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May 13, 2003

President George W. Bush
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Bush:

I write regarding the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, 108 HR 1298 (the "Act"). I am Chair of the Committee on African Affairs of the Association of the Bar of the City of New York. The Association consists of 20,000 lawyers in New York City, the United States and abroad. The Committee on African Affairs follows political and legal issues affecting Africa on behalf of the Association.

We urge your administration to support the expeditious passage of the Act. Your administration has shown admirable leadership on this issue, and we are encouraged by your personal commitment to fighting HIV/AIDS in Africa. However, certain conditions that were included in the Act shortly before the House voted to approve it on May 1 are of concern. These conditions would undermine the central purpose of the Act and should be deleted as the Senate considers these issues.

In general, the Emergency Plan for AIDS Relief described in your State of the Union address demonstrates your deep concern, and the Act represents a laudable step to help combat the HIV/AIDS pandemic by allocating \$15 billion over five years on AIDS. As you know, HIV/AIDS is ravaging Africa. In Southern Africa alone, over 28 million people live with the disease. The cost in human lives and suffering is horrendous, and the social and economic effects of this disease are unprecedented and widespread. Increasingly, Africa's children are orphans, its fields barren, and its economic development stunted. Millions of Africans, especially those children who have been orphaned by AIDS, desperately need the funding this bill recommends.

Your remarks on April 28, 2003, on the Global HIV/AIDS Initiative, quite properly urged immediate passage of the Act then pending in the House, and also eloquently described the scope

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and seriousness of the crisis. As you stated, “confronting the threat of AIDS . . . is a moral imperative for our great nation.”

In our view, however, a provision of the Act inserted after your April 28 remarks is troubling. This provision requires that one-third of the funds be set aside to promote abstinence before marriage. Providers of AIDS-related medical and counseling services must be eligible for funding irrespective of the preventive methods included in their services. This provision should be dropped from the Senate version. Notably, your April 28 remarks demonstrated your strong willingness to sign the Act without this objectionable provision.

In the fight against HIV/AIDS, education for women and their children is critical, including education on reproductive health care, safe sexual practices and pre- and post-natal care. Young women are most susceptible to HIV/AIDS due to the rising incidence of rape and their inability to negotiate the terms of sex, condom use, or fidelity from their partners for fear of violence. The pandemic indeed has “a woman's face,” and meeting women's needs is a key to stopping it.

As your State of the Union address emphasized, AIDS is a challenge, not merely for the governments of Africa, but for the peoples and governments of the world. The scale of the impending disaster is unimaginable: according to United Nations estimates, some 65 million people may die prematurely of HIV/AIDS over the next fifty years. It is our sincere hope that your administration and Congress will continue to agree that the fight against HIV/AIDS merits a high priority and will continue to commit additional human and financial resources to see that its devastating effects are mitigated.

Thank you for the opportunity to express our views on this important issue.

Respectfully,

David Stoelting

cc: Senator Richard Lugar, Chairman of Senate Committee on Foreign Relations
Senator Bill Frist, Senate Majority Leader
Senator Tom Daschle, Senate Minority Leader
Walter H. Kansteiner, III, Assistant Secretary Of State, Bureau of African Affairs