from the amounts appropriated for the Defense Department procurement and research account. The amendment by Senator BYRD would add to the \$1.9 billion the amount of \$1.1 billion to bring it to the \$3 billion level promised by President Bush on his recent trip to Africa.

Let me be clear: This money is not coming out of the salaries of our troops or the support for our troops. It is not coming out of our work in Afghanistan. This money comes from two titles of the Defense appropriations bill that include \$1.25 billion more than the President's budget request.

We are spending in this bill about \$1 billion a day for the Armed Forces, for defense. There is no excuse to deny the AIDS initiative that we promised, the President promised, the President touted so earnestly on his trip through Africa. There is no excuse to deny the \$1.1 billion more a year to bring it to the \$3 billion level.

Again, sometimes I am sure people wonder about what we are doing. The average American probably does not understand the difference between an authorization and appropriation. What is the difference? That is where the confusion is.

Last week the Senate overwhelmingly voted 78 to 18 in support of a sense-of-the-Senate resolution stating that the global AIDS initiative should be fully funded. That means we should fund it at the \$3 billion level.

Now the Senate needs to put its money where its mouth is. This is the amendment by which we can do it. It does not detract anything from our troops. It comes out of an account that is even \$1.25 billion more than the President's budget request.

We all just returned from a joint session of Congress and we listened to Prime Minister Tony Blair speak. I thought it was a fine speech; maybe even more than that. I thought it was a very good speech in all of its aspects. But there was one aspect that pertains to what this amendment is about. Prime Minister Blair said at one point in his speech that we cannot—we, being the United States—walk away from our other commitments in the world aside from national security. He mentioned specifically the AIDS catastrophe that is happening throughout Africa. He said we have to meet our commitments and our responsibilities there, and he got a standing ovation for that.

It is nice to give standing ovations to the Prime Minister of Great Britain when he says we should meet our responsibilities to meet the AIDS crisis. It is nice to vote for a sense-of-the-Senate resolution that says we should fully fund it. It is nice to even vote for the authorizing bill authorizing we fully fund it.

But there is another thing that Prime Minister Blair said that I thought was worth noting. I am paraphrasing because I don't have the speech; I am just remembering it. He said something about our reputation, about making sure we stood strong for what we believed in and that we stand up to what we have committed to. If we do not, then what is the rest of the world going to think? They will think, OK, that is what the United States says but the only thing the United States ever backs up is military action. I hope it does not boil down to that, that the only thing we ever back up in terms of commitments is a military commitment. We ought to look upon the other commitments in the same light. Once we make the commitment and we make the promise, we fulfill it and we keep it. This is one that compels us to give an overwhelming vote to the amendment offered by Senator BYRD. This is the amendment that does it.

I know there will be arguments saying we cannot take it out of defense. As I pointed out, it comes out of an account that is \$1.25 billion more than what the President even requested.

Now is the time to stand up and be counted. Now is the time to back up our reputation for being a caring nation and for being a nation that stands behind its word. We gave our word. The President, 2 weeks ago, gave his word in Africa for \$3 billion and yet we have

only come up with \$1.9 billion. Now is the time to come up with the full \$3 billion.

Mr. STEVENS. Will the Senator yield?

Mr. HARKIN. I yield.

Mr. STEVENS. Does the Senator have a quote that the President would spend \$3 billion?

Mr. HARKIN. I don't have the quote but I will get it for you in a short amount of time. The President, if I remember right, said in Africa that we have—again, I am paraphrasing; I don't know if I have the right word—but we have pledged \$3 billion this year to fight AIDS in Africa. He said that in Africa.

Mr. STEVENS. I would like to see that. I would be happy to see that quote.

I don't want to interrupt the Senator.

Mr. HARKIN. I will get my staff to run it down.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President I will speak for a very few minutes on this same issue and indicate my strong support for the amendment Senator BYRD has offered.

As my colleague, Senator HARKIN, indicated, I strongly support this amendment. I believe this is the obvious follow-on to the vote we had last week where 78 Members of the Senate agreed when appropriations bills did come to the Senate we would vote to fully appropriate the funds that were authorized in the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003. That was legislation we passed earlier this year that I strongly supported. It did provide \$15 billion worth of funds. It authorized \$15 billion worth of funding for this purpose. It was a follow-on to the President's State of the Union speech.

In the State of the Union speech, the President committed this country to this initiative. I strongly supported it. Then, as a follow-on to that State of the Union speech, we passed the authorizing legislation which, as I understood it, said we will appropriate \$3 billion a year for 5 years in order to fight this terrible epidemic of infectious disease we see around the world.

From my perspective, the question is whether we consider this to be an urgent problem. If we do consider it to be an urgent problem, then I think the funding that was laid out in that authorization bill is the right funding. I was surprised to hear the quotations from the letter Dr. O'Neill has sent on behalf of the administration indicating the administration does not want \$3 billion this first year, 2004. It does not want \$3 billion the second year, 2005. And only in the later years is the administration going to be requesting \$3 billion or more in order to make up the full \$15 billion.

That would be an appropriate approach to a problem that is not urgent.

That would be an appropriate approach to a problem we can just as well deal with 3 years from now as today. But this issue is not that type of problem. This is an urgent problem. Accordingly, I think it is entirely appropriate that we try to fund this AIDS initiative the way it was designed in the authorizing legislation, the way the President signed off on it in the authorizing legislation, and the way I thought all of us had agreed to proceed with it.

The statistics are devastating. We have gone through those to great lengths here, the number of teachers who are being lost because of HIV/AIDS, the number of people who are going untreated with HIV/AIDS in Africa because of lack of resources. The global AIDS fund is desperately in need of additional resources. We have committed \$200 million rather than the full \$1 billion that was anticipated we would commit this year.

We can, obviously, fall back on a 5-year plan and say: Look, we never did intend to give you \$3 billion the first couple of years. We are sorry if you misunderstood us. But the truth is most Members of Congress and I think most Members of the Senate—I certainly can speak for myself. When I voted for the authorizing legislation, I assumed we were going to appropriate the funds we were authorizing in that bill on that schedule in order to get to the \$15 billion. That was my assumption.

I can understand the reluctance to take any funds out of the defense budgets. I have supported defense budgets virtually every year since I have been in the Senate. I intend to support the budget again this year. But this is a very small amount. This is funding which can readily be replaced in a supplemental. There will be a defense supplemental down the road. We have all talked about that. Most of the discussion in the last 2 days is how we have the defense supplemental coming. We have already passed one this year. We will have another one next year. This is a very appropriate place for us to identify some funds we can use for this urgent need.

In its January 2000 report, The Global Infectious Disease Threat and Its Implications for the United States, the CIA noted that over the next 20 years HIV/AIDS and associated diseases in sub-Saharan Africa would:

... kill up to a quarter of their populations ... (and) this will further impoverish the poor ... and produce a huge and impoverished orphan cohort unable to cope and vulnerable to exploitation and radicalization.

The estimate predicted increased political instability and slower democratic development as a result of AIDS.

According to the World Bank:

The illness and impending death of up to 25 percent of all adults in some countries will have an enormous impact on national productivity and earnings. Labor productivity is likely to drop, the benefits of education will be lost, and resources that would have been

used for investments will be used for health care, orphan care, and funerals. Savings rates will decline, and the loss of human capital will affect production and the quality of life for years to come.

More than 30 percent of teachers are HIV positive in parts of Malawi and Uganda, 20 percent in Zambia, and 12 percent in South Africa. AIDS is killing people at middle and upper levels of management in both business and government; the trained personnel to replace them are not available.

Without a workforce, there is no productivity. Without productivity, a country's economy quickly deteriorates and the government collapses into chaos. All too often, terrorism and fanaticism springs forth from this chaos and begin to spread outwards from its birthplace, inflicting damage and destruction on other countries.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

AIDS has serious implications for issues of security in Africa, since HIV infection rates in many armies is extremely high. Domestic political stability is threatened when security forces become unable to perform their duties due to AIDS. Peacekeeping efforts on the part of more stable African nations are at risk as well as rates of infection among the peacekeeping troops grow. While he was in Nigeria last week, President Bush said:

We will not allow terrorists to threaten African peoples or to use Africa as a base to threaten the world.

If we underfund the efforts to fight HIV/AIDS and its associated disease, we will be allowing just that.

The HIV/AIDS, TB, and malaria pandemic in Africa is an international emergency. While visiting Botswana last week, President Bush declared:

This is the deadliest enemy Africa has ever faced, and you will not face this enemy alone.

Congress conveyed the same message last week in passing an amendment that asserted its belief that nothing short of full funding for HIV/AIDS, TB, and malaria should be appropriated. The Byrd amendment allows us to do just that, and to do so without cutting vital services to other international health programs. The funding to do this would result from a .079 percent cut for all programs and activities within Title III and Title IV. These two Titles are receiving \$3 billion more in funding than President Bush requested in his budget for fiscal year 2004. The Byrd amendment allows full funding for international HIV/AIDS, TB, and malaria programs. It allows the promise made to be a promise kept. I urge my colleagues to support this amendment.

HIV/AIDS, TB, and malaria are threats not just to the developing countries whose citizens have been ravaged by these diseases, but they are also threats to regional and international stability. AIDS, TB, and malaria claim the lives of 15,000 Africans each and every day. Every month that goes by in Africa, close to half a million people die from these diseases.

I hope very much we can support the amendment of Senator BYRD. I hope it will get the same 78 votes we got for the sense-of-the-Congress resolution last week when we talked about whether we were going to appropriate money on the same schedule and at the same level we had authorized money in the earlier legislation this year.

I commend the Senator from West Virginia for his amendment. I will certainly support it and I urge my colleagues to do so as well.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of Senator BYRD's amendment which I have co-sponsored.

The Senate worked hard and passed the Global AIDS Initiative back in May. At the President's request, this bipartisan authorization bill calls for \$15 billion to help fight the spread of HIV and AIDS in Africa. The bill authorized \$3 billion for this fight this year. This money is desperately needed.

Approximately 29 million people, including 10 million people between the ages of 15 to 24 and 3 million children under the age of 15, are currently living with HIV/AIDS worldwide. The future spread of this epidemic depends in large measure on whether the world will accurately teach young people how to protect against contracting HIV and AIDS.

Yesterday, I learned something very disturbing. The White House sent a letter to Congress asking to limit funding to \$2 billion. That is \$1 billion short.

I don't understand why President Bush, who has talked about his commitment to help fight AIDS in Africa over and over again, would ask for less money.

We must back up our promises with real action, not phony rhetoric.

Successful, proven programs for prevention, care, and treatment do exist but they are still small in scale, with many programs starved for resources. At least \$9.2 billion is needed to mount a response to the AIDS crisis according to UNAIDS.

Current global spending to address the crisis is far below this, at about \$1 to \$2 billion.

A fair contribution by the U.S. Government to the global HIV/AIDS response would be between \$2.75 and \$3 billion given our share of the global economy, close to 30 percent. The United States is spending just over \$500 million on global HIV/AIDS this year; and now President Bush is asking Congress to appropriate \$1 billion less than it authorized for next year.

The tragic impact of the AIDS epidemic is undeniable. One in every three adults in Africa is living with HIV/AIDS. Across the world, each year, 800,000 infants contract HIV before or during birth. Ninety percent of these HIV-infected babies are in sub-Saharan Africa.

The global AIDS bill has the power to save lives through a combination of prevention and treatment. But in order to be effective, we must provide the necessary resources.

In a speech last week during his trip to Botswana the President pledged that the U.S. would be a partner in the battle against a disease that has already killed more than 17 million in sub-Saharan Africa, and talked of his proposal to spend \$15 billion over 5 years to help the hardest-hit African and Caribbean nations battle AIDS. That means Congress should be spending \$3 billion a year. Now the President's own person—the Director of the Office of National AIDS Policy—is asking for \$1 billion less. The message this sends to the world is discouraging.

A failure to provide full funding is a setback that will cost lives. I urge the Senate to support Senator BYRD's amendment.

Mr. LEAHY. Mr. President, I support this amendment of my friend, the distinguished senior Senator from West Virginia.

A couple of months ago, at the U.S. Coast Guard Academy, the President spent a good deal of time talking about the global AIDS crisis, the worst public health threat in human history. I commend him for that, and for going to Africa, which highlighted the devastation caused by AIDS there.

President Bush has shown real leadership on AIDS, although it is important to mention that a bipartisan group in Congress has been pushing for stronger action on AIDS for years.

A short time after the President's Coast Guard Academy speech, we passed the United States Leadership Against AIDS, TB and Malaria Act, which authorized \$15 billion over 5 years to combat AIDS, tuberculosis and malaria. That was consistent with what the President proposed in his State of the Union address back in January. It was an important step. It showed that we are beginning to take the AIDS pandemic seriously.

But that was an authorization bill. It did not appropriate any money. For all intents and purposes, it was like writing the check with out enough money in the bank.

Let me explain. The President's budget request contains only \$1.9 billion of the \$3 billion we authorized for AIDS for fiscal year 2004. \$1.9 billion is a good step, but we should do more. It remains to be seen whether the promise of that authorization bill—a promise with which I agree—will be fulfilled.

The amendment of the Senator from West Virginia is the first real test of that.

The United States Leadership Against AIDS, TB and Malaria Act also called for up to \$1 billion for the Global Fund to fight AIDS and TB and Malaria. Again, a promise. For fiscal year 2004, the President has only budgeted \$200 million for the Global Fund, which is one-fifth of the amount authorized. It is also a cut of \$150 million from what was appropriated last year.

There is another problem. While the President's fiscal year 2004 budget for Foreign Operations includes approximately \$1.3 billion to combat HIV/AIDS, it robs Peter to pay Paul to pay for increases in HIV/AIDS programs, as the President's budget would cut other essential international health programs from 5 to 63 percent.

Child survival and maternal health programs are cut by 12 percent. These are the programs that provide life-saving child immunizations. They also help to reduce the 600,000 pregnancy-related deaths each year that could be avoided. Instead, the President's budget cuts these programs by 12 percent.

It would cut programs to combat other infectious diseases like measles. Measles kills 1 million children—not 100,000 or 200,000—but 1 million children a year. Again, this is something which is easily preventable. Every one of us can just go to the doctor's office and get our children and grandchildren immunized against measles. In many poor nations, parents and grandparents do not have that luxury. They need our help.

The President's budget cuts funding for programs which combat measles, polio, SARS, ebola and other deadly diseases by 32 percent.

These are not my numbers, these are the administration's numbers. These numbers are in the President's budget.

These cuts will hurt children the most in countries where vaccines costing a few pennies make the difference between life and death. That is not acceptable.

If somebody said to us, look at those five children, you can save their lives by spending a dollar, would we do it? Of course, we would do it.

These are not Democratic or Republican programs. I have been joined time and again by colleagues on the other side of the aisle who support these health programs in both the Senate and the House.

Anyone who knows anything about public health knows that building the health infrastructure in developing countries is essential if you are going to effectively combat AIDS. It is the same thing with child nutrition. It is the same thing with maternal health. You don't fight AIDS in a vacuum. It isn't an either/or proposition. People who are malnourished, who are in poor health, who have weak immune systems, who are at risk of other infections, are far more vulnerable to AIDS. It is common sense.

Mr. President, we hear a lot of speeches here. We may feel good about giving those speeches, but I do not feel

good about lofty rhetoric that bears little resemblance to reality, especially when it deals with a catastrophe like AIDS. The President's budget falls short. The allocation for Foreign Operations falls short. We have to do something.

Senator BYRD's amendment builds on an amendment offered by Senator BINGAMAN to the State Department Authorization a couple of weeks ago. That amendment, which passed 78-18, called for full funding—\$3 billion, for the first year of the President's \$15 billion AIDS initiative, even if it means exceeding the budget ceilings. This amendment does not exceed the ceilings.

This amendment would provide full funding of the United States Leadership Against AIDS, TB and Malaria Act. It is what we said we would do. Senator BYRD's amendment would do it.

His amendment would provide the additional \$750 million we authorized for the Global Fund to Fight AIDS, TB and Malaria. And it would provide \$350 million for CDC and NIH programs to combat AIDS. That is what we said we would do when we passed the AIDS authorization bill, and again when we passed the Bingaman amendment.

If we are going to lead, and especially if we are going to ask others to do more, we are going to have to stop playing shell games with the foreign aid budget. We are going to have to start keeping our promises.

Leadership is good policy. Leadership means resources. Leadership is not a press release.

Let's stop the rhetoric. Let's do what needs to be done to stop the 15,000 new HIV infections that occur each day. Then the United States can show the promise and the moral leadership a great Nation should show.

Mr. DASCHLE. Mr. President, Senator BYRD has once again laid before the Senate a critical challenge. The numbers he has cited are staggering, confirming what we all know too well: that the world has never known a pandemic greater than the AIDS pandemic.

At the end of last year, there were nearly 43 million people living with HIV. Since January 1, there have been at least 15,000 new HIV infections daily, meaning that we can expect another 45 million infections by 2010. These numbers do not begin to tell the story of the suffering—that story I have seen in the faces of suffering mothers and fathers, daughters and sons throughout Africa and Central Asia.

We simply must do more to stop this crisis.

Given the enormity of this challenge, I regret that I cannot vote for Senator BYRD's amendment. The amendment would pay for this vital increase with a rescission in other defense programs. Just as I have objected to the President's cuts in other vital global health programs to fund the limited AIDS funding increase in his budget, I must vote against this important amendment.

But this will not be the last word. As soon as we can—on the Labor appropriations bill or on the foreign operations appropriations bill—I will work with my colleagues to provide new money for this vital fight. New resources that will fund the promise we made earlier this year with the global AIDS authorization. New resources that will not come out of a bill that must fund our Armed Forces and other emerging threats. New resources that will help us get a leg up on this deadly pandemic.

We must not—we will not—stand down in this battle.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the subject of how much money it takes to comply with the authorization and requests on AIDS is not a matter for the Defense bill. This is an attempt to take defense money and shift it over to the Health and Human Services bill and the State bill in anticipation that those bills will not meet the satisfaction of those who want to see this money put out on \$3 billion a year rather than \$15 billion over 5 years.

I understand the motivation for that: to put up more money. But that money is divided between the Labor, Health and Human Services subcommittee on the one hand and the State-Justice-Commerce bill on the other hand. Or perhaps some of it might go into the foreign operations bills. I don't know. But it is not defense.

What this is doing is suggesting we take defense money that is needed to replace the helicopters we have lost, to repair damage to the equipment we have had damaged in Afghanistan and Iraq, and it also goes to eliminate other items that are needed in terms of modernization.

I oppose this amendment for that reason alone right now. I am not prepared to get into the argument about the total amount we have for AIDS, in terms of whether or not there is a commitment for \$3 billion a year or \$15 billion over 5 years. The point is, as the manager of this bill, my task is to assure we get the money we need for defense.

It is an enormous amount, I say to those who say it is \$1 billion, that is true—\$1 billion a day. We are spending approximately \$1 billion a day for defense globally and that is a whale of a lot of money. I am often reminded of Senator Dirksen saying a billion here and a billion there and it becomes real money. There is no question about it, this is real money.

But this is not the bill on which money is allocated for AIDS under global AIDS. On that basis alone I ask the Senate to support my motion to table the amendment of the Senator. Does the Senator from Nevada wish to speak before I make that motion?

Mr. REID. I would, very briefly.

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I would rather the money for this amendment would come from someplace else. I hate to see it coming from the Defense bill. But as the Senator from New Mexico indicated, this is a very large bill.

My problem is, however, we have people in this administration going around giving speeches about things that have been authorized and not appropriated.

We had the problem with the Leave No Child Behind. The State of Nevada is in desperate shape in education for a number of reasons, not least of which is the obligations the State of Nevada has because of the unfunded mandate given as a result of the Leave No Child Behind. The State of Nevada still, as we speak, doesn't have a budget. They should have had one months ago.

We had the same situation on homeland security. We finally passed the 11 appropriations bills. As the distinguished ranking member of the Appropriations Committee would acknowledge, he and a number of us tried in many different ways to have money added to take away from the burden of State and local governments for homeland security. We couldn't get that money. We got some money but not enough money.

Then when the President signed those 11 bills, you will remember, even Republicans got upset because he said: I like the bill for everything except there is not enough money for homeland security.

We did everything possible to get more money for homeland security and we simply were not supported by the administration. Even Republicans said that was going too far.

Education, homeland security, and now we have the President and members of his administration going around talking about global AIDS and what a terrible thing it is. And it is. I was in Africa with the Senator from New Mexico and the distinguished Democratic leader last August. On the continent of Africa, over 6,000 people are dying every day from AIDS. Over 6,000 people every day, 7 days a week, and no holidays.

Last week I offered an amendment on the State Department authorization bill to get money for Mexico, a free enterprise system, microlending to help that country pick themselves up and help so people are not streaming across our borders because they are poverty stricken.

I got an e-mail saying, Why are you giving money to those Mexicans? We need money at home. Why give money to those Mexicans? It was the right thing to do, not simply because it helped the Mexican people but because it helped us. That amendment helped us. It helped the United States. It helped everyone in the United States. For every person who doesn't try to come across the border illegally, and doesn't get across, it saves this country money.

Mr. President, this AIDS money also helps us as a country. We are better off

if we don't have 6,000 people dying on that continent.

As I said, I wish there was some other way to get this money. But we have to make sure the people of America understand the difference between authorizing and appropriating. It is easy to make speeches saying we authorize this. But if you do not appropriate the money, it winds up being nothing.

Today we reported out of the Energy Subcommittee the energy and water bill. We did the best we could in that bill. But we have thousands of projects that have been authorized and which are desperately needed in our various States around the country. We don't have enough money to pay for them. We have done a disservice, in many instances, by authorizing money and then not appropriating it. The Senator from West Virginia is not dumping money into Africa which would not help this country. That money to fight global AIDS is going to directly help the United States of America.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, let me reiterate a few things that have already been said. This is not an across-the-board cut on an entire bill. The language here is taken out of section 8135 of the fiscal year 2002 Defense Appropriations Act. In other words, there is ample precedent for the way we are providing the money. Even with these cuts, the procurement and research and development accounts remain \$2 billion above the President's request and \$6.7 billion above fiscal year 2003. These are real budget funds. Here we have a \$368 billion Defense bill. We shouldn't hesitate to reduce it by \$1.1 billion to pay for a program as important as global AIDS. I know the administration says it doesn't want that much money this year. The administration prefers doing the ramped-up approach.

People understand simple math. Fifteen billion dollars over 5 years is \$3 billion a year. I think we should provide the full \$3 billion. People understand that is certainly going to be \$15 billion over a 5-year period if we do it \$3 billion a year. It is easy to understand that. But by doing the ramped-up approach, it appears that the President is not fulfilling his commitment. I want to help him fulfill that commitment.

I remember, as well as the distinguished Senator from Alaska does, when we were trying to provide moneys for homeland security. We tried to provide moneys for our firemen, our policemen, and our health personnel. We were told by the then-Director of Homeland Security, former Governor Tom Ridge, in a letter that they didn't need that much. It seems that the administration doesn't need the money if some effort is being made on this side of the aisle to provide the money that the administration needs. They know they don't need that then and they come back later and ask for it themselves. They say they need it then.

This is an opportunity to show the world that we mean what we say. This is an opportunity to show the world that the President means what he says.

Here we are quibbling over eight-tenths of 1 percent. We are fiddling over that little measly amount of money when we could adopt the amendment. People of the world would understand what we are saying. They would believe the President is backing up his commitment. Why do we quibble over a few tenths of 1 percent here?

I have made the case.

I ask unanimous consent that certain letters I have received be printed in the RECORD. These are letters of support for the amendment. They come from the Global AIDS Alliance, the Episcopal Church Office of Government Relations located in Washington, DC, Physicians for Human Rights, the General Board of Church and Society of the United Methodist Church, and the Center for Health and Gender Equity.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GLOBAL AIDS ALLIANCE,  
Washington, DC, July 16, 2003.

Senator ROBERT BYRD,  
United States Senate,  
Washington, DC.

DEAR SENATOR BYRD: We would like to express our deepest appreciation for the amendment you plan to offer to the Defense Appropriations Bill, which would increase funding for the fight against the AIDS pandemic. The attached letter from diverse national and international groups shows clear support for the level of increase your amendment would provide.

Your amendment reflects a realistic appraisal of the true scale of the epidemic and of the real and serious threat to US national security it poses. The US National Intelligence Council has warned AIDS is poised to destabilize areas of high US strategic interest. On July 3, the US Centers for Disease Control warned that China, India and other parts of Asia were threatened by what it termed an "AIDS catastrophe." Humanitarian considerations alone are enough to justify full US support for the fight against AIDS, but these strategic considerations show that it is only appropriate your amendment be approved during consideration of the Defense Appropriations Bill.

The fight against this global threat would be significantly bolstered by your amendment. The \$1.1 billion increase would allow the US to make good on its \$3 billion commitment to the global effort against AIDS and other health threats in FY 2004. Providing \$750 million of the increase to the Global Fund to Fight AIDS, TB and Malaria makes particularly good sense from a public health perspective. The Fund can efficiently utilize these resources, and it can provide them not only to Africa but also to such seriously impacted regions as Asia and Eastern Europe. We also support providing a portion of the increase to AIDS programs run by the Department of Health and Human Services.

Already, twenty five million people have died from AIDS. Around the world, more than 42 million people are infected with the virus and few of these have access to life-saving medicine. If we don't act now, there will be 25 million AIDS orphans facing a bleak future by the end of the decade. Yet, as the Director of UNAIDS, Peter Piot, recently

noted, "[T]he mismatch between need and funding continues to be one of the biggest obstacles in the struggle to control the epidemic." Your amendment would ensure the US shows full leadership in the global effort.

Sincerely,

DR. PAUL ZEITZ,  
Executive Director.

THE EPISCOPAL CHURCH,  
Washington D.C., July 17, 2003.

DEAR SENATE: We are writing on behalf of the Episcopal Church to urge your support for a Byrd amendment that would increase funding to help fight the global AIDS pandemic. Senator BYRD is expected to offer this amendment during Senator floor consideration of the Defense Appropriations bill. The amendment would increase AIDS funding by \$1.1 billion, with \$750 million of that amount to be earmarked for a U.S. contribution to the Global Fund and the remaining \$350 million to be allocated by the Department of Health and Human Services for overseas AIDS spending. This additional \$1.1 billion in spending would increase total 2004 global AIDS spending to \$3 billion a year, an amount equal to a first year installment in President Bush's five-year, \$15 billion Emergency Global AIDS Initiative.

The global AIDS crisis is a priority for the Episcopal Church. Our partners in the Anglican Communion, serving Christians and their communities in 165 countries worldwide, face the daily hardships caused by this terrible disease. In parts of Africa, where over half of the Anglican Communion resides, the AIDS pandemic has created more than a health crisis: it has decimated the workforce, led to a collapse in education systems, deepened poverty, undermined the production of agriculture, and created millions of orphans and vulnerable children. However, AIDS can be beaten. The experience of a successful AIDS program in Uganda makes this clear. Uganda implemented a national AIDS program, and in just ten years, reduced that country's AIDS rate from 15 percent to 5 percent.

Today, we have an effective new mechanism that can build on success stories like Uganda's. The Global Fund to Fight TB, AIDS, and Malaria allows for a coordinated global response to the AIDS pandemic. Global Fund grants are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs. The Fund focuses on providing support for successful programs on the ground and leveraging our allies to do their fair share to fight AIDS. Just this week, an international conference was convened to review to date the progress made by the Global Fund and to address funding issues. The European Union is now committed to raising \$1 billion for the Global Fund. U.S. leadership is clearly serving as a catalyst in leveraging the financial support of other major donor countries. A significant U.S. contribution would further challenge other donors to do more to support The Fund.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. The Byrd amendment would be offset by a small reduction in proposed spending by an amount less than eight-tenths of one percent. Even then, the Senate would still provide more for procurement than was requested in the President's budget.

We urge your support for the Byrd amendment to the Defense Appropriations bill. Now is the time for Congress and the President to make good on the promise to fully fund the Global AIDS Initiative and a U.S. contribution to the Global Fund. Your support can make a significant contribution in

the effort to launch this much-needed world health campaign.

Sincerely,

MAUREEN T. SHEA,  
*Director of Govern-  
ment Relations.*

JERE MYRICK SKIPPER,  
*International Policy  
Analyst.*

PHYSICIANS FOR HUMAN RIGHTS,  
*Boston, MA, July 17, 2003.*

Hon. ROBERT C. BYRD,  
*United States Senate,  
Washington, DC*

DEAR SENATOR BYRD: We thank you for your efforts to ensure that the full \$3 billion authorized for fiscal year 2004 by the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 is appropriated. These diseases kill 6 million people per year, or more than 16,000 per day, making it crucial that the full level of authorized funding to combat them is authorized. Physicians for Human Rights therefore strongly supports your amendment to appropriate an additional \$1.1 billion for HIV/AIDS funding, including \$750 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria.

We are especially pleased that your amendment includes strong support for the Global Fund. The Fund is facing a shortfall of up to \$600-800 million for this year, and needs an additional \$3 billion through 2004. The Fund is already proving its efficiency at quickly distributing funds based on an innovative, country-driven process that ensures the participation of civil society and that proposals adhere to best scientific practices. These features, along with the Fund's multiple accountability mechanisms, make the Fund an excellent mechanism to deliver funds to resource-poor countries, and it deserves the full support of the United States.

The proposals coming into the Global Fund demonstrate that countries have plans to spend resources, what they lack are the resources. When President Bush was in Africa last week, he saw both the awesome need for funding and the equally tremendous energy and commitment of the African people to overcome the diseases that plague their continent. The President and the Congress must trust that given the resources, this energy and commitment will be translated into results. This is already happening throughout Africa—where the resources are available.

African health professionals, who are among those in the best position to know what their countries need and what they can spend, are urging the United States to appropriate \$3 billion this year. So are American health professionals who have extensive experience in fighting HIV/AIDS in Africa. We are including a letter that includes their strong support for \$3 billion in fiscal year 2004 appropriations to fight HIV/AIDS. In a short time, it was signed by 35 African health professionals from 13 countries and 67 American health professionals, along with 13 health professionals from other countries.

Again, we thank you for offering your amendment, and urge your colleagues to support your amendment.

Sincerely,

LEONARD S. RUBENSTEIN,  
*Executive Director,  
Physicians for Human Rights.*

GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH,

*Washington DC, July 17, 2003.*

Senator ROBERT BYRD,  
*U.S. Senate,  
Washington, DC.*

DEAR SENATOR BYRD: I am writing to extend our support to your proposed amendment to the Defense Appropriations bill that will increase the level of funding for HIV/

AIDS, Malaria and TB. The United Methodist Church strongly advocates for full funding of the AIDS Initiative proposed by President Bush in his State of the Union speech as well as the U.S. Leadership Against AIDS, TB and Malaria Act of 2003. It is our hope to see \$3 billion for FY2004 appropriated which would include one billion dollars for the Global Fund.

We know know that AIDS can be beaten. The experience of Uganda makes this clear. The HIV rate in Uganda was reduced from 15% in 1990 to approximately 5% according to UNAIDS. Today, we also have effective mechanisms to build on the success in Uganda because of the creation of the Global Fund to Fight AIDS, Malaria and Tuberculosis.

The Global Fund, chaired by Health and Human Services Secretary Tommy Thompson, is scaling up successful programs on the ground and leveraging our allies to do their fair share in the fight against AIDS. Grants by the Global Fund are putting half a million people with AIDS on life-saving drugs—a six fold increase in the number of people in Africa receiving these drugs.

As we listen to our United Methodist brothers and sisters particularly in Africa, it becomes quite clear that this bill is one of the most critical pieces of legislation considered by Congress. The full funding of this is necessary if we are to make any significant impact in the pandemic. I thank you for your leadership on this issue and wish you the very best as you proceed forward with this important task.

Peace and grace,

LINDA BALES, Program Director,  
*Louise and Hugh Moore Population Project.*

CENTER FOR HEALTH AND GENDER EQUITY,

*Takoma Park, MD, July 17, 2003.*

Hon. ROBERT BYRD,  
*U.S. Senate, Hart Senate Office Building,  
Washington, DC.*

DEAR SENATOR BYRD: I am writing to express my strong support, on behalf of the Center for Health and Gender Equity (CHANGE), for your effort to increase U.S. spending for global AIDS programs by offering an amendment to the Defense Appropriations bill.

CHANGE, a U.S.-based international women's health and rights organization, worked hard to develop and pass an effective global AIDS policy to respond specifically to the needs of women and girls in preventing HIV infection. While we are disappointed with some of the harmful provisions—particularly in regard to HIV prevention efforts—we feel the bill itself is a positive advancement and support fully funding this initiative. It is critically important for the U.S. government to appropriate a full \$3 billion to combat global AIDS and make good on our promise to do so. Cutting unnecessary defense spending is an appropriate way to reach the authorized funding amount and support the essential Global AIDS Fund, since the President has failed to request an adequate amount in his own budget and has discouraged Congressional appropriators from providing sufficient funds in the foreign operations budget.

We applaud your leadership in this effort and are working to ensure passage of your amendment on the Senate floor.

Sincerely,

JODI L. JACOBSON,  
*Executive Director.*

Mr. BYRD. Mr. President, I also ask unanimous consent that the names of Senators BINGAMAN and CANTWELL be included as cosponsors.

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

Mr. BYRD. Mr. President, I yield the floor. I thank the distinguished Senator from Alaska for his patience and for waiting until we could finish our statements before he moves to table.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I stand with much reluctance to speak against the amendment proposed by the good Senator. But I would like to commend him first for bringing this matter to our attention.

I think it should be noted that as of this moment this Nation has spent over \$15 billion primarily in research. If this was a case where we had a vaccine or we had some drug or some medicine that could cure global AIDS and that we were not purchasing it in a sufficient quantity, that would be another issue. Then one could say this is an emergency and we need more drugs or we need more vaccines. But we are still in the process of developing this vaccine.

Experience has shown us that by merely appropriating money does not find solutions with these problems. One must train technicians. One must take time to do research. Men and women who are experts in this area and who have a schedule are much more knowledgeable to tell us at this stage whether we should be spending so much. Finally, when we hopefully reach that moment when we can tell the world we have found the vaccine and we have found the drugs that can do it, then we can spend huge amounts.

We have spent over \$15 billion. It is not an easy problem. To say that it is complex would be an understatement.

If this amount suggested by my friend and mentor would cure the problem, I think all of us here would be supporting it. But I think all of us realize we are still at the development stage.

If you study the process followed by other development programs, you will note that we always start small and then grow up to a point where we can do the huge spending. But we still must develop the vaccine. We still must develop the medicine. And just spending money is not going to do that.

Much as I want to support my dear friends, I find that I will be supporting my chairman in the motion to table.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I had a conversation with the Senator from Iowa concerning the President's statement. I am informed by a call we made to the President's Director of AIDS Policy that in a background briefing with the press it was plainly spelled out that the President's request for 2004 was \$2 billion but that there was an absolute commitment for \$15 billion over 5 years.

I will say this. There is no question that the amount of money in this account is higher. This is one of the things I have been trying to say all day, that in this bill are substantial

amounts of money that relate to Iraq. That increase is for the procurement of aircraft, ammunition, and specialized equipment that was destroyed in Iraq. It is not being spent in Iraq, but it is being spent to replenish particularly the special operations command, special operations forces. They consumed a considerable amount of their equipment and supplies. That extra money will be in this account. It will be reduced \$1.1 billion if this amendment is agreed to.

It would be my hope Senators would look at this as an amendment to take money from the Defense bill to meet the AIDS obligation. We will be back on this AIDS obligation next week, hopefully, when we get to the Health and Human Services bill.

We had authorized \$370 billion in the Defense authorization bill. We have found here \$3.69 billion, despite the fact we already took out of this account \$3.1 billion and allocated it to non-defense accounts.

I do believe we have performed literally miracles—well, my squadron's motto in World War II was, "We do the impossible immediately. Miracles take slightly longer." So I cannot say this was a miracle, but it sure was doing the impossible to try to find the money to try to meet the objectives of the Defense authorization bill, notwithstanding the fact that we have taken \$3.1 billion out of it.

Mr. President, there is no question that there is no one on the floor of this Senate who is more committed to the war on AIDS than this Senator. I do not know how many people understand it. I believe I do understand it in the way that it replicates cells, destroys cells. It really is a total global plague now.

I am proud our President has made this commitment of \$15 billion. Instead of standing here and challenging the commitment on the basis we have not provided \$3 billion in the first year, we should applaud the President for making the commitment for \$15 billion. I applaud him again today for that.

I also hope the Senate will understand we have reviewed every request for equipment that has been made in addition to those items that were authorized. We have allocated the money as best we can. The Senator from Hawaii and I have had no disagreements at all on that.

I, once again, am very proud of the support of my friend. And I do make a motion to table the amendment of the Senator from West Virginia, and I ask unanimous consent that vote on that motion take place at a time to be determined by the majority leader after consultation with the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Senator BYRD has specifically requested, many times—and I have relayed this, I think—at least I tried to—that he wants a vote when he completes the debate. So we should have a vote now.

Mr. STEVENS. I understand that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. President, I ask unanimous consent that when the Senator finishes his remarks, I be recognized to make a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Alaska will be recognized following the conclusion of the remarks of the Senator from Iowa.

The Senator from Iowa.

Mr. HARKIN. I thank the Presiding Officer, and I thank the chairman.

Mr. President, I just want to clarify something to make the record as clear as I can. Earlier in my remarks, I had said the President, traveling in Africa, had stated that he wanted the full \$3 billion for the AIDS funding in Africa for this year. The chairman of the committee had asked me about that, and I had said that I would come up with the documentation. Well, it is sort of half of this and half of that. I will admit now that the President did not specifically say: "\$3 billion." I wanted to admit that for the record.

However, the President did say—and I will quote his words exactly—on July 12, in Abuja, Nigeria:

The people of Africa are fighting HIV/AIDS with courage. And I'm here to say, you will not be alone in your fight. In May, I signed a bill that authorizes \$15 billion for the global fight on AIDS. This week, a committee of the House of Representatives took an important step to fund the first year of the authorization bill. And the Senate is beginning to take up debate.

And here is the key language:

The House of Representatives and the United States Senate must fully fund this initiative, for the good of the people on this continent of Africa. . . .

Well, to "fully fund this initiative." I have a copy of the authorizing language. The authorizing language says, specifically, under paragraph A(2):

Authorize the appropriation of a total \$15 billion for fiscal years 2004 through 2008.

Specifically, the act authorized \$3 billion to be appropriated in fiscal year 2004 for HIV/AIDS and related programs. So, specifically, the authorizing bill authorized \$3 billion in this coming fiscal year. The President said:

The House and the Senate must fully fund this initiative.

He may not have said \$3 billion, but what he said must mean \$3 billion because that is full funding of the bill for next year. It is right, he didn't use \$3 billion, but he said he wanted it fully funded. If it is fully funded, it must be \$3 billion for this next year.

Secondly, the Secretary of State, on a briefing in South Africa, was asked a question:

The House Appropriations Committee today cut back the first year's funding from about \$3 billion to about \$2 billion.

And Secretary Powell answered:

I would, of course, have preferred full funding of the President's request to make the best use of the money that Congress has provided for this. And I'll wait and see the congressional action and see how this ultimately emerges from the Congress.

So here we have the President saying he wanted it fully funded. He says:

The House and Senate must fully fund this initiative.

That can only mean that we must come up with the \$3 billion. So while the President didn't specifically say \$3 billion, that is the full import of his words that he spoke in Africa.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I asked for and have obtained a copy of the transcript that was made at the background briefing provided for the President's speech in Africa. This was made by Dr. Joseph O'Neill, the President's director for AIDS policy. He was asked this question by the press:

Can you clarify something about the money issue? You've talked about full funding, but no one has yet defined what full funding is. Is it the \$2 billion that the President originally requested for next year? Or is it the \$3 billion that was in the authorization bill? Or is it something else?

Dr. O'Neill answered:

Full funding and what we are going after is \$15 billion over five years. Our request for this year, 2004, as you know, is \$1.9 billion if you exclude the tuberculosis and malaria money.

And I want to make a very clear point on this, because it's something where there has been continuing confusion. We have requested and will request \$15 billion over five years. Now, in order to be effective with those dollars, we would be foolish to think we would spend the same amount every year. In order to do—particularly to do the treatment that is the cornerstone of this initiative—and I can say this because I'm a practicing physician myself, I still [see] HIV/AIDS patients, this is a very tough thing to do—in order to do that, we need to build a lot of infrastructure, we need to do a lot of training, particularly of health care workers. So for the first year, it's going to take less money to get the job done than it will in the outyears.

So we've always been clear [on that], we've always tried to be clear that we've always intended to ramp up these dollars over five years for a total of \$15 billion over five [years].

That is the statement on which we relied. Again, I come back to the fact that we are talking, in this instance, about the problem of the other bills that do handle HIV/AIDS and not this bill.

I understand the Senator from West Virginia would like to make a statement. I ask unanimous consent that he be permitted to make the statement before I renew the motion to table his amendment.

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

Mr. BYRD. Mr. President, the facts are staggering. More than 5 million people are infected with HIV/AIDS each year. That is 15,000 people infected each day, 625 people infected every hour, more than 10 people every minute—people of virtually all ages, people in every corner of the world. Last year, more than 3 million people died from AIDS. The longer we wait to find a cure, the longer we wait to fulfill the pledge to the global HIV/AIDS trust fund, the longer we wait, the greater the tragedy.

The Byrd amendment would allow the Senate to fulfill the humanitarian promise made to fight HIV/AIDS. This amendment would help to alleviate some of the misery endured by millions of AIDS-inflicted families around the globe for roughly what we spend in a single day to fund the Department of Defense.

This amendment would make good on the Government's pledge to the world and the effort to combat the global HIV/AIDS epidemic. The President promised \$15 billion in the next 5 years. Congress has authorized \$3 billion for the next fiscal year. But the authorization without appropriation is a will-o'-the-wisp. The President's budget only provides \$1.9 billion. This amendment would increase funding for the global AIDS/HIV initiative by \$1.1 billion to \$3 billion. The amendment would be offset by a \$1.1 billion across-the-board cut in the amounts appropriated for the Defense Department procurement as well as for research, development, test, and evaluation. We are spending more than \$1 billion a day for defense in this bill. Surely we can afford to spend \$1 billion more in a year to combat AIDS and HIV.

I reiterate that a few days ago—last week it was, I believe—President Bush visited five African countries. He again pledged that the United States would play a leading role in combating AIDS. The President repeatedly promised to do all in his power to make sure that Congress fully financed his proposed 5-year, \$15 billion program to attack the disease in the world's poorest countries. This is the President's chance. Why wait? He may not be around here for 5 years. Who knows, right? The President may not be in power for 5 years. He may not be around here 5 years. Why not help him to fulfill his commitment today? Three billion dollars in 1 year—\$3 billion—to attack this disease.

On July 10, 2003, the Senate voted in a sense-of-the-Senate resolution 78 to 18 to provide full appropriations for the \$15 billion AIDS initiative touted by our President, including \$3 billion in fiscal year 2004. Now is the time, Senators, to step up to the plate and honor your commitment. Now is the time to help the President to honor his commitment.

I urge all of my colleagues to support this amendment and to vote no on the motion to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I renew my motion to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that immediately at the conclusion of the next vote, the Senate proceed to executive session for consideration of Calendar No. 291, Allyson Duncan, to be a U.S. Circuit Judge for the Fourth Circuit; provided that there then be 10 minutes for debate equally divided between Senators DOLE and EDWARDS and, at the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination without further intervening action or debate; provided, further, that immediately following that vote, the Senate proceed to a vote on the confirmation of Calendar No. 294, Louise Flanagan, to be U.S. District Judge for the Eastern District of North Carolina; provided that following those votes, the President be immediately notified of the Senate's action and the Senate resume legislative session; provided, further, that the time for voting on each of the confirmations of these judges be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, will the Senator from Alaska modify his request to allow Senator SCHUMER to be recognized after the votes are completed to speak for up to 10 minutes? He has an amendment that has been worked out and he wants to speak, and that will finalize that.

Mr. STEVENS. Yes. I so modify my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1283.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Texas (Mrs. HUTCHISON) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessary absent.

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 24, as follows:

[Rollcall Vote No. 288 Leg.]

YEAS—71

Akaka	DeWine	Lott
Alexander	Dole	Lugar
Allard	Domenici	McCain
Allen	Dorgan	McConnell
Baucus	Durbin	Murkowski
Bayh	Edwards	Nelson (FL)
Bennett	Ensign	Nelson (NE)
Biden	Enzi	Nickles
Bond	Fitzgerald	Reed
Breaux	Frist	Roberts
Brownback	Graham (SC)	Rockefeller
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Carper	Hatch	Smith
Chambliss	Hollings	Snowe
Cochran	Inhofe	Specter
Coleman	Inouye	Stevens
Collins	Johnson	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Levin	Warner
Daschle	Lincoln	

NAYS—24

Bingaman	Dodd	Mikulski
Boxer	Feingold	Murray
Byrd	Feinstein	Pryor
Cantwell	Harkin	Reid
Chafee	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Corzine	Lautenberg	Stabenow
Dayton	Leahy	Wyden

NOT VOTING—5

Graham (FL)	Kerry	Miller
Hutchison	Lieberman	

The motion to table was agreed to.

Mr. STEVENS. 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. STEVENS. Prior to that time commencing on the nominations, I ask unanimous consent, other than the managers' package which is being cleared on both sides, that the only other amendments to the Defense appropriations bill to be in order will be: Senator BYRD's amendment, with Senator BYRD speaking for 20 minutes and 10 minutes for me; Senator BIDEN's amendment, 10 minutes for Senator BIDEN and 5 minutes for me; and I ask further that following disposition of those amendments the bill be read for the third time and the Senate proceed to vote on final passage of the bill without further intervening action or debate.

Mr. DASCHLE. Reserving the right to object.

Mr. BIDEN. Reserving the right to object.

Mr. DASCHLE. I ask that the order be reversed; Senator BIDEN be recognized first and then Senator BYRD second.

Mr. BIDEN. Mr. President, in the interest of my colleagues, there will be an opportunity next week, and I will not propose my amendment.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Mr. STEVENS. That means other than the managers' package, the only amendment in order to this bill would

be Senator BYRD on a 30-minute time-frame, 20 minutes for Senator BYRD and 10 minutes for myself; that will follow the 10 minutes of debate on the circuit court judge and the vote on that confirmation.

I, again, renew my request for unanimous consent that following the disposition of those amendments and the circuit judge this bill be read for the third time and the Senate vote on final passage of the Defense appropriations bill with no further intervening action or debate.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. STEVENS. I ask unanimous consent that the scheduled rollcall vote previously ordered on the confirmation of Calendar No. 294 be vitiated and we now have a vote on the confirmation of the other nomination.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, the distinguished senior Senator from Alaska is referring to the district court judge; is that correct?

Mr. STEVENS. The district court judge, yes. There will be a vote scheduled on the confirmation of the circuit court judge, Allyson Duncan. I ask that we vitiate the rollcall on the district judge and have a rollcall vote on the circuit judge. There will be 10 minutes equally divided on the circuit judge.

Mr. LEAHY. Reserving the right to object, the district judge is strongly supported by both the Senators, Democrat and Republican Senators, of the nominee's State. After appropriate consultation, we have no objection to a voice vote.

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

#### EXECUTIVE SESSION

#### NOMINATION OF ALLYSON K. DUNCAN, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes equally divided between Senator DOLE and Senator EDWARDS.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on this nominee.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I am pleased tonight we are confirming two of President Bush's judicial nominees from my home State of North Carolina, Allyson Duncan to the Fourth Circuit Court of Appeals and Louise Flanagan to the Eastern District of North Carolina. Our free society is based on reasoned, dispassionate judgment of the men and women of our judicial branch of our Government who share a sense of honor and duty to our country and to our Constitution. Every indication is that these two talented and experienced individuals will provide just that.

Judges interpret and apply the laws that govern our Nation, including our fundamental rights and liberties protected in the Constitution. However, on the Fourth Circuit Court of Appeals, there is a North Carolina vacancy that is the longest on the entire Federal bench. It dates back nearly a decade to July 31, 1994. In fact, North Carolina has had no representation on the Fourth Circuit Court in nearly 4 years, though we are the largest State in the circuit. Two seats have stood empty on North Carolina's Eastern District Court for 2½ and 5½ years, respectively.

I am pleased the Senate has stepped up and fulfilled its duties for these to nominees, taking steps to fill these vacancies to address the disparity for North Carolina.

This vote is historic in more ways than one. Allyson Duncan is the first woman from North Carolina to serve on the Fourth Circuit Court of Appeals. She is also the first African-American woman to serve on the Fourth Circuit Court. Ms. Duncan's résumé is most impressive, marked with numerous positions of significant responsibility in both the public and private sectors. Currently, an attorney with the Raleigh law firm of Kilpatrick Stockton, Ms. Duncan is the president of the North Carolina Bar Association, and an active member of the North Carolina Association of Women Attorneys. Prior to that, she was a judge on the North Carolina Court of Appeals, and a professor of law at North Carolina Central University.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I rise to enthusiastically express my support for the nomination of Allyson Duncan for the Fourth Circuit Court of Appeals and Louise Wood Flanagan for the U.S. District Court for the Eastern District of North Carolina.

This is a historic day for my home state of North Carolina. Once confirmed, Allyson Duncan will be the first North Carolinian to join the Fourth Circuit Court of Appeals in 23 years. North Carolina is the only State in the Union with no judges on a Federal appellate court. And we have the longest-standing vacancy in the Federal appeals court system.

I was very proud to support Judge Duncan's nomination and it was my pleasure to introduce her during her confirmation hearing. She will restore the voice of North Carolina to this very important Federal Court and breaks a logjam that has damaged our state for too many years.

This historic development shows what can be done when the President truly respects the advice and consent role of the Senate. In this case, President Bush did more than just pay lip service to this important responsibility. He reached out to Senator DOLE and me before he made his decision—he consulted with us—he sought our advice. In making his decision, the President selected a nominee who represents the mainstream of our state.

I commend the President for consulting with us and for making an excellent nomination. If he takes this approach to future judicial nominations we have a real opportunity to find common ground in the search for excellence on the Federal bench. When we work together, we find outstanding nominees like Allyson Duncan who represents the best of North Carolina.

As impressive as her resume is, even more telling is her steller repudiation throughout the North Carolina legal community. I have heard from folks all over the State who can't say enough about Allyson Duncan. What people keep telling me is that this is a woman of extraordinary intellect and skill, who loves the law, strives for justice and never allows politics to interfere with her commitment to fairness and equality.

When the Senate confirms Allyson Duncan—which I hope will happen soon—her confirmation will mark a number of "firsts."

She will be the first North Carolinian to join the 4th Circuit in over 20 years; she will be the first African American woman to serve on that distinguished court. And most important, I hope she will be the first in a series of bipartisan, consensus judicial nominations from our State.

I yield the floor.

Mr. HATCH. Mr. President, I rise today to express my strong support for the confirmation of Allyson K. Duncan, who has been nominated to the U.S. Court of Appeals for the Fourth Circuit.

Ms. Duncan is truly an impressive woman and has the enthusiastic support of both North Carolina senators, along with a unanimous "Well Qualified" ABA rating.

She graduated first in her class at Hampton University, a historically black college. She then attended Duke University Law School and was appointed an Earl Warren Legal Scholar, a scholarship awarded to black law students demonstrating leadership and an interest in the public interest.

Upon graduation, our nominee clerked for the Honorable Julia Cooper Mack on the District of Columbia Court of Appeals, before beginning her