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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, who amidst the traffic of our busy ways sustains us, continue to order the steps of our Senators. Lift their gaze to the beckoning hills of Your help, leading them on paths that bring them to hope and away from despair. Lord, as they journey toward justice and peace, make them satisfied to follow Your plans and fulfill Your purposes. Give them a positive attitude as they face today's challenges as You direct them to discern what is Your best for our Nation and to courageously vote their convictions.

Lead, Kindly Light, amid the encircling gloom. Guide us through the darkness of our own devices to the sure and certain destination of faith and trust in You. We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, Republicans will control the second 30 minutes. Following morning business, the Senate will resume consideration of S. 2731, the Global AIDS bill.

There should be rollcall votes during the day. Senator BIDEN told me last night they expect to finish the bill today. So I hope that, in fact, is the case.

MEASURE PLACED ON THE CALENDAR—S. 3268

Mr. REID. Mr. President, I understand that S. 3268 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3268) to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes.

Mr. REID. I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

ENERGY SPECULATION

Mr. REID. Mr. President, the bill that was read for the second time is a bill I introduced last night and put on the calendar. I attended a chairmen's meeting 2 weeks ago today. Much of the discussion at that meeting was on gas prices. Much of the discussion on gas prices dealt with speculation. The chairs of that meeting asked if I would prepare a piece of legislation dealing with speculation.

That is what this is all about. There are four or five Democratic proposals, there are some bipartisan proposals dealing with speculation. That is what the bill that I have introduced does. It takes some from all of those, what we believe is a good part of these bills and brings it to the floor.

There might be perfection in some things, but legislation is not one of them. It is very difficult to get something that is absolutely perfect. So this bill is not perfect.

Is speculation a problem? Of course, it is a problem. Is it the problem? No. But it is an issue we must deal with. So I would hope in the near future to bring this bill to the floor as a starting point for us to have some discussion as it relates to energy.

In arriving at the point where we introduced this bill, I had a meeting last Thursday, where we had people from the financial management world, banks, academics. We had, for example, one person who is the chief executive officer of United Airlines, who previously was chairman of Texaco and vice chairman of Chevron, who has a unique view as to what is going on.

His airline, all airlines in the country, are in deep trouble. He sees it from the perspective of someone running a major airline, United Airlines, and also having run major oil companies.

These academics, and you will see the writers, believe that probably speculation amounts to about 30 percent of the cost of a gallon of gasoline. Now, the bill that has been introduced does a

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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number of things. It closes the London loophole, which prevents traders in the U.S. oil energy commodities from going overseas to evade regulatory requirements in the U.S. exchanges.

It directs the Commission to work with international regulators to develop uniform international reporting standards. It eliminates excessive speculation. It requires the Commission to set position limits on traders who are not involved in legitimate hedge trading of energy commodities, requires large trader reporting, requires large traders of energy commodities in over-the-counter markets to file reports of their activity with the Commission and directs the Commission to step in whenever a major market disruption occurs.

It makes index traders and swap dealers report. These market participants must routinely provide detailed reporting to the Commission to ensure that their activity is not adversely impacting price in any negative fashion.

It increases the CFTC enforcement resources. It directs the Commission to hire an additional 100 employees to improve enforcement transparency. It makes energy markets more transparent by directing the Department of Energy to collect information, analyze market data, and investigate financial institution investments in natural gas markets.

I have had a number of informal discussions with the Republican leader. I hope this piece of legislation dealing with speculation, which we hope will be bipartisan in nature, will be the beginning of our having a good discussion on energy prices, before we leave for the August recess.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A NEW SLOGAN

Mr. MCCONNELL. Mr. President, our Democratic friends yesterday came up with a new slogan for gas prices. It was: "Act more, talk less." They talked about it in the press, they talked about it in the Chamber, they even used a colorful floor chart to make a point.

Frankly, I could not agree more with their new slogan. I hope they take it seriously too. It is time to get about passing serious, balanced legislation that will actually make a difference.

Americans are hurting as a result of high gas prices, and they are looking to us for action. This is an issue that affects every single American. So it is of great importance to every Member of this body.

The vast majority of Americans are asking us to get at the root of the problem, instead of timidly dancing around the edges as some have tried to do. It is clear that the American people

strongly support increased responsible domestic production. It is also clear, at this point, that a solid bipartisan majority in the Senate is ready and willing to move forward on limited environmentally sensitive exploration here at home, so we can reduce our dependence on Middle East imports.

Republicans welcome the new-found slogan from our friends on the other side of the aisle, but we hope it is more than a slogan. We should act more and talk less. In the days ahead, the American people will be able to judge who wants to boldly act and who wants to just talk. So it is important for us not to fail the American people at this critical point. I wish to congratulate the majority leader for turning to this subject. I think it is clearly and unambiguously the most important issue in the country. We look forward to having a real Senate-style debate over different approaches to this matter and, hopefully, coming together at the end of the time with a proposal that both sides can feel proud of, that the markets will respond favorably to, and that people will generally feel made a difference on the No. 1 issue confronting the American people.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and the time equally divided between the two leaders or their designees, with the majority controlling the first half of the time.

ENERGY

Mr. BINGAMAN. Mr. President, I wished to address this issue which both the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, have talked about; that is, high gas prices.

This is a very real problem for Americans throughout the country. High gas prices today, the high price of home heating fuels as we approach the fall and winter, particularly natural gas prices which are expected to be much higher this winter; propane prices; and home heating oil prices.

Unfortunately, as I am sure we are all aware, there has been a lot of politics mixed in with the debate about what we ought to be doing to try to deal with and help solve this problem. I hope we can put that behind us and get onto a substantive discussion of the concrete steps that would make sense.

Most agree there are three areas we might constructively address in the

very near term in the Congress. I hope we are able to address all three. The first is the one Senator REID was talking about earlier, and that is, the proper functioning of energy markets or the so-called problem of speculation in our markets.

The second, of course, is how do we reduce our demand for oil. Everyone recognizes that part of the high price of gas is the increasing demand for oil, and the United States is a significant participant in increasing demand.

The third item is the increasing of supply which needs to be part of the solution as well, in my view.

On the issue of proper functioning of the markets, Senator REID pointed out that as majority leader he has now put forward a piece of legislation which we hope can gain bipartisan support and we hope can be addressed in the Senate in the very near future. It takes some of the ideas that have come from the Republican side of the aisle, and some of the ideas that have come from the Democratic side of the aisle, and tries to meld these two into a piece of legislation that will do some real good in taking speculation out of the market.

Now, there is a lot of dispute as to what extent there is speculation affecting the price of oil. But most experts say the increased speculation in commodity markets is one factor.

On the issue of demand reduction, there are a lot of ideas also around the Congress as to things we might do. The President has not spoken about demand reduction, at least I have not heard him say anything about that. He has not spoken about the issue of speculation in the markets either or urged action there.

But I think the Congress ought to try to address both to speculation issue and demand reduction. Third, we ought to try to do something on the issue of increasing supply. Now, the President has made this his sole issue that requires attention, as I understand his recent statements.

He specifically has said the current ban on drilling in the Outer Continental Shelf is what needs to be changed, that is the one thing standing between the American people and a lower price for gas at the pump. Now, 2 days ago, he took action to revoke the Presidential withdrawal of this Outer Continental Shelf land and challenged Congress to act similarly in the immediate future before the August recess.

Let me try to put some facts out for people to understand on this general issue. Before doing so, I ask unanimous consent that my total time allowed be 20 minutes as part of morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. This first map tries to make the point as to what we are talking about. We are all talking about the OCS, the Outer Continental Shelf. There are four areas that constitute the OCS. It is an area 200 miles going out from the U.S. coast all around the

country, on the east coast, the west coast, the Gulf of Mexico, and all around Alaska. Those are the four areas that contain Outer Continental Shelf lands. These are submerged lands owned by the Federal Government. They have always been owned by the Federal Government. There is no dispute about that. States have rights going 3 miles out into the Outer Continental Shelf but after that, the Federal Government controls those lands. That is the OCS.

So if we should be drilling more in the Outer Continental Shelf, where does that resource lie? The Minerals Management Service, which is part of our Department of the Interior in this administration, says their best calculation at this point is that 44.9 billion barrels of oil are in the Gulf of Mexico; that is 52 percent. Another 31 percent is not in the Gulf of Mexico, it is around the area of Alaska. On the east coast, there is 4 percent of what we believe exists in the way of oil in the OCS; and on the west coast, 12 percent. That is their best estimate at the current time. On natural gas, it is even a larger amount in the Gulf; there is about the same amount in Alaska as there is oil percentage-wise, 31 percent; and you can see natural gas is 4 percent on the Pacific coast and 9 percent off the Atlantic coast. That is where the resource is. To put it simply, according to this MMS 2006 survey, 83 percent of the oil and 86 percent of the natural gas on the Outer Continental Shelf is located in one of two places, either the Gulf of Mexico or the area around Alaska.

The Atlantic coast is estimated to contain only 4 percent of the oil and 9 percent of the natural gas, and the Pacific coast is estimated to contain 12 percent of the oil and 4 percent of the natural gas. That is the basic information.

What is the proposal that Senator MCCONNELL and President Bush have put forward to try to deal with this problem? First, let's talk about what they have not proposed. They have not proposed any change in the Gulf of Mexico. They have said, leave the law as it is in the Gulf of Mexico. There is no proposed lifting of any ban there. Second, they have not proposed anything with regard to the area of second most promise, and that is around Alaska, because there is no moratorium to be lifted up there. Third, they have said as to the two areas that have the least resource as far as we know, the east and west coasts, that we should give the Governors and the State legislatures of the coastal States the authority to decide whether there is to be any drilling off their individual coasts. Not only should we give them that authority, we should bribe them, in a sense, to make the right decision by promising to give them a chunk of the revenue, if, in fact, there is development permitted off their coast and if, in fact, they allow it.

This has been characterized, both by the President and the media, as giving

the States a say. That is not what the legislation calls for. This legislation calls for giving the legislatures and the Governors a veto over development off their coasts. That is an unprecedented action by this Congress to say, OK, this is Federal land. This is a Federal resource. We are trying to craft a national energy policy. The way we want to go about it is to give each State legislature and each Governor the ability to veto development off their particular coast. I think that is a terrible idea. I have spoken many times about this. I hope the Congress will not agree to go along with the idea that we shift this responsibility and authority to the State level. That is a point people need to keep clearly in mind.

I believe strongly that there are several categories of land that are not subject to the drilling ban, not subject to any moratoria, where we could be producing more oil and gas. I wish to go through that list and explain it a little bit. The first area is drilling leases that are not producing oil. We know for a fact that most of the area that has been leased is not producing oil. Here is a chart that says 83 percent of the leased area in the OCS is not producing energy. There may be good and sufficient reasons why the companies that lease that land are not producing oil from it, but I believe we need to ensure that there is diligent development of existing leases. I don't know that that is the case. We wrote a letter to Secretary Kempthorne—30 Senators signed the letter—urging him to look into this and see if more can be done. I hope we can do more, and I am persuaded that we can. There are 2,200 producing leases on the Outer Continental Shelf. There are 6,300 nonproducing leases. There are many reasons for this, but clearly this is something we should look into, and I believe we can do better to produce oil from areas that have already been leased.

The second area on this chart is leases offered but not taken by oil companies. Here again, the current 5-year plan includes a sale every year in the central and western Gulf of Mexico. We had a recent sale in this lease sale 181 area that Congress legislated on in 2006, near the eastern Gulf of Mexico. The fact is, for much of the land offered for leasing—two companies at the time—MMS received no bids. We need to get to the bottom of that and figure out why, when we offer this land for lease, companies are not coming forward and actually bidding.

Let me also talk about this third area which is areas scheduled to be leased but not yet leased. The administration has done what previous administrations have done, and that is to have a 5-year schedule of leases. We have a 5-year schedule in place now. The lease sale I referred to in March was part of that 5-year schedule. I believe there are 16 additional lease sales scheduled in 2008, 2009, 2010, 2011, and 2012. All of those are on this chart on the right, scheduled lease sales. We

need to look at that and ask: Is this an ambitious enough schedule of lease sales? Do we believe there is a greater appetite by the oil industry than this reflects? Do we believe that if we put up more land for leasing, we would get more production more quickly? If so, we should consider doing this. I don't see any reason why the Bush administration couldn't offer a more ambitious plan in this regard.

The final category is areas that are not in the moratorium. They are subject to no moratorium for drilling, and also they are not in the 5-year plan. So they are not scheduled to be leased in the future either. We have a chart here on Alaska. Most of the area I am talking about is the Outer Continental Shelf that surrounds Alaska. You can see it is a very large area. Of course, we claim our right to drill and to ownership of the submerged lands way out around the Aleutian Islands. All of this is part of the Outer Continental Shelf. What this chart shows is that there are 918 million acres in the Outer Continental Shelf around Alaska that are open for drilling but have not been included in the administration's 5-year plan. So of the area in the Outer Continental Shelf in Alaska that is not covered by moratoria, about 15 percent is included in the administration's 5-year plan. The other 85 percent is areas not covered. I would think the first thing to do, if you want to get more production in the OCS in the near term, is to ask: How do we get more of that 85 percent leased? If there is a demand for that, if the oil companies wish to develop that, how do we get that leased or how do we take the schedule of lease sales that take us through 2012 and accelerate some of that? I haven't seen anything from the administration indicating a desire to do that. We need to look at that as well.

All of these things I have on this list are ways to increase oil production that do not require any change with regard to who is going to control access to the Outer Continental Shelf. As I indicated, that would be a big mistake to grant that authority to State legislatures and Governors.

Let me summarize by going back and asking, what should we do, what should we as the Congress do in the coming weeks? And I hope what we are able to do. First, we should deal with speculation. Senator REID has a proposal in that regard. I hope it can get bipartisan support, and we can move ahead.

Second, we should do all we can to encourage more reduction in demand. There are a lot of good ideas around, from Republicans, from Democrats, from experts on all sides on that subject. We are having a workshop tomorrow in our Energy and Natural Resources Committee where some of these ideas will undoubtedly be discussed, as well as ideas related to supply. We are also going to have a hearing next week on the subject of demand reduction and possible changes in policy that could help. Then we should

also look at supply. That is what the President is focused on. We should develop the leases we have already let that are currently in existence. We should be sure they are being diligently developed and take every step possible to ensure that.

Third, if companies have the ability and the desire to develop more leases on the Outer Continental Shelf, we should accelerate leasing in areas that are not covered by the moratoria, and there are a lot of them, as I think these charts have made clear. There are a lot of areas outside the moratoria that could be leased under current law.

Finally, if the administration knows of particular areas they believe have great promise and would like us to go ahead and open to leasing and that currently are not covered, I would be anxious to have them present the evidence and tell us what those are. We put a provision in the 2005 Energy bill, which many of us worked on, calling for a comprehensive inventory of OCS oil and natural gas resources. It called on the Secretary to do that. The Secretary did do a report, an inventory. He gave it to us in 2006. Unfortunately, what we said in the legislation was that the Secretary should use all available technology, any technology except drilling, including 3-D seismic technology, to obtain accurate resource estimates. The administration chose not to do that. They did not ask us for the funds to do that. So the report they gave us in 2006 does not have the benefit of any 3-D seismic survey. I think if the President believes, and if the Minerals Management Service within the Department of the Interior believes, there are areas that are currently covered by a drilling ban that have great promise, then they should come forward and at least ask for the resources to go ahead and complete the survey they were directed to do in section 357 of the 2005 Energy bill.

There is a lot of progress we can make on a bipartisan basis. We need to quit suggesting that the solution to high gas prices is taking what has always been a Federal decision—that is, who is going to have access to the Outer Continental Shelf and under what circumstances—and give it to the State legislatures and Governors. That would be a major mistake. I hope we do not go that route. There are things we can do on speculation. There are things we can do on demand reduction. There are things we can do on increased supply which I hope will help alleviate this very real problem Americans are faced with.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent to add 5 minutes to

our side and 5 minutes to the Republican side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY SPECULATION

Mr. DORGAN. Mr. President, my colleague, Senator BINGAMAN, the chairman of the Energy Committee, was talking about a very important subject. Almost no American at this point can escape the consequences of what is happening with respect to our energy markets: the cost of gasoline, the cost of oil, its impact on drivers, its impact on truckers, airlines, and farmers. It is pretty unbelievable.

I have come to the floor today to talk about a bill that was introduced last evening, S. 3268, by the majority leader, Senator REID. I have been working with Senator REID—and many others have worked with him as well—to construct a piece of legislation dealing with excess energy speculation. I am convinced that dealing with excess speculation will put downward pressure on oil and gas prices.

Now, I introduced a piece of legislation in June called the End Oil Speculation Act of 2008. I have also been speaking on the issue of excess speculation in the energy markets for several months on the floor of the Senate. I have been very pleased to work with Senator REID and others, and I am pleased with the result of the piece of legislation Senator REID has introduced with my cosponsorship and others. It embodies most of that which was included in the legislation I had previously introduced in the Senate.

I wish to talk about why this is important. Now, I understand there are some people who scoff at this saying: Well, do you know what, there is no excess speculation. If we are going to deal with the energy issue, we have to drill, drill, drill.

We can drill. I support drilling. But the fact is, you can put a drill bit in the ground today, and you are not going to do one thing with respect to gas and oil prices. That is 2 years, 5 years, 10 years off. The question is, What do you do about what is happening today with excess speculation in these markets?

Now, excess speculation is not new. It has happened in other markets, and it sometimes breaks the market. When the market is broken, there is a responsibility, in my judgment, to take action.

So let me describe what I think we face. I also want to talk for a moment about this new piece of legislation we introduced last evening, which I fully support. I am sure waves of opponents will come to the floor and certainly come to offices around this Capitol Building and try to defeat it.

First of all, I have shown this many times: Fadel Gheit has testified before

our Energy Committee. For 30 years, Mr. Gheit has been a top energy analyst with Oppenheimer & Co. Here is what he says:

There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above \$55 a barrel.

What he means is there is unbelievable excess speculation in the oil futures market. He says:

I call it the world's largest gambling hall . . . It's open 24/7 . . . Unfortunately it's totally unregulated . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour.

So you wonder, is there excess speculation going on that has driven the price of oil and gas up like a Roman candle? Well, according to a study that was done by the House Subcommittee on Oversight, in the year 2000, 37 percent of the people in this market were speculators. Now it is 71 percent of the people in these energy markets who are speculators.

Well, how does that happen? We have a regulator: the Commodity Futures Trading Commission. They are supposed to wear the striped shirts like referees at a basketball or football game. They wear the striped shirts and have a whistle, except these folks forgot to put on their shirt and don't know how to blow a whistle. They are not interested in being a referee. They say: Whatever happens, happens.

Mr. Lukken, the Acting Chairman of the CFTC, says: Everything is fine: "Based on our surveillance efforts to date, we believe that energy futures markets have been largely reflecting the underlying fundamentals of these markets," which means there is no excess speculation here. That is from the top regulator.

From the Secretary of Energy, Sam Bodman, last month: There's no evidence we can find that speculators are driving futures prices [for oil].

Oh, really? Let me show you this chart. This is a chart by the Energy Information Administration. We fund that agency with \$100 million a year. These are the folks who make projections. Take a look at every one of these projections for the last year, as shown on this chart: In May of 2007, here is what they said the price of oil would be. In July of 2007, here is what they said the price of oil would be. In November of 2007, here is where the price of oil would go. Yet here is where the price actually went: straight up.

Why were they so wrong? Because this is not about supply and demand. It is about an orgy of speculation—unbelievable excess speculation—that has driven this market like this.

Now, we can ignore all this. You can pretend it does not exist. But every bubble bursts. We know that. The question is, when? In the meantime, how much damage will be done to this country's economy? How much damage to the airline industry, the trucking industry, to farmers, to families trying to figure out: How do I borrow enough money to fill the gas tank in order to drive to work?

So here is what the legislation will do that we have introduced. As I describe this, let me say this: There are a lot of press conferences around here talking about what we have to do. I support all of it. In fact, Senator BINGAMAN, myself, Senator DOMENICI, and Senator Talent were the four original cosponsors of legislation of opening lease 181 in the Gulf of Mexico. That is now done. That is law. I support drilling offshore. I demonstrated that by the lease 181 position.

I do not support drilling everywhere. And if drilling is our answer every 20 years, that is called yesterday forever. I am much more interested in doing a lot of everything: conservation, efficiency, drilling, especially renewables, and I am especially interested in something that is game changing. What I would like to do, on an emergency basis, is put in place something that 10 years from now will allow us to understand we are using energy in a very different way, and we do not need so much oil from Saudi Arabia, Kuwait, Iraq, and Venezuela.

But that is not what some would have us do. The whole issue—the master narrative—for them is: You have to drill, you have to drill, you have to drill right now. Some of the same people who talk about that ignore the growing bubble in the oil futures market that has driven up the price of oil double in 1 year.

Now, I ask anybody in this Chamber to provide me and the American people with anything that has changed with supply and demand that justifies the doubling of price in 1 year. They will not do it because you cannot do it. I had one of the top people on Wall Street, from one of the biggest firms on Wall Street, come to see me. He is one of these guys that talked so fast, when he was finished talking, I was out of breath. He could not answer the question when he came to my office, and he could not answer the question when he left my office.

What has happened with respect to supply and demand that justifies the doubling of the price of oil in 1 year? The answer is: Nothing has happened in supply and demand in the last year. What has happened is this unbelievable rush of new money into these futures markets through speculators. Now, what is a speculator? First of all, these markets are very important. We had a futures market established in 1936 for a very important reason. Those who are trading—that is producers and consumers—a physical product need to be able to hedge their risks. But a substantial portion of that which is now in those futures markets is not about hedging risk by producers and consumers of a physical product. It is about people who have no interest in the product. They have interests in exchanging contracts for the purpose of making money, and they have driven up these prices in a very dramatic way.

So let me describe what we propose to do. We propose to have a regulatory

agency—one that so far has been dead from the neck up—do the following things: No. 1, distinguish between legitimate hedging—that is, hedging between producers and consumers of a physical product in order to hedge risk—distinguish between that and all other trades which are purely speculative trades having nothing to do with what the product is. They are just interested in making money with respect to their own speculation.

I have said many times that Will Rogers described this in the 1930s. He talked about people who buy things they will never get from people who never had it—and in these days with money they don't possess. But it is causing dramatic damage to this country's economy when you have a bubble of speculation occur in this commodities market.

To those who say it is not happening, I would ask them to bring this chart to the floor from the Energy Information Administration and take a look at the last eight estimates of prices for energy based on supply and demand by the best people they have to evaluate supply and demand. They should take a look at what has happened to the price of oil relative to what EIA officials expected to have happen, evaluating supply and demand. If you don't get excess, unbelievable, relentless speculation out of this chart, then you don't get it at all.

Now, the proposal that has been offered is S. 3268. I indicated it requires the delineation between normal hedging of a physical product by producers and consumers as opposed to those who are engaged in pure speculation.

Then, it requires position limits that are significant against those who are pure speculators. Those position limits are very important because that is what helps wring the speculators out of this marketplace.

The proposal also increases regulation of Foreign Boards of Trade, index traders, swap dealers, and over-the-counter transactions, among other things.

It requires the Commodity Futures Trading Commission to convene an international working group to work to find ways to standardize regulation and protect the futures markets from non-legitimate hedge trading.

The proposal would also require the CFTC to use its existing authority to revoke or modify all prior actions or decisions that prevent the CFTC from protecting legitimate hedge trades and to discourage speculative trades. Inexcusably, the Commodity Futures Trading Commission itself has taken the position: Do what you want to do. We will not look. Don't worry. In fact, the evidence of that is all in what are called "no action" letters. Boy, what a description for a regulatory agency: no action letters. They put them out again and again and again and again, which says: Do you know what, let's blindfold ourselves. We propose we blindfold ourselves. It is unbelievable, in my judgment.

We provide that 60 days after passage of this bill, a report to Congress must be offered by the regulatory agency with respect to any additional authority they need. But we take the position the CFTC has ample authority to do all the things we have described but does not use the authority because it is not interested in regulating.

So there are a number of things we believe are important. Protecting legitimate hedge trading, that is a very important part of this market. This market is an important market. But when a market is broken or perverted or a market is a place of excess or relentless speculation that damages this country's economy, then I think we have a responsibility to take action.

Now, some will say: Well, you have to do these six things. We would not accept a bill or we would not even consider a bill that deals with speculation unless you do the other five or six things. It is akin to somebody who has a heart attack who is grossly obese, dramatically overweight. He has a heart attack and somebody says: Well, instead of working on the heart, let's work on this overweight issue. Let's try to deal with this obesity. Well, what about dealing with the heart attack first? How about dealing with the things you can deal with first that puts some downward pressure on prices?

So I expect this town now, from having filed S. 3268, will be full of people who will say: There is no speculation. Or if there is speculation, it is a minor amount. Or if there is speculation, this is the wrong remedy. Or if you take this remedy, you drive all trading overseas, which is absurd, by the way. Or if you do this, you ruin the markets. I expect we will see all those excuses.

To all those who come to the floor to say: I support conservation, I support efficiency, I support renewable energy, I support additional drilling, I say: Do you know what, I agree with all that. I agree with all that, though I do not support indiscriminate drilling everywhere. That does not make any sense to me. But I agree with a remedy that says: We should do a lot of things and a lot of things well. But I also think if all we do every 20 years is talk about more drilling, you are not talking about anything that is game changing for this country. That is called yesterday forever. Congratulations on the policy, but it is a policy that hardly begins to free this country from the shackles that bind it with respect to the current energy policy. Even as we consider all of those other issues—and we must on an emergency basis—I think we ought to take the first big step and deal with this issue of excess speculation in the market.

Again, I come back to this chart. If you don't believe excess speculation exists, then answer this question: What has happened in the last 12 to 14 months that justifies the doubling of the price of oil? Demand up, you say. No, I am sorry, that is not the case. Demand is slightly less than was expected

in every one of these circumstances. So if demand isn't up, you may say: Well, but China and India, Senator DORGAN. Don't you understand that? Yes; 12, 14 months ago we understood what China and India were expected to demand at that point.

My point is aggregate demand in the United States is down slightly. China and India are up. It was expected that our demand would increase for the first 5 months of this year. In fact, we experienced increases in inventory and stocks of the supply for the first 5 months. So you cannot point—and I have never found an expert who can point—in the last 12 to 14 months, to something that has changed in any significant way in supply and demand that justifies the doubling of oil prices.

So my proposition is this: Let's deal with what most people understand to be a problem. Excess speculation is rampant and the marketplace is broken. Let's demand the regulators begin to earn their salary by thoughtful regulation with that which is prescribed in the legislation that I have introduced. Then, at the same time, we should move on to other issues for the coming decade when we ought to dramatically change the way we use and produce energy in this country—renewables, conservation, efficiency and so much more.

I see I have exceeded my time.

I yield the floor.

Mr. NELSON of Florida. Mr. President, would the Senator yield for a quick question?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. NELSON of Florida. May I ask unanimous consent for 30 seconds to ask the Senator one question?

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, there will be no objection if an equal amount of time that is used by the Democratic side will be added to the Republican side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding. Would the Senator address the question of—in his very excellent and very compelling argument he has just made about speculation, it has been determined that speculation may be as much as one-third the cost of gasoline, even up to one-half the cost of gasoline that is as a result of speculation?

Mr. DORGAN. Mr. President, I ask unanimous consent for 30 seconds to respond, and that the Senator from Tennessee then be given an additional 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we have had testimony from experts who have said that this excess speculation has driven up the price of oil and gasoline,

in some cases they estimate by 20 percent; in other cases they estimate as much as 40 percent. I don't think there is any question that if you look at this line—this is the line where prices have gone—that you have to conclude this has had a dramatic impact on the price. You can't see these things swing back and forth \$4 and \$7 and run up to \$145 a barrel like some sort of wild curve, behind which there are no set of facts that would justify it. That is why it is important, I believe, for this Congress to tackle this issue.

I yield back the remaining time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, how much time do we now have?

The ACTING PRESIDENT pro tempore. There is 36½ minutes remaining.

Mr. ALEXANDER. I intend to consume about 12. Would the chair please let me know when 10 have expired?

The ACTING PRESIDENT pro tempore. The Chair will so advise.

ENERGY

Mr. ALEXANDER. Mr. President, I wish to say first that I had the chance to hear not only the Senator from North Dakota but the Senator from New Mexico, Mr. BINGAMAN, and what was going through my mind is that this is exactly what the Senate ought to be doing every day—every day—until we have a full and complete debate about all of the causes of the current high gasoline prices, all of the solutions that we can put in place today, until we consider all of the amendments that we need to bring up, and that we come to as a result. That is what the Senate is supposed to do. It is wonderful that we have 36 minutes to get up and present our sides, but our mode of business for the most difficult problem facing our country ought not to be back-and-forth arguments, or it ought not to be just to consider one bill brought up by the Democratic leader just because he is the majority leader and can do that and not consider all of the other ideas.

I would like to hear all that Senator BINGAMAN has to say, for example, about why he doesn't like the idea of State options for offshore exploration. He is a thoughtful Senator and chairman of the energy committee. I would like to hear all that Senator DORGAN has to say about speculation. He is a thoughtful Senator and, as he said, has been willing to support more offshore exploration in some cases, and might do more.

We need to have a full debate about the extent to which speculation is a problem. For example, Senator DORGAN cited speculation as one reason we have gas prices above \$4 a gallon. Republicans believe speculation is part of the problem as well. The Gas Price Reduction Act we introduced, with 44 Republican Senators supporting it—and we hope it earns significant support on the

other side—has as one of its four parts speculation and putting 100 more cops on the beat to deal with it.

But we are also aware that Warren Buffett, who is invited to lunches on the other side of the aisle because he is a well-admired person who understands the market well enough to make a lot of money on it, Warren Buffett said in June: "It is not speculation; it is supply and demand."

The International Energy Agency, an energy policy organization with 27 member nations, says:

Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply side access and investment, or to implement measures to improve energy efficiency.

So we need to consider a full debate on the extent to which speculation makes a difference.

We believe—and we are not the first to have this idea—that the solution to \$4 gasoline prices is to find more oil and to use less oil. I wasn't the best student in economics at Vanderbilt University years ago, but that is what I was taught in economics 101, that the reason gas prices are high is because we have had growing demand and diminishing supplies. Also—I will get back to this more—what we do today about future prices can make all the difference in today's prices. I am not the only one who believes that.

Martin Feldstein, chairman of the Council of Economic Advisers under President Reagan, a Harvard professor and member of the Wall Street Journal's board of contributors said in an article a few days ago: Any steps that can be taken now to increase the future supply of oil—that is finding more—or reduce the future demand for oil in the United States or elsewhere—that is using less—can, therefore, lead to lower prices and increased consumption today.

Not 10 years from now, not 5 years from now; what we plan for the future can make a difference in the prices today, and we need to be doing that.

April is a single mother of two in Sevier County, TN, who took a job 40 miles away 2 years ago so she wouldn't have to live off welfare. With gas prices rising, she is spending about \$160 a week on gas and can't afford to pay all the bills. She sent me that letter in the past couple of weeks.

Dave from Murfreesboro was laid off from his job at a trucking company in Jackson because they had to declare bankruptcy. They couldn't afford the gas. The company just expanded the dispatch office and they bought new trucks when they ran out of money from rising fuel prices. He is now worried our middle class is disappearing.

Robert in Elizabethton, TN, a retired police officer, worked his whole life so he could retire. But now with gas prices so high, he says he has to cut back on his trips to the doctor and the grocery store because it has gotten so expensive.

Glenna from Lafayette is on social security and lives on a very fixed income. She can barely afford to leave

home. Even the food at her local grocery store has gotten more expensive because they have to pay a gas fee for deliveries.

David from Knoxville has had to cancel his family's vacation this year. He will be having a "STAYcation," as he says. He just got a promotion and raise at work, but the increase in living costs with food and gas has left him with no net gain. Instead, he is struggling to pay his bills.

Mr. President, I ask unanimous consent to have printed in the RECORD these five letters and e-mails from Tennesseans who are Americans hurt by high gas prices.

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

Senator Alexander, yes, I would like to share my gas price story.

I live in Sevier County where majority of the jobs pay well below \$10 an hour. In my hopes of no longer being dependent on any form of welfare, I needed not only a well paying job but one with really good benefits. I took that job (a federal government position) back in April 2006 and it is 40 miles away from where I live or can afford to live. I am a single mother of two. When I took this job, I didn't realize I would a year later be spending \$100-\$160 dollars a week in gas just to get to work, get my kids to school and get to stores for necessities. We are surviving only because I do not pay all my bills and the ones that I do pay are usually not on time. It saddens me that I am again in a position of choosing between bills, food or gasoline and that there are others like me going through the same. We have enough issues in this country to deal with that we are unable to help, like the floods in Iowa wiping out farms which I do expect to increase food prices. We can help what we do with the gas prices. Thanks for reading my story. I would say more but it just plain makes me angry.

APRIL, Sevier County.

Dear Senator Alexander, I very much appreciate your fight to prevent a 53-cent gas tax hike that had been included in climate change legislation currently being debated in the U.S. Senate.

I also welcome your support of legislation to explore now for more American oil and natural gas in a way that preserves the environment for future generations. We MUST have energy independence from the middle east if America is to survive as an independent, sovereign nation.

Your proposal for a new Manhattan Project may be just what we need for that survival. As a former US Navy Submariner, and Plankowner on the USS Tennessee (SSBN 734) I am keenly aware of the narrow lead we had during WWII, and how (with God's help) the Manhattan Project barely gave us enough of an edge to win WWII. Today the balance may be even more delicate and narrow than many realize.

I was laid off from a trucking company (St. Michael Motor Freight) in Jackson TN, when they ran out of money to buy fuel.

I had previously applied for a job with American Freight in Christiana TN, around the time I went to work for St Michael's in Jackson. They had ordered about 60 new International 9400i class 8 road tractors, at a cost of around 110 to 120K each.

So when the Jackson company ran out of money, I went down to American Freight between Murfreesboro and Christiana, on US 231. When I got there, American Freight had been forced out of business, due to the high

fuel prices. There sat 60 brand new trucks on the fence, with the whole place padlocked. They had just expanded the dispatch office, not to mention many other improvements; all wasted as the place sat closed up in bankruptcy.

Many Americans in general, and Tennesseans in particular are becoming more than frustrated by the systematic degradation and destruction of America's middle class in general.

It is basically the disappearing middle class in America that is the last group that still believes in American sovereignty. Many of the super rich would like to see this country forced under the subjection of the United Nations. I think we are seeing that happen each day as more companies close doors here & ship jobs over seas.

Let me encourage you to keep up the good fight and not back down from big business as you continue the fight to keep Tennessee's working middle class from disappearing.

Thank you for your time and interest in your fellow Tennesseans.

Sincerely,

DAVE.

Senator Alexander, I am a retired police officer. I worked my whole life just to get to the point where I could retire and travel. I have had to cut back on trips to the doctor, medicines and groceries. I hope that you can help the American people, we deserve better. Good luck in trying to do something about this problem.

ROBERT, Elizabethton, TN.

Mr. Alexander, regards to you and your family. I commend you on your outstanding job and your very informative email updates on our economy.

Gas prices have really affected me as an individual. I am on Social Security and my income doesn't increase with the rise in gas prices. I rarely leave the house anymore due to the expense of buying gas to get around with. I haven't bought gas in over a month now, luckily I still have about a quarter tank. Others around me have felt the sting as much; some have gas stolen right out of their cars. Since gas has risen so rapidly, the groceries and utilities have also risen. I even heard the local grocer state that the reason he had to raise prices on the shelf goods was because the delivery trucks now charge him a gas fee for delivering the goods. He tried to apologize and I could see the pain in his eyes because he had no choice but to go up on the prices. Not only has the prices risen, the size of most goods are smaller. That causes us to have to go back to the grocery store more often and with a fixed income, that really hurts! I have considered selling my 2005 Ford Escape (was a used automobile when I bought it) and buying a pedal car or a bicycle of some sort or even start using the lawn mower to go out in town. I shudder to think that in Jan. the little raise we get on Social Security will only be an insult compared to the extent of the expense of surviving. It wouldn't surprise me if our landlord decided to go up on the rent and if he does, which would be to cover his deepening expenses, that we would have to move and sell all our belongings that we need to sustain this home. Can the government find us a place to live? The tornado that ransacked Macon Co. has made it almost impossible to find rent houses here. Yes, it has affected us drastically and will continue to suck the life out of us making it impossible to have any luxuries like cable tv, which isn't a choice anymore to get a picture and groceries; already we have had to cut out fresh vegetables and fruits.

I pray there will be a solution soon.

GLENN, Lafayette, TN.

Senator Alexander, I recently received a promotion and raise that resulted in a 20% increase in my salary. Prior to this year, my family and I were always able to afford to vacation for a week in Florida every summer. After the raise, the price of gas has gone through the roof. We have seen our "windfall" become a non-factor in our budget. On average, we are spending \$50 more per week resulting in \$100 more per pay period on gas alone. In addition, our grocery bills have gone up 20% due to increased prices from higher fuel costs of delivery and the price of materials in packaging. All of this has resulted in creating a ZERO net gain for our family out of a promotion and raise that I have worked on for over 2 years!!!

To add insult to injury we are having to do what a lot of other Americans are doing this summer, a STAYCATION. In case you don't know what that is, it is a vacation that you take at your home. You don't go anywhere, you stay put. I don't know about you but I would think that this development in itself will have a detrimental effect on the entire country given that money from leisure activities will be way down.

How did 30 years go by and we are no further along with solar and wind energy conversion? How is it that we allowed our pursuit of nuclear energy to be stalled? When are we going to open up the pipeline in Alaska to prove to the rest of the world that we have adequate supply so demand pricing goes down? What is the plan???? We need one right now or my children and your grandchildren are going to inherit something that none of us envisioned and the Democrats are going to tax all of us as a way to cure a problem that they don't have an answer for. Please provide your excellent leadership to our Congress so that we can save this country!

DAVE, Knoxville, TN.

Mr. ALEXANDER. The writers of these letters may say: All right, you are United States Senators. You are in charge of the Congress. Do something.

Well, we say find more, use less. We have a bill, 44 Senators cosponsored the bill, and we asked to bring it up. Senator VITTER of Louisiana brought it up the other day, and on behalf of the Democratic side, it was objected to. Now, I can understand that. Maybe it wasn't convenient to bring it up that day, but it is not convenient for the letter writers who wrote to me to wait another 2 days for us to seriously deal with the issue of gasoline prices either.

So my suggestion is that the Democratic leader—and the whole Nation should understand this. The Democratic leader may not have much of a majority, but he has control of the agenda. If he wants to put gasoline legislation on the floor of the Senate, he can do it the next hour. He can do it before noon.

When he does it, I would respectfully ask that the American people expect us to have a full discussion and full debate about how we can fix this problem, and that means what can we do about finding more, what can we do about using less.

We just heard two of the most prominent Democratic Senators who understand energy and who say we do need to do a variety of things. They say that. We had a second bipartisan breakfast yesterday morning on gas prices. Fifteen Senators attended—

eight Democrats, seven Republicans—or maybe it was the reverse. I wasn't there because I was in Chattanooga for Volkswagen's announcement of a new plant in Chattanooga, for which we are grateful. But we had a good discussion the week before, and we had a good one yesterday. We should be having that discussion on the Senate floor.

Our plan, the Republican plan, which we hope earns Democratic support, is very simple. It would increase American production by one-third over time—by one-third, one, by giving States the option to explore offshore for oil and gas and keep 37½ percent of the revenues. If I were the Governor, as I once was—we don't have a coast in Tennessee, but I would have been delighted to have that money. I would have put it in the bank and built the best higher education system in America, kept taxes down, and done some other things. That is what the four States in the South do. Virginia might decide to do it, North Carolina, Florida might. The oil market would get the oil and our prices would begin to stabilize. That would be 1 million barrels a day the Department of Interior estimates. Remember, 85 percent of the area on the Outer Continental Shelf in which we could drill is now off limits. We are going to have to deal with that issue. We should be dealing with it on the Senate floor.

Two, we could go to three Western States and lift the moratorium on oil shale development. We should proceed with that in environmentally sound ways. That should produce, according to the Department of the Interior, 2 million barrels a day. What do those numbers mean? It means we could increase our production by one-third—increase American energy by one-third.

Now, we only produce maybe 10 percent of the world's oil, but we are the third largest producer. Many on the other side have said: Well, let's sue OPEC, the Middle Eastern countries, and make them produce more oil. By analogy, we should be suing ourselves for not allowing the U.S. to produce more oil. We produce about as much oil as Saudi Arabia. We are the third largest producer. We should make our contribution to finding more American energy by producing more oil, and there are many Republicans and some Democrats who are ready to do that. So why are we not debating that and acting on that and voting on that on the Senate floor? That is what the Senate is expected to do.

Then, use less. We are willing to do both. We understand both parts of the equation of supply and demand. Our suggestion and our legislation—and I believe, personally, the most promising way for our country to rapidly reduce our reliance on foreign oil—is to use plug-in electric cars and trucks.

Now, when I first began talking about this, some people thought I had been out in the sun too long. But Nissan, Toyota, Ford, General Motors, are all going to be making and selling to us

within a year or two or three electric hybrid cars, or in Nissan's case an electric car that you simply plug in at night. Where do we get the electricity to do that? We have plenty of electricity at night when we are asleep. In the TVA region, for example, where I am from, the Tennessee Valley Authority, we produce about 3 percent of all of the electricity in America. We have the equivalent of 6 or 7 nuclear powerplants worth of electricity available at night which is unused. So TVA can bring me a smart meter and say: Mr. ALEXANDER, you can fill up with electricity at night and drive your car 30 miles a day without using any gas. When I am here in the Senate, that is about all I drive. Three-quarters of Americans drive less than 40 miles a day. Over time, the Brookings experts believe we could electrify half our cars and trucks, and do it without building any more new powerplants because we already have unused electricity at night. So we are willing to do more and use less.

We hear too much coming from the other side of the aisle to avoid the finding more part. They are dancing around the issue. We say: More offshore exploration with some exceptions. We hear: No, we can't.

We say lift the moratorium on oil shale, with some exceptions. They say, no, we can't. We say more nuclear power, which is clean and we can use it for electricity and to plug in our cars and trucks. They say, no, we can't. We need to be finding ways that we can say, yes, we can, to finding more and using less.

My last comment is this: I hope not to hear anybody else ever say on the floor of the Senate that we cannot do something because it will take 10 years. Did President Kennedy say we could not go to the Moon because it would take 10 years? Did President Roosevelt say we could not build a bomb to win World War II because it might take 3 years? Did our Founding Fathers say we cannot have a Republic or a democracy because it might take 20, 30, or 40 years? Our greatest leaders have said this is the way we go in America. This is what we should be like in 5 or 10 years. We should have a new "Manhattan Project" for clean energy independence, to put us on a path toward that independence with 5 or 10 years.

From the day we take those actions, the price of oil and gasoline stabilizes and begins to go down. That is what was so eloquently said in the Wall Street Journal article by Mr. Feinstein. Let me conclude with the very words he said 2 days ago:

Now here is the good news. Any policy that causes the expected future oil price to fall can cause the current price to fall, or to rise less than it would otherwise do. In other words, it is possible to bring down today's price of oil with policies that will have their physical impact on oil demand or supply only in the future.

The United States and this world are waiting for us to enact a plan that will

find more American energy and use less oil, so it can see that in the future we are on a path to energy independence and, as a result, the prices of oil today will stabilize and begin to go down.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There is 22 minutes 25 seconds.

Mr. CORNYN. I will take the first 10 minutes and ask unanimous consent that the Senator from New Mexico be accorded the final 12 minutes of our morning business.

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

HIGH GASOLINE PRICES

Mr. CORNYN. Mr. President, I want to talk as well about high gasoline prices. I agree with my colleagues that this is the No. 1 issue of the day when it comes to domestic policy.

Frankly, as we talk about the housing crisis, the subprime mortgage crisis, hopefully, our economy will work through this difficulty with the collective efforts of the White House and Congress. But, frankly, I am worried the most that unless Congress acts to lift the moratorium on the Outer Continental Shelf, the oil shale, and other sources of oil here at home, then it will be high gasoline and high energy prices that will plunge our Nation into a recession.

As bad as people feel the economy is going right now, I believe it can only get worse, unless Congress acts responsibly to deal with the causes of high gas prices. It is within our grasp to have a positive impact and bring down the price of gasoline at the pump.

I think it is important for the American people to understand that the consequences of the last election in 2006 meant that the Democrats—our friends on the other side of the aisle—are in charge. As the Senator from Tennessee mentioned, it is Senator REID, the Senator from Nevada, the majority leader, who controls floor time. We cannot bring things up on the floor of the Senate unless he says it is OK. What we are doing here today is imploring him to get to work—to allow us to get to work on the Nation's business when it comes to bringing down the price of gas at the pump.

There is some good news: After 145 days of delay and going dark listening to foreign terrorists, because we hadn't reauthorized the Foreign Intelligence Surveillance Act, we were able to get a bipartisan compromise and pass that legislation.

Here, again, this is where the majority party, the Democrats, control the agenda and, frankly, we are seeing unnecessary delays that were causing harm not only to our intelligence gathering, but also it has been 603 days

since the Colombia Free Trade Agreement has been stalled. This is an example where my State sells \$2.3 billion of produce from our farmers and manufactured goods to Colombia. They bear a tariff that would be removed if that trade agreement were to go through, which would create additional markets and help create jobs and improve the economy not only in Texas but across the country. If we can persuade Speaker PELOSI and Majority Leader REID to allow this thing to go through, we can see a boost in our economy as a result of that free trade agreement.

Then, of course, there is the matter of judicial nominees who have been blocked because of the unwillingness of the majority leader to allow them to have a vote on the Senate floor. It has been 748 days.

I am here to talk about this last figure, and that is the 814 days since Speaker PELOSI said, in anticipation of the 2006 election:

If Democrats get elected and if I become speaker, we are going to have a common-sense plan to bring down the price of gasoline at the pump.

That was when gasoline prices were \$2.33 a gallon. We thought gas prices were high then. What are they today? They are an average of \$4.11 a gallon. We are still waiting for that plan.

So we are here to ask, in the most respectful way we know how, for the Democratic majority leader in the Senate, who controls the floor of the Senate, to bring a bill to the floor that will allow us to deal with this national economic crisis and provide some relief to the hard-working families in Texas and across the Nation who need some help. We know that high energy prices not only impact the quality of life and the economic welfare of hard-working people in my State and across the country, it has a ripple effect on the price of food and other commodities, which is driving up inflation and threatening our economy. So we need some action.

I was somewhat amused to hear the distinguished Senator from New Jersey, Mr. MENENDEZ, come to the floor yesterday and talk about the need to "act more and talk less." Act more and talk less. I agree with the slogan, but I wish the majority leader and our friends on the other side of the aisle, who are in control of the agenda of the Senate, would take their own advice: Act more, talk less.

We know what is necessary in order to deal with the energy crisis in this country. Here is what we have encountered: Nothing but obstruction. The Senator from New Mexico, Mr. DOMENICI, is our leader on energy issues. He is the ranking member, and former chairman, of the Senate Committee on Energy. He has been an unparalleled advocate of the expansion of nuclear power to generate electricity in this country.

What happens when we ask our friends on the other side of the aisle to work with us to try to expand the availability of cheap electricity through nuclear power in a safe way? It

is blocked. What are we told, regarding our 300-year supply of coal in this country, that we want to invest money in clean coal technology and to use that energy in a way that protects the environment but generates electricity to be used by the American people? We are told, "no, you cannot do that either" by the majority party. When it comes to offshore exploration, taking advantage of the God-given natural resources America has been blessed with, we are told, "no, you cannot do that either," even though it is within the power of the Congress to lift the ban that was imposed by the Congress, which would allow us to explore and produce oil from the submerged lands around our shoreline.

The President lifted the executive ban a couple of days ago. So the only barrier to the production of more of America's natural resources here at home in the submerged lands off our coastline is the Congress. Our friends on the other side of the aisle are in charge, and we are imploring them to work with us to produce more American energy. We have heard a lot about the oil shale out in Colorado, Utah, and Wyoming. About 2 million additional barrels of oil a day, we are told, could be produced from that oil shale. But we are told, "no, you cannot do that." That was Congress that imposed that ban last year on developing the oil shale, which could relieve some of that pain at the pump.

Then, of course, we know about ANWR, the Arctic National Wildlife Refuge. When Congress actually passed legislation that would allow exploration and production of oil in ANWR, President Clinton vetoed it about 10 years ago. If he hadn't vetoed that legislation, we would have about a million barrels a day on line that would help with supply and would bring down the price.

So the new energy policy of our friends on the other side of the aisle seems to be a "no energy" policy. It is not "let's do this instead of that"; it is just "no new energy." Now we are told that the majority leader wants to bring a bill to the floor to focus on speculation in the commodities market. We favor an examination of the commodities futures market, more transparency, and more cops on the beat in order to make sure the American people are being well served by the commodities futures market. But it is not the only problem we need to deal with. We need to deal with the law of supply and demand, which, amazingly, Congress is under the misimpression that it can suspend the law of supply and demand.

We know, because we have been told by the world's experts, that we are in competition with growing economies, such as China and India, with more than a billion people each, who are buying cars and using more energy because they want the prosperity that comes along with more energy use. China's GDP is growing at 10 percent a

year. It is building about two new coal-powered plants a week in that country. So we know we are in a global competition.

You would think that common sense would tell us, from a national security standpoint and from the standpoint of bolstering our economy here at home and producing additional supply, which will give us temporary relief as we transit that bridge Senator DOMENICI talks about to a clean energy future—we know in the long run we are going to have to get off of an oil-based energy dependency. Frankly, there is not enough of it for us to permanently continue where we are now. That is why alternative sources of energy are important and why it is important that we conserve and, as Senator ALEXANDER said, "find more, use less."

I was in Tyler, TX, last week, at Brookshire Groceries, which is a chain there. They were talking about how they had retrofitted their tractor-trailer rigs and tried to find ways to conserve and use less diesel. They told me how they had retrofitted their tractor-trailer rigs to try to conserve and use less diesel. They found, also, that if they drove their trucks at about 62 miles an hour, they could maximize the range that they could travel—the distance—and minimize the consumption of diesel. If I am not mistaken, I think they told me they were able to save roughly 20 percent of their diesel consumption by finding ways to conserve. So we support the concept of using less, but we need to find more at the same time.

It makes sense that we produce more here in America. It will create jobs at a time when our economy is flying into a headwind right here in America, all across the country. It will bring some relief to consumers at the pump. We know that 70 percent of the price of gasoline is directly tied to the price of oil.

We need to "act more and talk less," I agree. But it is up to the majority leader to allow us to act by bringing an energy bill to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 10 minutes 13 seconds.

Mr. DOMENICI. Mr. President, it is a privilege this morning to follow after two Republicans who have eloquently expressed their views on this subject. I compliment our conference chairman from Tennessee, Senator LAMAR ALEXANDER. He has quickly taken the lead in this area as conference chairman and is doing an excellent job of putting us in a position where we can explain to the American people what this issue really is.

Mr. President, 2½ months ago, I introduced a bill. The bill was intended to call to the Senate's attention that we ought to be producing oil and gas

from U.S. assets, this oil and gas to be used by the American people to lessen our demand on foreign oil so that as we move across the bridge to the next fuel the world uses, we use less crude oil from foreign sources by using our own. That was the gist of the bill. It had conservation in it. It had production in it. It had addressed the continental offshore exploration.

Indeed, after 2½ months, nothing has been done except that the President of the United States intervened and said to the American people: Let's just put the blame right where it belongs. I am lifting the Executive moratorium on all of the coastline of America in the Atlantic and Pacific Oceans that abuts our country. I am lifting the ones I have control over. And, Congress, you do what is next; you lift yours so we can begin the orderly process of having leases and producing oil and gas from our property for our people.

I cannot tell you how thrilled this Senator was with the President's action because it said: What is next? I can almost envision the minds of those who are in the business of holding us hostage to natural gas and crude oil we have to purchase from overseas, in particular crude oil. I can almost envision them peeking over and peeking down into the Congress of the United States, saying: Now it is your turn; we are wondering what you are going to do. Those who are holding us hostage are wondering: Is the United States going into another deep sleep?

There has been a 27-year deep sleep by America on these very valuable resources that should be explored on our coastlines which we own—we, the people, own—and we should get to work on a program to see how much of that we can use and where is it and how many billions of barrels there are. Make no bones about it, it should have been inventoried in depth, but it has not been. For a long time, people were scared to do that because they did not want to hear the results. Lately, the administration did not want to do it because they didn't know if Congress would ever let us use it. So we have just cursory inventories, but they indicate that 20 billion barrels is a pretty good number to consider as the barrels we will probably get from offshore America. I am somewhat informed, and I say that is a lowest possible number. I would think, if these offshore oil lands should really be opened for exploration, we are talking about anywhere from 20 billion to 100 billion barrels of oil that belong to Americans that ought to be produced.

As those foreign countries peek over, they are doing two things: they are peeking at us to see what we will do, and they are also peeking at us to see whether we are going to let this asset go dormant or are we going to put it into the pool so that the psychology of what is available to the world will work its will and bring the price of oil down.

I rise again today to speak on the most important economic and energy

issue of our time. America faces a grave and growing threat from our massive dependence on foreign oil. We are told by lead economists for the International Energy Agency that we face a "dangerous situation" and that at today's pace, our global suppliers of oil will fail to meet demand over the next 25 years. We hear our businesses deeply concerned about fuel costs, and we hear the American people clamoring for new energy supplies in the wake of \$4-plus gasoline.

Amidst all of this noise, from the majority in Congress we get a deafening silence. In fact, I think some on the other side of the aisle were hoping that this whole thing could disappear until after the election, that they wouldn't have to vote on what they want to do with the American people's assets—to wit, the offshore oil and gas reserves that are theirs, that have been locked up, as I said, for 27 years. I think sometimes the other side of the aisle—at least some of them—and the leadership would think: Let's just wait until after the election, and then we will solve the problem and we won't have the Republicans in the way here. They can't do that because this is the Senate. An energy bill has to come up. We have to have amendments to it, and we have to vote. We will be looking anxiously and waiting anxiously for that to happen.

I have spoken recently about the need to build a bridge to a clean energy future of affordable, reliable alternative energy fuel. The foundations of that bridge for the next three or four decades will be built on our Nation's use of crude oil. I hate to say that, but I have thought it through, and no matter what we do, no matter how successful we are, we are going to have to use crude oil until we find a total substitute for the automobiles and the trucks of today. They are the big users. We cannot just pile them up and throw them away. They are going to be used. As they are used, we must have crude oil. So we are going to be dependent, and we have to find our way to bridge that with as much of it as we can produce at home. I have spoken about this and the fact that may be three or four decades. It is very important that everybody understand that.

A growing majority of the American people are clamoring for us to explore for more homegrown energy. When you consider that an increasing number of Americans across all political ideological spectrum support more oil production at home, the Senate's silence on this issue is rather shocking. It is past time that the majority in the Senate respond to the clarion call of the overwhelming majority of Americans. It is time for leadership. The American people are calling for solutions, and they are getting excuses. They are growing disillusioned by the inactions of Congress.

I have spoken at great length on this Senate floor about the fallacy of the so-called "use it or lose it" argument. I want to do that one more time.

I hear many Members of this body accusing others of sitting on leases. But perhaps we should point this bright perspective light back on ourselves. With the Executive moratorium now lifted, Congress is solely responsible for locking up billions of barrels of oil and trillions of cubic feet of natural gas. Perhaps it is the American people who will tell us: Use it or lose it.

According to a comprehensive report by the National Petroleum Council called "Facing the Hard Truth About Energy," in the United States an estimated 40 billion barrels of technically recoverable oil resources are completely off limits or are subject to significant lease restrictions. That is more than the equivalent of 8 years of total U.S. imports at current rates. On the Atlantic and Pacific OCS alone, there is estimated to be 15 billion barrels of oil. That is more than the total Persian Gulf imports over the past 15 years and approximately the same amount of the total oil produced in the Gulf of Mexico in the past half century. There are abundant oil reserves there waiting to be drilled, waiting to be explored, waiting for American ingenuity and talent which is now in abundance, and it is best to act on it because it is ours.

These figures are staggering, and in light of the fact that our estimates have historically been very low when we get to actual exploration and production, perhaps we should take the time and resources to pay for a very comprehensive inventory. Then we would know how much there is out there. The American people would be even more excited about the prospects of that vast resource which is theirs.

Staggering as the numbers are, they do not include the 800 billion barrels of oil-equivalent oil shale located in Colorado, Utah, and Wyoming. By the conservative estimates of the RAND Corporation, our oil shale resources at the base is three times greater than the oil reserves in Saudi Arabia.

The facts are clear: We are spending hundreds of billions of American dollars to purchase something from around the world that we have sitting under our feet. As gasoline exceeds \$4 a gallon and oil hovers around \$140 per barrel, the American people should be tired of excuses. I believe they are.

Amidst this backdrop, it is stunning that the majority offers a simple speculation bill. Every serious expert—from Daniel Yergin, to Guy Caruso, to Ben Bernanke, and Warren Buffett—recognizes it is a supply-demand problem and not a speculation problem. We are glad to debate the issue, but we better put some other things before the Senate, not just that, if we intend for the American people to believe we care about their plight and the plight of the American economy today.

With all that is going on that is scaring the American people, I personally believe the biggest culprit in the crowd is the growing dependence on crude oil, the amount of money we send overseas

every hour, every day, every week, every month to countries, many of which are our enemies and could care less about us, that we must pay that to get crude oil to be refined so that we can move our automobiles and our trucks and do our work and our business every day.

It sounds incredible that we would not join together, Democrats and Republicans, on this exciting day and say we finally have pulled back the curtain that has had a blackout imposed on offshore drilling in America and join hands and say: What do we do to begin to develop it as quickly as we can? I don't see why we ought to be arguing. We ought to do it together and quickly. That is what the American people would like. I don't think that is what we are going to get. I hope some Democrats will be listening. That is what this Senator would like to do.

We have a bill. We have a proposal. It would probably be better if Democrats and Republicans had one together that both produced and conserved, that produced more oil and conserved more in terms of our automobiles by producing more electric cars. Just combine those—this one, and match it off against another one—and we will be moving in the right direction.

I close by saying I hope that day comes. I hope the other side is not waiting, doing nothing until the election is over, using any excuse they would like. There is no excuse. We can do it, and we ought to do it now. The curtain has now rolled back. The offshore is there to look at, to see, and it contains billions of barrels of oil that are ours. We ought to go get it in an orderly way, and we ought to pass laws in a bipartisan way that permit us to do it. But if not, we ought to put forth ours and have some serious votes in front of the American people to decide our future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CASEY). Morning business is closed.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA RE-AUTHORIZATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2731, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2731) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, malaria, and for other purposes.

Pending:

DeMint amendment No. 5077, to reduce to \$35,000,000,000 the amount authorized to be appropriated to combat HIV/AIDS, tuberculosis, and malaria in developing countries during the next 5 years.

Kyl amendment No. 5082, to limit the period during which appropriations may be made to carry out this act and to create a point of order in the Senate against appropriations to carry out this act that exceed the amount authorized for fiscal year 2013.

Gregg amendment No. 5081, to strike the provision requiring the development of coordinated oversight plans and to establish an independent inspector general at the Office of the Global AIDS Coordinator.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 5076

Mr. THUNE. Mr. President, I call up amendment No. 5076, and I ask unanimous consent that Senators CLINTON, DORGAN, and MURKOWSKI be added as cosponsors of the amendment.

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

The pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself Mr. KYL, Mr. JOHNSON, Mr. TESTER, Mr. DOMENICI, Mrs. CLINTON, Mr. DORGAN, and Ms. MURKOWSKI, proposes an amendment numbered 5076.

The amendment is as follows:

(Purpose: To provide for an emergency plan for Indian safety and health)

In section 401(a), strike “\$50,000,000,000” and insert “\$48,000,000,000”.

At the end, add the following:

TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH

SEC. 601. EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the “Emergency Fund for Indian Safety and Health” (referred to in this section as the “Fund”), consisting of such amounts as are appropriated to the Fund under subsection (b).

(b) TRANSFERS TO FUND.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, \$2,000,000,000 for the 5-year period beginning on October 1, 2008.

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under this section shall—

(A) be made available without further appropriation;

(B) be in addition to amounts made available under any other provision of law; and

(C) remain available until expended.

(c) EXPENDITURES FROM FUND.—On request by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, the Secretary of the Treasury shall transfer from the Fund to the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, as appropriate, such amounts as the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services determines to be necessary to carry out the emergency plan under subsection (f).

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) REMAINING AMOUNTS.—Any amounts remaining in the Fund on September 30 of an applicable fiscal year may be used by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services to carry out the emergency plan under subsection (f) for any subsequent fiscal year.

(f) EMERGENCY PLAN.—Not later than 1 year after the date of enactment of this Act, the Attorney General, the Secretary of the Interior, and the Secretary of Health and Human Services, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), shall jointly establish an emergency plan that addresses law enforcement and water needs of Indian tribes under which, for each of fiscal years 2010 through 2019, of amounts in the Fund—

(1) the Attorney General shall use—

(A) 25 percent for the construction, rehabilitation, and replacement of Federal Indian detention facilities;

(B) 2.5 percent to investigate and prosecute crimes in Indian country (as defined in section 1151 of title 18, United States Code);

(C) 1.5 percent for use by the Office of Justice Programs for Indian and Alaska Native programs; and

(D) 1 percent to provide assistance to—

(i) parties to cross-deputization or other cooperative agreements between State or local governments and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)) carrying out law enforcement activities in Indian country; and

(ii) the State of Alaska (including political subdivisions of that State) for carrying out the Village Public Safety Officer Program and law enforcement activities on Alaska Native land (as defined in section 3 of Public Law 103-399 (25 U.S.C. 3902));

(2) the Secretary of the Interior shall—

(A) deposit 20 percent in the public safety and justice account of the Bureau of Indian Affairs for use by the Office of Justice Services of the Bureau in providing law enforcement or detention services, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) use 45 percent to implement requirements of Indian water settlement agreements that are approved by Congress (or the legislation to implement such an agreement) under which the United States shall plan, design, rehabilitate, or construct, or provide financial assistance for the planning, design, rehabilitation, or construction of, water supply or delivery infrastructure that will serve an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 5 percent to provide domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), directly or through contracts or compacts

with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

Mr. THUNE. Mr. President, the amendment I called up and made pending, 5076, is an amendment we have been working on for some time. The Senator from North Dakota, Senator DORGAN, is going to offer a second-degree amendment to this, but what I wish to simply say, by way of speaking to the amendment, is this is an important piece of legislation. No one can deny that since its enactment in 2003, PEPFAR has helped provide basic medical care and other services to those in need throughout Africa and around the world. There is clearly still a need for many of these services worldwide, and I applaud the United States for the leadership it has taken in combating HIV/AIDS overseas. Unfortunately, there are also many individuals in America who are struggling to meet many of the basic standards of living, including many Native Americans, with whom the United States has a trust responsibility.

My bipartisan amendment, which has six cosponsors, seeks to ensure we do not turn our backs on these critical domestic needs by redirecting \$2 billion in authorization, or 4 percent of the overall cost of the bill, over the next 5 years to tribal public safety, health, and water projects. This modest redirection will still allow for PEPFAR authorization levels over three times their current amount, or \$18 billion over the President's request, while at the same time starting to address some very critical needs here at home. Unfortunately, many of these needs are great. Nationwide, 1 percent of the U.S. population does not have safe and adequate water for drinking and sanitation. On our Nation's Indian reservations this number climbs to an average of 11 percent, and in the worst part of Indian country that number is 35 percent. This lack of reliable, safe water leads to high incidence of disease and infection. The Indian Health Service has estimated that for each \$1 it spends on safe drinking water and sewage systems, it gets a twentyfold return in health benefits. The IHS estimates that in order to provide all Native Americans with safe drinking water and sewage systems in their home, they would need over \$2.3 billion. What this amendment does is it starts to address that need by authorizing \$1 billion for that important critical infrastructure need.

When it comes to the issue of health care—and that is where the second-degree amendment of the Senator from North Dakota will add to what my amendment does—we have Native Americans who are three times as likely to die from diabetes as compared to the rest of the population. In fact, an individual who is served by the IHS is 6½ times more likely to suffer an alcohol-related death than the general population. An individual served by IHS is 50 percent more likely to commit suicide than the general population.

In terms of my State of South Dakota, on the Oglala Sioux Reservation, the average life expectancy for males is 56 years. In Iraq it is 58, in Haiti it is 59, and in Ghana it is 60—all higher than right here in America on our Indian reservations.

In South Dakota, between 2000 and 2005, Native American infants were more than twice as likely to die as non-Native infants. In South Dakota, a recent survey found that 13 percent of Native Americans suffered from diabetes. That is twice the rate of the general population, where only 6 percent suffer from that disease.

With respect to public safety, which is essential, because without safety children cannot learn and economic development cannot occur, one out of every three Native American women, according to the national statistics, will be raped in their lifetime.

According to a recent Department of Interior report, tribal jails are so grossly insufficient when it comes to jail space that only half of the offenders who should be incarcerated are being put in jail. That same report found that constructing and rehabilitating only those detention centers that are most in need will cost \$8.4 billion.

Again, when you drill down to my State of South Dakota, the South Dakota Attorney General just released a new study on tribal criminal justice statistics this week, and according to that study homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota. Forcible rapes on South Dakota reservations are seven times higher than those found in the rest of South Dakota.

The Standing Rock Sioux Tribe has a crime rate six times higher than the rest of the country. This crime rate places them in the top 15 for reservations nationwide, which is a drop from last year's rating, which had them in the top 10. Unfortunately, this drop has nothing to do with improving public safety on Standing Rock but instead is because of worsening crime rates and conditions on other reservations.

By way of example, some of these critical unmet needs have actual consequences in the day-to-day operations of tribal courts and law enforcement, and I want to point out one example from the Standing Rock Sioux Reservation, which borders South Dakota and North Dakota.

Earlier this year, the Standing Rock Sioux Reservation had six police officers to patrol a reservation the size of Connecticut. Now that means that during any given shift, there was only one officer on duty. One day in particular, the only dispatcher on the reservation was out. That left one police officer to act both as a first responder and also as the dispatcher. Not only did this directly impact the officer's ability to patrol and respond to emergencies, it also prevented him from appearing in tribal court to testify at a criminal trial.

In the Rosebud Sioux Tribal Court there was another example of a tribal prosecutor who was scheduled to attend court proceedings that day but who didn't appear in court that morning. Being somewhat alarmed by this, the tribal judge sent a court employee to the police department to ensure that the prosecutor was not hurt or in an accident. Once it was clear that the prosecutor had not been injured, but instead just did not make it to court that day, all cases scheduled had to be dismissed because no replacement prosecutor was available. Cases that were dismissed included sexual assault, domestic violence, child abuse, and DUIs.

Again, what this amendment does, very simply, is it redirects \$2 billion of the \$50 billion that would be authorized under this bill for PEPFAR—\$1 billion to an emergency plan for Indian public safety, and \$1 billion to clean water programs—and then, as I said earlier, by way of a second-degree amendment that will be offered by the Senator from North Dakota, \$250 million to health care. Within 1 year, the Attorney General, the Secretary of Interior, and the Secretary of Health and Human Services shall establish an emergency plan to address law enforcement and drinking water needs of Indian tribes.

Specifically, the amendment requires the authorization to be spread equally between public safety and water projects as follows: \$750 million for public safety, of which \$370 million would be used for detention facility construction, rehabilitation, and replacement. That is through the Department of Justice; \$310 million for the BIA's Public Safety and Justice Account, which funds tribal police and courts; \$30 million for investigations and prosecutions of crimes in Indian Country, which includes the U.S. attorneys and FBI; and \$30 million would be used by the DOJ's Office of Justice Programs for Indian and Alaska Native programs. Finally, \$10 million for cross-deputization or other cooperative agreements between State or local governments and Indian tribes and \$250 million for health care, which will be split, as the Director of Indian Health Services determines, between contract health services, construction and rehabilitation of Indian health facilities and domestic and community sanitation facilities serving Indian tribes, and, as I said, \$1 billion for water projects which will be used to implement Indian water supply projects approved by the Congress.

We have been working now the last several days on this amendment. I thank my colleagues who have been involved with that. Senator KYL is a cosponsor of this amendment. Last week he and I worked to put this amendment together, to file it. Subsequent to that, I began to work with Senator DORGAN, who chairs the Indian Affairs Committee in the Senate, trying to get sort of a bipartisan agreement we could proceed on that included not only water

development and law enforcement but also Indian health services.

I also thank Senator BIDEN and Senator LUGAR, the managers of the bill, for their cooperation on this, in making it possible for us to proceed to a vote and actually to do something meaningful to address the very desperate and acute needs that exist across this country on America's Indian reservations.

Some of the statistics I have quoted show the needs are very real. In the area of law enforcement and public safety, we have a crisis across this country when it comes to making sure we meet the needs of Native Americans living on our reservations—that they can live with basic public safety and security, that they have access to basic infrastructure such as water and health care.

Those are all things this amendment is designed to address, and it does it in a way that is consistent, I believe, with the purpose and intention of the underlying bill, which is to provide many of these same services to those in Africa. As I said earlier, I believe it is critically important that in the context of addressing those needs, we address the very important needs at home, in our own backyard. In South Dakota, we have nine tribes. In many of our reservations, the poverty rates and the degree of hopelessness and despair that exists on the reservations comes back to these very issues. It comes back to a lack of infrastructure, it comes back to the need for basic public safety and security, and it comes back to the need for critical health care services that are often unmet on America's Indian reservations.

I thank my colleagues for working with me. I thank those who have cosponsored the amendment and the managers of the bill for working with us to put it in a form that could be accepted. I hope as it proceeds to the House—as indicated in conversations and discussions with the chairman of the committee last night—that we will be able to retain the amendment when it gets to that point in the process.

Again, I offered the amendment, got it pending, and I know the Senator from North Dakota, my colleague, has some remarks he wants to make with regard to his amendment and his second degree. At this point, I yield the floor to allow him to make those observations.

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

Mr. DORGAN. Mr. President, I thank the Senator from South Dakota. Senator THUNE and Senator KYL have worked on a piece of legislation that I believe is very important. We have worked together on a wide range of these issues.

I held a hearing in Arizona with Senator KYL on Indian law enforcement issues. I worked with Senator THUNE on the issue he described with respect to the Standing Rock Sioux Indian Reservation and the very serious law

enforcement problems and challenges they face there.

AMENDMENT NO. 5084 TO AMENDMENT NO. 5076

I wish to offer a second-degree amendment. I offer it on behalf of myself, Senator THUNE, Senator JOHNSON, Senator KYL, and Senator BINGAMAN. I ask the second-degree amendment be considered. I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, and Mr. THUNE, Mr. JOHNSON, Mr. KYL and Mr. BINGAMAN, proposes an amendment numbered 5084 to amendment No. 5076.

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

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

The amendment is as follows:

(Purpose: To reallocate the distribution of funds from the Emergency Fund for Indian Safety and Health)

On page 4, line 8, strike “and water” and insert “, water, and health care”.

On page 4, line 12, strike “25 percent” and insert “18.5 percent”.

On page 4, line 15, strike “2.5 percent” and insert “1.5 percent”.

On page 4, line 21, strike “1 percent” and insert “0.5 percent”.

On page 5, line 12, strike “20 percent” and insert “15.5 percent”.

On page 5, line 20, strike “45 percent” and insert “50 percent”.

On page 6, strike lines 7 through 17 and insert the following:

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 12.5 percent to provide, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)—

(A) contract health services;

(B) construction, rehabilitation, and replacement of Indian health facilities; and

(C) domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

Mr. DORGAN. Mr. President, the underlying legislation that is offered by Senator BIDEN and Senator LUGAR is a very important piece of legislation. We have moral responsibility to address global AIDS, so I support what we are doing. I believe it is very important. We have worked with Senator BIDEN and Senator LUGAR with respect to the first-degree amendment offered by my colleagues and the second-degree amendment I have offered.

While I believe we have a significant moral responsibility to address global AIDS and will do so in the underlying bill, it is also the case that we do not have to go off our shore to find Third World conditions. You can go to some Indian reservations in this country and find Third World conditions in this country, dealing with health care, with crime, with education, and a whole range of issues.

Take a look at some of the Indian reservations and you will find people

have water in their house because they hauled water. They haul water every day, or sometimes two or three times a week, in order to have water in their home. You will find there are places that do not have indoor plumbing; they have outdoor toilets. We have had testimony before my committee of people living in used trailer homes with wood-burning stoves, vented out of a pipe through a window in the living room. Third World conditions exist in this country.

The amendment offered by my colleagues, and my second-degree amendment, begin to address these issues in the area of law enforcement, health care, and water policies. It is very important.

I wish to describe the second-degree amendment. I fully support the underlying bill and am proud to be a cosponsor of it.

In regards to the law enforcement issues, you don't feel safe, you are afraid of the violence on the Indian reservations, as stated by my colleague who described the Standing Rock Reservation that straddles North and South Dakota and its substantial runup in violence. In response to this, we now have additional resources, additional law enforcement people, but they will only be there for 90 days. We need to address these issues. One in three Native American Indian women will be raped or sexually assaulted during their lifetime. My colleague described that. We had a hearing about that subject. We need to address the violence that exists and therefore address the law enforcement issues. That is what the underlying amendment does. My colleagues, Senator THUNE and Senator KYL, have done a great job working on this.

We have also worked together on other legislation we are introducing that is bipartisan, that is a broad legislation dealing with law enforcement. I appreciate the work of all my colleagues on the Indian Affairs Committee to address those issues.

But I wish to talk about this second-degree amendment. The underlying amendment is a \$2 billion issue. A portion of that, \$250 million, will be dealing with the issue of Indian health. As we described before, the amendment deals with water and law enforcement. This second-degree talks about \$250 million dealing with Indian health, half of which will be addressing facilities and the needs of facilities and the other half addressing contract health funding shortages that are in desperate need.

We had a hearing about 2 weeks ago. A young woman named Tracie Revis came to the hearing. She was a member of the Muscogee Creek Nation, a student at the University of Kansas Law School, a Native American. She shared her story with my committee, and here is the story.

She began law school in August 2005. After she had been sick for a year and a half, she finally withdrew from law

school in order to try to get some medical treatment. Her doctors discovered a large mass in her chest and she was subsequently diagnosed with Hodgkin's Lymphoma. She went through several cycles of chemotherapy, stem cell transplant, radiation in order to try to be cancer free. She is cancer free today.

Throughout her diagnosis and treatments, she struggled to try to get approval for coverage from the Indian Health Service. Due to the lack of access—there was very little access where she was—and the urgency of treatment, she was forced to pay for most of her own treatment. She was left with over \$200,000 of personal debt. That included the cost of a surgical procedure where a doctor was conducting a biopsy on this young woman, and, during the conduct of this biopsy, they discovered a cancerous tumor that was much larger than they expected. They decided to surgically remove 75 percent of that tumor during the biopsy. The problem was the doctor doing the surgery, while in the operating room, made this decision but didn't get approval from the Indian Health Service for the surgical procedure so that now the young woman personally owes the funding for that surgery.

That is what is happening in the Indian Health Service, and it has to end. When we dealt with an Indian health bill a while ago, I showed a photograph of this young woman, 5 years old; her name is Ta'shon Rain Littlelight. I will tell you about her, briefly, to tell you why I am so passionate about trying to provide some funding for Indian health. I was, at the time, at the Crow Nation in Montana with Senator TESTER, holding a hearing, and her grandmother showed up. Her grandmother held this photograph above her head and she said Ta'shon was 5 years old. She loved to dance. You could see the sparkle in her eyes. Ta'shon became very ill. They took her again and again and again to the Indian health clinic and they diagnosed this 5-year-old girl with depression—depression, they said.

Then one day she became violently ill. They took her to Billings, MT. From there, she was put on an airplane, taken to the cancer center in Denver, CO, and she was judged to have had terminal cancer.

Ta'shon Rain Littlelight lost her life. Her grandmother and then her mother told me of 3 months of unmedicated pain for this little 5-year-old girl because she didn't get the health care treatment most of us would expect for all our families. In fact, when they diagnosed this young girl with terminal cancer, one of the things Ta'shon Rain Littlelight told her mother she wanted was to go see Cinderella's Castle, and Make-A-Wish Foundation—what a wonderful organization—provided the opportunity for her to go to Orlando, FL, to see Cinderella's Castle at Disney World. The night before she was to visit the castle, in the motel room, Ta'shon snuggled up to her mother and

said: I am so sorry I am sick. I am going to try to get better, Mommy.

She died that night in her mother's arms. She never saw Cinderella's Castle. Now, a 5-year-old is dead because she didn't get the kind of health care most of us would routinely expect. She was sick so they said she was depressed. No, she wasn't depressed. She had terminal cancer and wasn't treated and she lived the last 3 months of her life at that age in unmedicated pain.

This country can do better than that and has a moral responsibility to do better than that.

I can stand here and tell stories for hours—Ardel Hale Baker, who was having a heart attack and was sent to a hospital and pulled on a gurney into the hospital with an 8-by-10 piece of paper Scotch-taped to her leg that said: If you admit this patient, understand we are out of contract health care funding so you, hospital, may be on your own; you may not get paid. This is a woman having a heart attack, wheeled into an emergency room with a piece of paper tacked to her leg saying: By the way, you might not want to admit this patient because Indian Contract Health is out of money.

If I am upset about these things it is because I have seen and heard so much that makes me sick about the way this health care system works for some and not for others. We can do much better.

My second-degree amendment is supported by a good number of my colleagues—Senator JOHNSON, Senator THUNE, Senator KYL, Senator BINGAMAN, and Senator MURKOWSKI. My amendment takes a portion of this \$250 million authorization out of the \$2 billion, that is the subject of the underlying amendment and says: Let's do this. Let's deal with the water issues—which are very important. I commend my colleague. Let's deal with the law enforcement issues. They are urgent. I commend my colleagues for that. Then let's also carve a piece out with respect to Indian health, half of which will deal with facilities that are desperately needed and half of which will deal with contract health care funding. This funding is so desperately short that in many parts of Indian Country the refrain is: Don't get sick after June because there is no money.

We have a trust responsibility. And that trust responsibility is a promise this country made long ago and a promise this country ought to start keeping. So I am proud to offer the second-degree amendment. This is a bipartisan effort to deal with water, law enforcement, and health care.

I am pleased to be here with my colleague, Senator KYL, who will be here shortly. But as I indicated, he and I have conducted a hearing on a reservation just outside of Phoenix, AZ, on the law enforcement issues. He has worked very hard on those issues, and so, too, has Senator THUNE. I appreciate the cooperation and the work we have done together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me say to both Senator THUNE and to my colleague from North Dakota that I think the work they are doing here is first rate.

As a matter of fact, Senator KYL, who is coming to speak on this amendment as well, and I have agreed to, through the Judiciary Committee and through the regular order of business, work on one aspect of the three pieces of this amendment: water, health, and law enforcement.

I think we are going to be joined by our colleague as well on further increasing the assistance to the Indian nation. It is not an exaggeration to say that it is fairly astounding how poorly, over the 35 years I have been here, we have treated the Indian nations.

An awful lot of people, at least in my neck of the woods, think because they read about some of these Indian nations that have gambling on their reservations and are making tens of millions of dollars that somehow all is well, that we do not have to pay much attention to the moral obligation we have and the treaty obligations—I will not get into all of that but the treaty obligations we have been making and breaking since the 1800s.

So I am reluctant—I was reluctant—to talk about beginning to chip away at this bill which Senator LUGAR and I and many others have worked so hard on. But I conferred with my Democratic colleagues on the House side who have jurisdiction over this matter. And I wanted to make it clear to Senator THUNE, because I do not want to make a commitment I cannot keep, that if and when we get to the point where—I do not speak for Senator LUGAR, but I am prepared, on the Democratic side, to accept the amendment at the appropriate time. And I wanted to make it clear that I was kidding yesterday, and I will say in the RECORD, I want it noted that I am joking, but this is not a Russell Long "acceptance of a voice vote."

It used to be, in the old days when I got here, Russell Long would accept anything on a voice vote on a finance bill. And the joke was, before he got to the other side of the House, they were dropped. That is why most people asked for rollcall votes, to make it harder for the conference to drop amendments.

It is my commitment to my colleague that I have been told by the House that although they prefer nothing change in the bill, they are prepared to accept this amendment and that there is no intention of dropping this amendment.

Mr. DORGAN. Would the Senator yield for a unanimous consent request?

I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor on my second-degree amendment. She is a cosponsor of the underlying amendment.

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

Mr. BIDEN. I wanted to make sure we are playing on a level playing field because I want to say publicly what I was privately asked. So I hope when Senator KYL in his leadership capacity I do not think he is able to be here for another few minutes, but when he does come and speak, that we may be able to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Before we leave the discussion, I want to thank the chairman of the committee, the Senator from Delaware, for his willingness to work with us. And we did have some discussions last night privately about what happens as this proceeds to the House.

I appreciate his comments for the RECORD today and his commitment to work with us to see that it is retained when the bill moves forward to the House.

I want to thank the Senator from Indiana as well, Mr. LUGAR, for his willingness to work with us to accept this amendment. I do not disagree for a minute about the importance of the underlying bill. I do believe, as I stated earlier, however, that there are some incredibly critical needs in this country. And, of course, the amendment addresses law enforcement, infrastructure needs with respect to water development, and also health care.

But the law enforcement component is something on which I have been very active for some time. As I mentioned, we have some tremendous needs. If you go back to 1870, there are photos of that time, there is a photo at the tribal headquarters at Standing Rock Sioux Reservation in the 1870s, a vintage photo of a number of cops on the reservation. There were 28 of them. We are down now to eight or nine cops, and we have a responsibility, I believe, for public safety and security when it comes to our reservations and our tribal leaders who work with us. They have advocated coming and requesting additional assistance in funding to address law enforcement needs on the reservations.

The Senator from Delaware had indicated last night, as well, a willingness to work with us not only on this piece of legislation but additional efforts to solidify and reinforce the commitment that we made to the people who live on reservations that we are indeed serious about law enforcement, about providing basic levels of public safety and security.

So I thank him for his commitments and look forward to working with him and with the Senator from Indiana as this process moves forward.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 5083

(Purpose: To establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending under the President's Emergency Plan for AIDS Relief)

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

pending amendment and call up my amendment No. 5083 and ask for its immediate consideration.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 5083.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BIDEN. Mr. President, would the Senator yield for a unanimous-consent request?

Mr. CORNYN. I will.

Mr. BIDEN. Mr. President, I ask unanimous consent that there be no second-degree amendments in order to the Cornyn amendment.

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

Mr. CORNYN. Mr. President, as I was saying, I think we can all agree that providing relief for those afflicted with the AIDS virus is a worthy and noble goal. I appreciate the efforts of the Senator from Indiana, Mr. LUGAR, and the Senator from Delaware, the chairman of the Foreign Relations Committee, for their work.

I think we all would recognize, though, that it is important not only that Congress provide appropriate oversight for the various programs that we create and the spending that we authorize but that we actually do everything we can to make sure any waste associated with a Government program, particularly one as big as this one, with a \$50 billion authorization, that we establish mechanisms that will allow us to review and provide the appropriate oversight, and, if necessary, eliminate inefficient and wasteful programs.

My amendment establishes the bipartisan U.S. Authorization and Sunset Commission, which will help improve oversight and eliminate wasteful Government spending in programs reauthorized or established by S. 2731, the PEPFAR bill.

Just to be clear, in negotiations with the majority leader, I actually had a sunset commission bill modeled after the sunset commission in my State and a variety of States that has been enormously effective in looking across the Government to reduce waste and inefficient programs. But in our negotiations we agreed this would be narrowly addressed in the PEPFAR Program, which I think is appropriate. But I want to say that I intend to be here at every opportunity pressing this issue because of its importance across the Federal Government in reducing waste and inefficiency.

As I said, the sunset commission idea was modeled after the process in my State, which—and I know many other States, but in Texas it was instituted in 1977 and has eliminated, over time,

more than 50 State agencies that were no longer serving their stated purpose and saved State taxpayers more than \$700 million.

The commission consists of four Senators and four Members of the House of Representatives. The CBO and GAO will serve as nonvoting ex officio members. My original intent, as I said, was to make this more broad than just the PEPFAR Program, but perhaps this would be a great sort of pilot program, if you will, to see how it works, as we consider programs and expand it more broadly.

The commission will recommend ways to improve the effectiveness and efficiency of the PEPFAR Program according to a timeline. While certainly this \$50 billion is an awful lot of money, and certainly it is \$20 billion over and above what the President actually originally asked for, and as the CBO, the Congressional Budget Office has said, it is probably going to be impossible for the program to spend more than \$35 billion within the 5-year budget window, it makes it even more important—the matter of making sure that the money is spent for intended purposes—that it is actually used to treat AIDS and HIV and actually help people get better and not waste it on extraneous matters. Under this amendment, Congress cannot simply ignore the commission's report. The amendment provides expedited procedures that will force Congress to consider and debate the commission's work, similar to the BRAC procedures.

This commission will help Congress do the necessary oversight to make sure every taxpayer dollar under PEPFAR is being spent wisely. The commission will focus on unauthorized and ineffective programs, as I said. The simple fact is, within the myriad of programs, funds, and organizations funded by Congress each year, the Office of Management and Budget has done a review of about 1,000 Government programs and concluded that about 25 percent of them were either ineffective or that the OMB, the Office of Management and Budget, said there was not sufficient information to make a conclusion one way or another.

That is 25 percent of about 1,000 Government programs. So we know there is waste and ineffectiveness of Government programs, and the need for more oversight is there. I think this would basically provide Congress two bites at the apple when it comes to evaluating Federal spending: when it authorizes a program, and, secondly, when it appropriates money for it.

Year after year the Congressional Budget Office has found that Congress appropriates billions and billions of dollars of taxpayers' money on programs, despite the fact that their authorization has expired. This means Congress has dropped the ball when it comes to doing the hard work of figuring out whether these programs are working and whether taxpayers' money is being spent efficiently or wastefully.

While we all do our best to ensure that proper oversight is given to every program, we simply do not have the tools or the time necessary to monitor and review every program. That is why this sunset commission review is important. It would give these tools, specifically because of the narrowed-down nature of the amendment, to the PEPFAR Program. But I think it is particularly applicable, given the fact that this bill would more than triple the amount of Government spending for this particular program.

The commission will be of assistance to the Senate Foreign Relations Committee and the House Foreign Affairs Committee. It will not replace their work; instead, it will supplement their work. It will serve as another set of eyeballs, keeping a close eye on the wallets of the taxpayer.

Let me be clear, though, in conclusion. This is not a problem only for PEPFAR and this program, it is a problem in every part of our Government. I continue to support the creation of a sunset commission that would review all Government operations—from transportation to scientific research to foreign aid. And my hope is at a later point we will be able to urge its adoption more broadly.

Simply put, the purpose of the commission is to ask: Is this program still needed? Is it still serving the intended purpose? Is the money that Congress has appropriated, is it accomplishing the goal that Congress intends?

I think, and my hope is, that my colleagues would support this amendment and provide this needed additional oversight that would assist the Congress in making sure that taxpayers' money is being spent as intended to help the worthy humanitarian purposes for which this particular program is intended.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the Cornyn amendment creating a sunset commission related to this bill. This amendment would require that PEPFAR programs be abolished within 2 years after the new commission reviews them, regardless of whether the review recommends abolition, unless Congress takes steps to reauthorize the programs.

The Senate Foreign Relations Committee and other committees in the House, the Senate, and Congress as a whole have spent the last year reviewing U.S. HIV/AIDS, tuberculosis, and malaria programs in preparation for the debate on this bill. During this process, numerous changes have been made to achieve greater transparency and oversight, along with programmatic changes to ensure that PEPFAR is moving in the right direction. The bill before us today has benefited from extensive field examinations of the program, GAO review, and a study by the Institute of Medicine of the National Academies. Moreover, the underlying bill mandates regular scrutiny

by the inspectors general, the GAO, and the IOM.

This reauthorization is based on the widespread view in Congress and in the executive branch that these programs are working and that they have humanitarian and foreign policy values. I do not believe we should be turning over responsibility for part of the legislative process to an unelected commission. Constitutionally, this is a job for Congress, working in association with the executive branch of Government. Congress does not lack the power to end or to change programs. Indeed, the Appropriations Committee must review the program every year during the annual budget process. If some aspect of this program is not meeting expectations, Congress has the ability to withhold funds at that point.

I understand that sunset laws in some cases can have value, and the distinguished Senator from Texas has pointed that out from experience in the State of Texas. For example, they have been used to eliminate unnecessary reports or other provisions of law that have been forgotten or fallen into disuse. But this does not apply to this bill which is continuing a core foreign policy program. There is no lack of scrutiny toward PEPFAR. It is an extremely high-profile endeavor the President has asked us to reauthorize for 5 years. I would, therefore, ask Members to oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will speak briefly, and then we are ready to vote on this amendment.

I would like to associate myself with the remarks of the Senator from Indiana, and I would add two points.

I am a fan of sunset legislation. There used to be a fellow who worked here with us named Lawton Chiles. He got here in 1970 and started sunset ideas, and I am a supporter. But here is the deal, what makes this different.

One of the problems in getting many of these African governments in particular to sign on to being recipients and participants in the PEPFAR legislation to save the lives of their own constituents has been the uncertainty of whether, if they start the program, it will, in fact, last. What they don't want to do, since they know they can't carry it themselves, they don't want to find themselves out there where they have made a promise, and it turns out that we decide, at some near-term date, to say no, we are out. That is not what the Senator is saying. He is not saying we are going to get out. He is saying we are going to review. I argue that, as the Senator from Indiana has, we are reviewing. There is built-in review here.

Let me mention one point. The Ministers of Health from 12 African countries wrote the Congress to express their concern, not about this amendment per se but about the impact of uncertainty around the reauthoriza-

tion of PEPFAR and what impact it would have on their programs in their countries. They said this uncertainty will cost lives because providing these antiviral treatments for people living with HIV/AIDS or caring for orphans and vulnerable children is a long-term commitment, and if the partners can't be confident we are going to continue the program, they are going to be much less willing to enroll new patients and take on a financial responsibility they can't bear. I understand the intent. But it is particularly dangerous to apply it here.

By the way, we don't know whether it applies to PEPFAR specifically, to the tuberculosis program, to the HIV program. Does it apply to all the myriad pieces of this legislation that are holistically designed to prevent and treat the spread of these diseases and the prolonging of life?

The last point, we essentially have a sunset provision. It is only authorized for 5 years. At the end of 5 years, it is over. We have hortatory language saying it is our hope and expectation, if it works as well as we anticipate and works as well as it has in the past, it will be continued for another 5 years. But we can only authorize it for that 5 years.

For those reasons and others which I will not bore my colleagues with now, some of which, if not all of which, my friend from Indiana has already mentioned, I will at the appropriate time ask for the yeas and nays and suggest to our colleagues that we defeat the amendment.

Mr. President, we all want to see effective oversight of taxpayer dollars, but this amendment would exacerbate the very problems it is attempting to solve.

It would create an expensive new bureaucracy that would duplicate functions already being performed by numerous inspectors general, the Government Accountability Office, the Office of Management and Budget, and other outside organizations commissioned by Congress to carry out reviews of this program.

The Congress just spent the last year reviewing the HIV/AIDS, TB, and malaria programs.

The bill before the Senate is based on extensive field examination of the programs, on a GAO review and on an Institute of Medicine study.

We are considering a reauthorization based on the widespread view in Congress that these programs are working. We have a near consensus that they are some of the best foreign policy programs that we have. Why do we need another review at this stage to repeat what has just been done?

Furthermore, the Senate bill already mandates regular scrutiny by the inspectors general, by GAO, and the IOM.

Not only would this Sunset Commission be redundant, it could be harmful.

Under this amendment, AIDS, TB, and malaria programs would be abolished within 2 years after the commission's review—even if that review is

positive—unless Congress acts to reauthorize them.

Aside from the fact that we don't want to be fighting to get these programs to the floor every 2 years, think about what message this would send to the world.

As I have said, last year, the ministers of health from 12 African countries wrote to the Congress to express their concern about the impact uncertainty around reauthorization of PEPFAR would have on HIV/AIDS programs in their countries.

They said that uncertainty could cost lives because providing antiretroviral treatment for people living with HIV/AIDS or caring for orphans and vulnerable children are long-term commitments, and if partners cannot be confident that the program is going to continue, they are going to be much less willing to enroll new patients for treatment.

This provision would only magnify that problem, calling into question the U.S. commitment to this program.

Finally, the amendment does not define what a program is. Is it PEPFAR itself? Is it our treatment programs? Is it a single grant to a faith-based organization working in Kenya?

PEPFAR is widely respected as a high-performing program that embraces what works and discards what doesn't.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think everyone admires the humanitarian intent of this legislation. But the American people have a right to know that their money is going to be spent for the intended purpose—to treat AIDS and HIV in the countries covered—and that it is not wasted. One of the reasons foreign aid gets a bad rap is because people wonder whether it is going to be squandered or used appropriately.

The only thing this amendment does is provide an extra set of eyes to make sure every dollar is spent, as Congress intended, on a humanitarian purpose. This is especially important under this particular program because the Congressional Budget Office says that even though this bill authorizes \$50 billion for this purpose, only about \$35 billion could actually be spent during the 5-year period covered by this bill. What is going to happen to the additional \$15 billion? One might ask, are we going to try to jam \$15 billion more into the program than can actually be spent effectively and efficiently to accomplish congressional purpose?

The extra set of eyes would be welcome. It doesn't substitute for the important oversight work the committee is performing, but when the Office of Management and Budget surveys 1,000 Government programs and finds that almost a quarter of them are not operating the way Congress intended or there is not enough evidence to tell, which I am not sure which is worse, we have to be more diligent than we have been about spending money effectively.

As regards the uncertainty of future Congresses and how they might act, that is inherent in the fact that Congress can pass laws, can repeal laws. That is part of what we do, the reason why we have an open process and full and fair debate on issues. No one is suggesting that is going to happen here. I am saying, let's make sure this money is spent for the intended purpose.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been instructed by the floor staff that they are running traps to make sure people are prepared for a vote. I hope we can do that because if we don't vote by 12:15, we probably will not get back on voting until after 4 because of some luncheons; that is, the caucus lunch, the leadership lunch. There is a Republican meeting as well.

In the meantime, if I could take a moment while that is being checked to suggest how maybe we will proceed, if we can, between now and 12:15, hopefully we will be able to get this vote in. Also, I spoke with Senator KYL on the Dorgan-Thune, et al., amendment, which we are prepared to accept. He says he only needs to speak for a minute or two. My hope was that we could wrap up both those things. Maybe Senator KYL is available, and we could move to the voice vote on that. In the meantime, if we don't vote by 12:15, there will be no votes until around 4 p.m.

One of the things I have learned, in a major bill such as this, if you lose momentum, it just takes longer. I would like to keep some momentum going.

I would like to suggest the absence of a quorum. Let's hang here for a few minutes to see if we can clear a vote on the amendment of the Senator from Texas.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 5076

Mr. KYL. Mr. President, Senator BIDEN has indicated that one of the pieces of business on this legislation we can take care of right now relates to an amendment Senator THUNE and I offered to the bill, and then if Senator DORGAN and others have reached an agreement with us about a way to modify that amendment so that it is acceptable to all, both the second-degree and then the underlying amendment can be adopted without the necessity of a rollcall vote.

Let me describe what it is. Some of us had felt that the total price tag at \$50 billion, while too high for this particular program, at least was an acknowledgment that we were willing to spend that amount of money on mat-

ters that related to needs both here in the United States as well as abroad.

Among those needs, as a result of hearings Senator DORGAN has had and Senator THUNE and I have identified, as well as others, are needs dealing with Native Americans in the United States, some of which are the same in terms of water projects that we would be dealing with in this underlying PEPFAR bill, but rather than doing that all in countries of a continent such as Africa, for example, some of that would be done for U.S. citizens because of reports that have demonstrated the dire conditions that exist on some of our Indian reservations.

So the amendment Senator THUNE and I proposed was to take \$2 billion of the total \$50 billion authorization from PEPFAR and devote it to a combination of law enforcement on Indian reservations and for Native Americans and water-related needs of our Native Americans.

Senator DORGAN wanted to further amend that by providing for some Indian health activities that could be funded by part of the amendment as well. So the second-degree amendment provides for funding of \$750 million for law enforcement and \$250 million for Indian health-related activities. In addition, the underlying Thune-Kyl amendment provides for an additional \$1 billion authorization for water development and projects on the Indian reservations.

So the bottom line is, the \$50 billion for the PEPFAR authorization would be reduced to \$48 billion. Two billion dollars in authorization would go to the Indian reservations and Native American needs, and Alaska Natives as well, that I indicated. That is an agreement that has been reached as a result of Senator THUNE, myself on the Republican side, Senator DORGAN, and Senator BIDEN on the Democratic side, but also several other Members—both Democrat and Republican—with whom we have spoken who have asked to be listed as cosponsors on the amendment or second-degree amendment before we pass it.

AMENDMENT NO. 5084

There is no indication, Mr. President, there is a need for a rollcall vote on this amendment since it has been agreed to by all. Therefore, unless there is anyone else who would wish to speak to this amendment, I ask unanimous consent that the second-degree amendment be called up for a vote.

Mr. BIDEN. A voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there further debate on amendment No. 5084? If not, the question is on agreeing to the amendment.

The amendment (No. 5084) was agreed to.

AMENDMENT NO. 5076, AS AMENDED

Mr. KYL. So, Mr. President, if I could, before I thank everyone involved here, by unanimous consent, the second-degree amendment was adopted,

and we voice-voted the underlying amendment; is that correct?

The PRESIDING OFFICER. That was a voice vote on the second degree.

Mr. KYL. OK. So, then, we need to have a voice vote on the underlying amendment as well?

The PRESIDING OFFICER. That is correct.

Mr. KYL. Mr. President, I ask for that at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5076, as amended.

The amendment (No. 5076), as amended, was agreed to.

Mr. KYL. Mr. President, might I just use this opportunity to also thank Senator LUGAR, whom I did not mention but who was also helpful, and his staff, as well as Senator BIDEN and his staff, and Senator THUNE, for all of his work in bringing this issue to the attention of the body, and acknowledge the groundwork that Senator DORGAN and his committee laid in order to make this possible for us to achieve.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I now, after discussions with my colleague, ask unanimous consent that at 12:15 p.m. the Senate vote in relation to Cornyn amendment No. 5083 and that the time until that vote be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, Senator VITTER has been kind enough to come to the floor. He is trying to help move this process. He has an amendment relating to an inspector general. We have not had a chance to talk to him, but Senator LUGAR and I have a second-degree amendment to that amendment that I think it may be worthwhile for the three of us to talk about.

Senator VITTER has indicated he would like—and I have no objection, assuming the second degree is in order—that the pending business, when we return, when the leadership meetings are over, be the Vitter amendment. I forget the number, quite frankly, but the Vitter amendment relating to inspectors general.

Am I correct, I ask the Senator?

Mr. VITTER. Correct.

Mr. BIDEN. I have no objection to that, as long as there is a second-degree amendment in order to the Vitter amendment when that occurs.

But I yield to my colleague, Senator LUGAR.

Mr. LUGAR. Mr. President, I would like to ask a question of the chairman. It is my understanding we could continue on after the vote with Senator VITTER presenting his amendment.

Mr. BIDEN. Yes.

Mr. LUGAR. In other words, there will not be a recess in which everyone leaves the floor?

Mr. BIDEN. There is not a recess, correct.

Mr. LUGAR. I just wanted to establish that point. The continuity of the debate will continue.

Mr. BIDEN. So maybe rather than asking unanimous consent, it might be worthwhile to state the intention of the managers that after the vote on the Cornyn amendment, what we will do is move to the Vitter amendment; that he is here on the floor and will seek recognition to move his amendment. In the meantime, we will let him know what the second-degree amendment we are going to be offering to his amendment will be. As a practical matter, it will be the order of business at the time because he will have been recognized to move to his amendment.

In the meantime, unless my friend from Texas would like to speak further on his amendment, I would suggest the absence of a quorum.

Mr. President, the vote is now set for 12:15 on the Cornyn amendment; am I correct?

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I ask for the yeas and nays on the Cornyn amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—32

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	McConnell
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Thune
Coburn	Gregg	Vitter
Cochran	Hatch	Voinovich
Corker	Hutchison	Wicker
Cornyn	Inhofe	

NAYS—63

Akaka	Bingaman	Byrd
Baucus	Boxer	Cantwell
Bennett	Brown	Cardin
Biden	Brownback	Carper

Casey	Klobuchar	Pryor
Clinton	Kohl	Reed
Coleman	Landrieu	Reid
Collins	Lautenberg	Rockefeller
Conrad	Leahy	Salazar
Dodd	Levin	Sanders
Dole	Lieberman	Schumer
Domenici	Lincoln	Smith
Dorgan	Lugar	Snowe
Durbin	Martinez	Specter
Feingold	McCaskill	Stabenow
Feinstein	Menendez	Stevens
Hagel	Mikulski	Sununu
Harkin	Murkowski	Tester
Inouye	Murray	Webb
Johnson	Nelson (FL)	Whitehouse
Kerry	Nelson (NE)	Wyden

NOT VOTING—5

Bayh	McCain	Warner
Kennedy	Obama	

The amendment (No. 5083) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, for the benefit of our colleagues, we are making pretty good progress here. We only have a few amendments to go. To try to get a sense for our schedules and time, I will start by saying I don't see any reason why we will not finish this bill early tonight, No. 1. No. 2, I am told by the leaders that there will be no votes between now and 4.

We are prepared to take up, debate, discuss, and accept some amendments. I wish to ask my colleagues who have amendments—Senator VITTER is working with us right now. We may be able to work something out on his amendment. Senator DEMINT has an amendment that we have debated. We are ready to vote on it, but he indicated he may have other people wishing to speak to it. We are ready to vote, after 4 o'clock, on that. I wish to set a time for that. Senator CRAIG has two amendments. One we are prepared to accept, and the other we are prepared to vote on. I believe he is ready to vote when we can set the time. Senator KYL has an amendment that I believe we are ready to vote on. The only question is whether there will be a point of order on that amendment because it relates to the budget. That is being discussed now. Senator SESSIONS has an amendment which we are desperately trying to figure out how to proceed on and work out. We may be able to accommodate that and end up with a voice vote on that amendment.

I want my colleagues to know that in the next ensuing minutes and hours we are going to try to work out specific times. As my grandfather used to say, "With the grace of God and the good will of the neighbors," by 4 o'clock, we will be able to set a series of votes. I don't see why we cannot finish this by 5 o'clock. That is the intention, but intentions here are not always met with reality. That is the intention.

I see my colleague, the ranking member of the committee, standing up. I don't know if he wants to make any comment.

Mr. LUGAR. No.

AMENDMENT NO. 5085

Mr. BIDEN. While we are working on the Vitter amendment—we made an offer and there has been a counteroffer—I ask unanimous consent that the pending amendment be set aside and I send to the desk an amendment by Senator GREGG and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. GREGG, proposes an amendment numbered 5085.

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

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

The amendment is as follows:

(Purpose: To encourage the inclusion of cost sharing assurances and transition strategies among compacts and frameworks agreements, the activities authorized under section 104A of the Foreign Assistance Act of 1961, and the highest priorities of the Federal Government)

On page 77, line 2, strike “and”

On page 77, line 5, strike “.” and insert a semicolon.

On page 77, between lines 5 and 6, insert the following:

“(C) the inclusion of cost sharing assurances that meet the requirements under section 110; and

“(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 88, line 22, strike “.” and insert the following: “, including—

“(A) cost sharing assurances that meet the requirements under section 110; and

“(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 94, after line 25, add the following:

“(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

“(i) cost sharing assurances that meet the requirements under section 110; and

“(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, and budget support by respective foreign governments.

Mr. BIDEN. Very briefly, this amendment relates to cost sharing and transition strategies. It has been cleared on both sides. I suggest we move by voice vote. I ask unanimous consent we proceed to a vote.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5085) was agreed to.

Mr. BIDEN. Mr. President, unless my friend from Indiana thinks we should proceed, I think we should spend the next few minutes in a quorum call while we try to work out, if we can, the

Vitter amendment. So 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. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each, and the time be equally divided between the two sides.

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

PROTECTING THE PUBLIC'S HEALTH

Mr. BROWN. Mr. President, on June 9, just a month ago, Nebraska Beef, an Omaha slaughterhouse, received a notice from the U.S. Department of Agriculture that two beef samples had tested positive for E. coli. By the second week in June, it had also been confirmed that numerous people from my State, Ohioans, had been infected with E. coli O157:H7, a sometimes deadly strain of bacteria. It was not until July 3—June 9 was the original notification—that Nebraska Beef finally acquiesced and issued a recall of 5.3 million pounds of its meat.

Federal officials at the USDA have criticized Nebraska Beef for being slow to respond. Unfortunately for consumers in my State and other places, USDA's authority—beyond issuing public admonishments—to protect the public is limited. In other words, USDA under the law cannot order a recall. They can be critical of Nebraska Beef. They can notify others about what Nebraska Beef is doing. But they cannot order a recall. For instance, most Americans would be alarmed to learn that the Federal Government does not have the power to issue a mandatory recall of contaminated food. Had the USDA been able to issue a mandatory recall of Nebraska Beef once it became clear that consumer safety was at risk due to unsanitary production conditions, unsafe food would have been taken off of the shelves more quickly and fewer people would have purchased it and consumed contaminated meat.

Again, June 9 is when the USDA first found out, but it was not until July 3—almost 4 weeks—until Nebraska Beef did what it should have done right away, something USDA had no authority under law to do. Lives continue to be put at risk because of delay since many consumers may be unknowingly storing infected meat in their kitchens for future use.

I have been on this floor lots of times in the 18 months I have been in the

Senate, especially the last 8 or 9 months, talking about food banks and food pantries. I know the Presiding Officer from New Jersey has had particular concerns of constituents of his in places such as Essex County and urban poor areas but also rural, low-income areas or even moderate-income areas where people with jobs, people employed but not making much money have to go to food banks and food pantries to supplement their food budgets because of the cost. We have enough concerns of people getting food. We should not have to have concerns in New Jersey or Ohio about buying food and being uncertain of its safety.

In my State, health officials have confirmed that 21 Ohioans, plus another 20 in other States, have been made ill by this outbreak. Yesterday, reports were released that indicated the outbreak has spread from Ohio and Michigan, where it was initially reported and perhaps confined to, to now New York, Kentucky, Indiana, and possibly Georgia. The 21 ill Ohioans hail from Franklin County, Columbus, Fairfield, which is where Lancaster is the county seat, Lucas, which is where Toledo is located, Delaware, Seneca and Union Counties. Eleven people have required hospitalization.

This recent example is, unfortunately, not an isolated case. An analysis of a selected sample of outbreaks affecting Ohio over the last 5 years has shown a widespread problem. It is not the first time, and it probably will not be the last time. It means it is a real public health issue. Ten outbreaks dating back to 2003 have led to 217 illnesses, 66 hospitalizations, and 1 death.

Of the people exposed to food safety problems, to toxins, to bacteria in our food supply, those who are harmed the most are the very young and very old, people whose immune systems are weaker, who are sick anyway and are most likely to be hospitalized or even die from these kinds of outbreaks. But it affects all of us. Some of these outbreaks, such as those involving hepatitis A and botulinum, cause serious lifelong health problems. It is not a question of your digestive tract clearing it out and surviving these bacteria; sometimes they actually cause long-term health problems.

The top priority for both USDA and the Food and Drug Administration, the two chief food safety oversight agencies, should be to protect the public's health—a mission that will sometimes require swift and decisive action that sometimes the industry simply will not like. It is all about public health.

That is why yesterday I introduced legislation to provide mandatory food recall authority for both the USDA, which is responsible for poultry and beef, and the FDA, which is responsible for most processed foods, fruits and vegetables—everything the USDA doesn't do. Mandatory recall authority will ensure that these agencies have the necessary leverage to demand that those private companies, such as Nebraska Beef, that have sometimes been

resistant—many companies have. Many companies that hear it want to deal with it immediately, but some do not. Under our legislation, these agencies will have the necessary leverage to demand that those private companies responsible for feeding our Nation follow strict safety standards, and it means that when mistakes are made, public safety is not compromised.

I have partnered in this initiative with Representative DIANA DEGETTE, a Democrat from Colorado. She and I sat together on the Health Subcommittee of the Energy and Commerce Committee. She still sits there and has been a long-time advocate of making a generally good food-safety regimen in this country even better. This is one major step in doing that.

In 2004, the GAO concluded that the current recall system, which relies on voluntary action by industry, is flawed and that the USDA and FDA must do better to ensure recalls are prompt and complete. The administration seems to have reached a similar conclusion, asking Congress late last year to provide FDA with mandatory recall authority.

So consumer groups want it, the FDA wants it, the President wants it, and an awful lot of us in this Chamber think the FDA and USDA should have authority to do mandatory recalls. I hope the FDA food safety legislation currently being drafted in both Chambers ultimately includes mandatory recall provisions and that we get a chance to vote on such a proposal this year.

It is imperative both USDA and FDA be given this authority. We can't afford to continue to put the public's health at risk by waiting for some kind of comprehensive legislative package. A simple fix such as the one in my and Representative DEGETTE's SAFER Meat, Poultry, and Food Act, could solve this glaring deficiency in our food safety system. I implore my colleagues to support our legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SANDERS. I ask consent to speak as in morning business.

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

LIHEAP

Mr. SANDERS. Mr. President, in response to the outrageously high cost of fuel all across this country, and the fact that people both in the southern part of America and the northern part of America are very worried about how they are going to stay warm next winter and stay cool this summer, I introduced S. 3186, the Warm In Winter And Cool In Summer Act, which will pro-

vide immediate relief to millions of senior citizens, families with children, and the disabled who are struggling to pay their home energy bills. Specifically, this bill would nearly double the funding for the highly successful Low Income Home Energy Assistance Program, that is the LIHEAP program, in fiscal year 2008, taking LIHEAP from \$2.57 billion to \$5.1 billion, a total increase of \$2.53 billion. I mention that is, in fact, what this program is authorized for.

I thank Majority Leader REID for completing the rule XIV process. My hope is that this legislation, this bill, will be on the Senate floor either this week or next week because it is imperative that we move it as quickly as possible.

There are many Members of the Senate, Democrats, Republicans, Independents, who have been active on the LIHEAP issue for a number of years. I want, at this time, to announce that we have now 40 Senators who are cosponsors of this tripartisan legislation. That includes 10 Republicans. It includes 30 Democrats and 1 Independent in addition to myself, making 2 Independents.

The cosponsors of this legislation are Senators OBAMA, SNOWE, Majority Leader REID, SMITH, DURBIN, COLEMAN, MURRAY, SUNUNU, LANDRIEU, COLLINS, LEAHY, MURKOWSKI, CLINTON, GREGG, CANTWELL, LUGAR, KERRY, DOLE, KENNEDY, BOND, SCHUMER, LEVIN, CARDIN, BROWN, KLOBUCHAR, MENENDEZ, CASEY, BINGAMAN, LAUTENBERG, STABENOW, BILL NELSON, BAUCUS, LIEBERMAN, SALAZAR, ROCKEFELLER, WYDEN, JACK REED, DODD, WHITEHOUSE, and TESTER.

In other words, we have very strong tripartisan support, from the northern part of our country, from the southern part of our country—all over. People look at the degree of partisanship that takes place in Congress. I am happy to say this bill is bringing all kinds of people from all kinds of ideologies together to say we have a crisis now; that in the United States of America people should not freeze to death in the winter; in the United States of America people should not be dying of heat exhaustion in the summer.

In addition to engendering widespread tripartisan support in the Senate, another bill, exactly the same, is being circulated in the House with very good cosponsorship. Furthermore, I am happy to say we have over 200 groups, national and local groups from all over the country, that are supporting this legislation. They include, among many others: AARP, the city of Phoenix, AZ, Catholic Charities, Salvation Army, the American Red Cross, the American Association of People with Disabilities, et cetera, et cetera—tremendous grassroots support from all over the country.

Let me quote from the AARP which, as you know, is the largest senior group in this country. This is what they say:

AARP fully supports the Warm in Winter and Cool in Summer Act. This legislation

will provide needed relief for many older persons who may not receive assistance—despite their eligibility—due to a lack of funding. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They often skimp on other necessities to pay their utility bills. However, today's escalating energy prices and the Nation's unpredictable and extreme temperatures are adding to the growing economic hardships faced by seniors. LIHEAP is underfunded and unable to meet the energy assistance needs of the program's eligible households.

That is from the AARP. I reiterate, Mr. President—what I know you know—there are some Americans and maybe even Members of Congress who do not know that when we talk about LIHEAP, we are not just talking about the problems that occur in my State where the weather gets 20 below zero or in your State. We are talking about problems that take place in Arizona and Texas, where temperatures get to be 110, 115 degrees. With a declining economy and escalating utility bills, many people—seniors, disabled, lower income people—cannot afford their electric bill. Their electricity is being disconnected. You are finding elderly people, people with illnesses, in a very horrendous position.

This is not just a northern State issue. It is not a New England issue. This is, in fact, a national issue and that is why we have cosponsorship for this bill from all over the country.

I have talked in the past and will talk again, obviously, about what LIHEAP means for northern States such as my own, but let me say a few words about what it means for southern States. Let me quote from the city of Phoenix, AZ.

This is from Phoenix, and the person there is saying:

I am writing to express my support for the Warm in Winter and Cool in Summer Act. Currently Arizona can only provide assistance to 6 percent of eligible LIHEAP households. To make matters worse, Phoenix continues to experience extreme heat. In the past month alone we have had 15 days with temperatures at or above 110 degrees. This extreme heat is especially hard on the very young, the elderly and disabled who are on fixed incomes and can no longer afford to cool their homes.

Arizona Public Service reported that there was a 36 percent increase in the number of households having difficulty in paying utility bills and an increase of 11,000 families being disconnected compared to a year ago. Rising energy and housing costs are placing enormous strains on households across Arizona.

Now, imagine being ill or elderly, having your electricity disconnected with temperatures day after day after day being 110 degrees. That is a serious health problem. But the issue obviously is not only in the South.

In my State there is a newspaper called the Stowe Reporter. This is what they say, very briefly, in an editorial:

It could be New England's own Katrina disaster. Hundreds of homes rendered uninhabitable, families' finances stretched to the limit, some driven away altogether to take

shelter with friends or family. But unlike Katrina, this calamity is clearly visible on the horizon and we have months to prepare.

With home heating oil prices nearly twice what they were one year ago, and no price relief in sight, thousands of Vermonters will be struggling this winter to keep their homes warm. The financial effect of an additional \$500 to more than \$1,000 on the winter's oil bill will force many to choose between heat and other necessities, such as food.

So what we are looking at in the northern tier of this country is our own Katrina, if you like: people being forced out of their homes, people becoming ill, people leaving the northern part of this country because they cannot pay these outrageously high energy costs. This is, in fact, a life-and-death issue. Unlike hurricanes or tornadoes, you are not going to see CNN there. But as my friend from Maine, who is just walking in, understands, in her State and in my State, we are seeing people struggle in a life-and-death fashion. This is very important for people to know, because it does not get a lot of publicity, but according to the Centers for Disease Control, over 1,000 Americans from across the country died from hypothermia in their own homes from 1999 to 2002, and those are the latest figures we have available.

In other words, they froze to death because they could not afford to heat their homes. How many of these deaths were preventable? Well, according to the CDC, all of them were preventable. If people were living in homes that were adequately heated, those folks would not have died. It is important to understand that it is not only heating oil prices that are skyrocketing but electricity prices are also soaring.

Recently, USA Today ran a headline on its front page that said: "Price Jolt: Electricity Bills Going Up." According to this article, utilities across the United States are raising power prices up to 29 percent, mostly to pay for soaring fuel costs. In other words, the situation that exists in the southern part of the country is that the electricity is disconnected because you cannot afford the huge increases in your electric bill, and if the temperatures are 110 degrees in Arizona, Texas, New Mexico, you are in serious trouble.

Before I yield to my friend from Maine, I did want to mention some information in our southern and southwestern States. Due to a lack of LIHEAP funding, the State of Texas only provides air conditioning assistance to about 4 percent of those who qualify. Recently I received a letter from Shawnee Bayer, from the Community Action Committee in Victoria, TX. In her letter, Shawnee Bayer told me that LIHEAP funding for their elderly and disabled clients ran out on May 1 of this year. As a result, they have had to turn away over 500 elderly and disabled families seeking assistance with their air conditioning bills.

According to Ms. Bayer:

The temperatures in our area have been 100 to 110 degrees for 16 consecutive days. I fear

it is going to be very tragic at the current pace we are going with so little funding available. There are so many who need our assistance, like the elderly lady in her 80s who recently almost died due to kidney failure; now she doesn't want to use her air conditioner because she is afraid she won't be able to pay the bill and that we won't have funding to assist her when she needs us.

She just called me last Thursday and has pneumonia; she could hardly talk. Last year she was placed in the hospital in ICU due to a heat stroke as a result of using only a fan, not the air conditioner. I see children every day who have not eaten because the parents, grandparents and in some cases great grandparents are just trying to keep the electricity on. The electric bills in our area have tripled.

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

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am very pleased to join the Senator from Vermont, my friend and colleague, in discussing the need for legislation which we have introduced to increase funding for the low income heating assistance program.

As my colleague from Vermont has described, our citizens in the Northeast are facing a crisis this winter. In the State of Maine, 80 percent of homes rely on home heating oil. The average home in Maine uses between 800 and 1,000 gallons of heating oil to get through the winter season. My constituents are looking at paying as much as \$5,000 this winter to keep warm. And this is in a State that ranks 37th in per capita income. This is a true crisis. It is clear that we need to do a great deal to solve the overall energy crisis facing this country.

We need to produce more, use less, and pursue alternatives. But we also need to look for short-term help for our citizens. The legislation we have cosponsored, S. 3186, would provide an additional \$2.5 billion for the low income heating assistance program, known as the LIHEAP program.

Most of our colleagues are pretty familiar with this program. But let me remind them that it is a Federal grant program that provides vital funding to help very low-income citizens meet their home energy needs. The level of funding our legislation would provide would bring the program up to the fully authorized amount of \$5.1 billion. That is the least we can do. Due to record high oil costs, the situation for our most vulnerable citizens, particularly the low income and elderly, is especially dire.

In my State of Maine, people face a crisis as they look ahead and try to figure out how they are going to stay warm this winter.

Nationwide, over the last few years, the numbers of households receiving assistance under the LIHEAP program increased by 26 percent, from 4.6 million to 5.8 million. But during that same period, Federal funding increased by only 10 percent. The result is that the average grant declined from \$349 to \$305 at a time of record high prices.

The large rapid increase in energy prices, combined with lower levels of funding available per family, has imposed a tremendous hardship on those who can afford it least. Our bill would provide an additional \$2.5 billion as emergency funding, and the term "emergency" could not be more accurate, because that is exactly what we face.

Our Nation is in an energy emergency. Families are already being forced to choose between paying for food and paying for heat for this coming winter. One woman in Maine told me she has to turn over half of her Social Security check to meet the budget plan she is on for meeting her obligations to the oil dealer to stay warm—half of her Social Security check.

She literally is deciding if she can afford to fill the prescription she needs, can she buy the healthy food she needs. I am worried that we are going to see seniors this winter suffering from hypothermia. I am worried we are going to see deaths from carbon monoxide from bringing in unsafe grills trying to stay warm. I am worried we are going to see household fires as people try to stay warm.

I tell my colleagues, we must act and we must act now. If we can increase the funding and help people purchase the fuel they need now, it will make a real difference. As the Senator from Vermont has said, and he is not exaggerating, this is a matter of life and death. That is not an exaggeration. We must act.

I also want to mention another program that cries out for more funding, and that is the Weatherization Program. We are going to proceed separately on the weatherization front, but we must not forget that if we can help people weatherize their homes, we can help them, on average, reduce their fuel consumption by 31 percent. It is one of the few things we can do right now that would make a difference this winter. I wish to see us double funding for weatherization. The payback is enormous. It would make a real difference. Before the current price spike, the Department of Energy estimated that weatherization saved the average household \$358 per year.

This winter, with the cost of fuel doubled what it was last winter, the savings will be that much higher as well. So let's do both. Let's give speedy approval to the legislation we have introduced to increase the funding for the LIHEAP program so it reaches \$5.1 billion. And then let us, through the emergency supplemental bill that I hope will be coming to the floor, do a substantial increase in the Weatherization Program as well. It was so shortsighted of President Bush to propose the termination of the Weatherization Program. That makes no sense whatsoever.

The Energy Department's spending bill before the Appropriations Committee restores some of the money, but it is still below the level that was spent

on weatherization last winter. We should be greatly increasing funding for weatherization as well. I have been working with the Senators from Minnesota, both Senator KLOBUCHAR and Senator COLEMAN, to lead a bipartisan effort. My friend from Vermont and the Presiding Officer have also signed onto that, calling upon the appropriators to increase weatherization funding as well.

If we could provide an additional \$40 million to the Weatherization Program, it would help another 15,000 households who are in need of weatherization.

Let me end my comments by saying it is imperative we act both on the legislation to increase funding for the LIHEAP program and then proceed to also increase funding for weatherization as well. It is the least we can do to help some of the most vulnerable citizens avoid a true crisis this winter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

TOM LANTOS AND HENRY J. HYDE
UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA RE-AUTHORIZATION ACT OF 2008—Continued

The ACTING PRESIDENT pro tempore. The Senate will now continue consideration of S. 2731, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2731) to authorize appropriation for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I rise to speak in support of the legislation before the Senate today. This legislation is really of historic scope and importance, dealing with the global crisis of HIV/AIDS, tuberculosis, and malaria.

There has been a lot said about this legislation. It is certainly not a perfect piece of legislation, and rarely do we see something that fits that description, but when we talk about infections and the impact of HIV/AIDS, tuberculosis, and malaria around the world, it is hard to exaggerate the devastating

impact these diseases have had. It is also hard to fully appreciate the positive impact the U.S. leadership in this area has had as well.

Around the world, there are over 30 million people infected with HIV/AIDS. I think perhaps even more striking is that you have 2.6 million deaths attributed to tuberculosis and malaria a year. These are deaths that are preventable. That is why the funding in this legislation is so important, because we know it will not just deal with the spread of HIV/AIDS and new infections around the world, but will also help prevent deaths today, tomorrow, the year after, and the year after.

We have the ability to prevent these illnesses, to treat them as never before, and to save lives. That is why this funding is so badly needed and will be so beneficial. I think this is the greatest humanitarian crisis I have seen, certainly in my lifetime, the spread of these diseases around the world and in particular in Sub-Saharan Africa.

Many people have observed that this legislation includes a dramatic increase in funding, and it certainly does include a significant increase in funding, but it is essential that we allocate these funds to PEPFAR, the President's initiative, and to the global fight because we have seen the dramatic impact and success of the funds we have already allocated and appropriated.

Today, we can look back over the last 5 years and appreciate that 1.7 million people around the world now have the ARVs to treat HIV/AIDS that didn't have them before, 55 million people around the world have been reached with prevention efforts dealing with HIV/AIDS, and 25 million malaria deaths have been prevented. That is a dramatic success, and that is something all of those countries that have participated in this fight should be very proud of.

Under this legislation, the funding and initiative and the effort will continue, with \$4 billion to deal with tuberculosis, \$5 billion to deal with malaria, and \$2 billion in funding for the Global Fund. These are significant sums of money. Many of my colleagues have observed that with such a significant allocation, oversight and accountability are essential. I could not agree more.

We need to ensure, through every avenue possible within the U.S. Government, the Global Fund, and within other relief organizations, that every effort is made to ensure appropriate use of the funds, to ensure the use of efficient allocation, and, of course, to ensure accountability.

We are measuring success, measuring performance better today than we have ever done before. We need to continue to improve that effort. We need to make sure we understand how much it costs to reach an individual or a family with ARVs, how much it costs to get treatment for malaria into the hands of those who can most benefit, how we can reduce those costs, and so on.

The fact that we have not always been able to account for these funds as effectively as we would like is not a reason not to pursue such an important initiative. We have better benchmarks than ever before in this legislation, better standards for accountability and oversight than ever before. The cost of delay isn't measured in days or weeks; the cost of a delay of this legislation is measured in lives. That is why it is so important that we act on the legislation this week, before we break for August, and that we have it signed into law this year.

Only the United States can provide this kind of leadership in terms of public awareness and in financing. It is the U.S. leadership that has been the driving force behind the successes I mentioned earlier—the numbers reached with ARVs, the numbers reached with prevention efforts, the number of lives saved, and the number of malaria deaths prevented.

There are many reasons to undertake a piece of legislation of this scope and importance. We can begin with the humanitarian aspect. There is no greater crisis anywhere in the world than the humanitarian crisis created by the spread of HIV/AIDS and the millions who die every year from malaria, tuberculosis, and the millions of deaths that are preventable. There are the public health aspects that, in the long run, benefit not just those countries that benefit from PEPFAR, but in countries around the world, in the United States and our allies, where improvements in public health, reductions in the number of infections and, in the end, programs lead to healthier and longer lives and a better quality of life.

There are the economic impacts and benefits. It is hard to imagine a disease that has had a greater economic impact in the last 20 or 30 years than HIV/AIDS on the continent of Africa. The economic costs are borne not just by the individuals in those countries where the infection rates are high, but, again, they are borne by neighboring countries, by their trading partners, and they are borne by the economies of the Western World that are called on to provide the humanitarian relief, which could be avoided if we do a better job with prevention and treatment. So there is a humanitarian cost, a public health cost, and there is an economic cost.

Finally, there is also a national security benefit to dealing more effectively with infections of HIV/AIDS and the cost of these diseases. If a public health crisis such as this is allowed to go unchecked and the economic effects are devastating, and we see weakness and collapsing economies around the world, in particular in Sub-Saharan Africa, and the subsequent collapse of civil society brings important government institutions to a halt or renders those institutions dysfunctional, then the United States and our allies will have to deal with the crisis of a failed state.

We have seen the way in which public health crises around the world have contributed to chaos and failure of government institutions and, ultimately, to the potential to lead to a more fertile ground for oppression, terrorism, and a collapse in the rule of law. All of those failures have national security implications not just for the United States, but for our allies around the world.

This is an important piece of legislation for what it does, for those around the world who are affected by HIV/AIDS, but also for what it does in setting us and our allies on the right path to deal with a humanitarian and public health crisis around the world.

I encourage my colleagues to support the legislation, even though in the eyes of some it may not be perfect, because it is certainly something that is necessary, needed, valued, and it is an area of investment that has already had a dramatic and positive impact in the lives of millions around the world.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOW-INCOME HEATING ASSISTANCE

Mr. SUNUNU. Mr. President, I wish to take this opportunity to speak for a few minutes on a piece of legislation which is not pending but which I know is scheduled to be debated in the coming days in the Senate, and that measure deals with the Low-Income Home Energy Assistance Program or LIHEAP.

Senator SANDERS of Vermont has introduced the Warm in Winter and Cool in Summer Act to address a potential crisis as we enter the fall and winter heating months. Heating assistance for those in economic need—not just in New England but across the country—will become a pressing issue.

I think this is important legislation, and I am pleased to be a cosponsor of Senator SANDERS' initiative to provide emergency funding now so that Congress does not have to deal with it in a crisis mode as the winter months approach.

With heating oil over \$4 a gallon, this is an issue that Congress needs to address early and aggressively. It is imperative that those seniors and families who depend on low-income heating assistance in New Hampshire and across the country feel confident that the resources will be there when they need them.

It is also important that Congress address this issue early so States can work with those agencies that administer the heating assistance program. In New Hampshire, the community ac-

tion programs have done an outstanding job ensuring that appropriate funding is available at different eligibility levels and that this assistance gets to where it is needed as efficiently and effectively as is possible. As we approach this debate, I encourage my colleagues, to give this legislation careful consideration and support because it will make a difference in the lives of millions of people across the country. This bipartisan legislation is also something that we have the ability to pass right now.

In addition, the Senate needs to take up legislation that deals with our nation's energy situation, and I firmly believe that means being proactive on conservation, alternative and renewable clean energy development, and new energy exploration here at home. Congress must stop ruling things out. We have to stop saying: We can't do this, we can't do that. Both sides of the aisle must find ways to work together or we will never reduce our dependence on foreign oil.

As we debate additional low-income heating assistance funding, we need to look at conservation, alternative and renewable energy, and more energy production at home—there is no magic bullet; all of these avenues must be pursued to address the issue in the medium and long term. But for many families, whether heating oil is at \$4 a gallon or \$3 a gallon, the impact of the cost is dramatic. That is why we also need to have in place a strong Low-Income Home Energy Assistance Program that will make a difference to those families in need.

I look forward to supporting the legislation of my colleague from Vermont and, again, encourage all my colleagues to support the bill.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader is recognized.

OIL CRISIS

Mr. REID. Mr. President, the Republicans have been talking now for several weeks about needing to do something about oil. But you see, we on this side of the aisle have been talking about doing something about it for a long time—a long time. That is why we brought the global warming bill to the floor. That is why we pushed very hard to have the renewable energy tax credits put in place so the American entrepreneur can invest in solar, wind, and geothermal, creating hundreds of thousands of jobs. We have been stopped doing anything about global warming, we have been stopped doing anything, of course, about renewable energy, which would take tremendous pressure off the oil markets.

We have worked on doing other things. We introduced legislation dealing specifically with gas prices, and we were turned back from doing that. We could not get 60 votes.

The causes of high gas prices we all know are complicated: We have stability problems in Iraq and in Iran, the Middle East; we have problems in Nigeria now, which is the fifth largest producer of oil in the world; the weak dollar is creating more problems; some say the global demand is outpacing supply with India and China coming online to buy a lot of this oil; and the failure of the oil companies to use their record profits to invest in new refining capacity and research alternatives.

Speculation in oil, is that the problem? Of course not. But it is a problem. It is a big problem, and I think there is a lot of agreement to that effect. Economists agree that probably up to 30 percent or more of the price we pay at the pump is due to speculation.

I had a conversation this morning with the head of United Airlines. This man comes with a pretty good resume. I did not meet him until a few months ago when he and a number of people from the airline industry—all the bosses—came to see me lamenting the fact that these companies were in desperate need of help. They explained to me there were airplanes that were filled to capacity every trip they took in America, but they were going to cancel those flights. Why? Because the airplanes they are using use a lot of gas. The flights they took used a lot of kerosene, is basically what they burn. Therefore, they were going to terminate the flights and use airplanes that did not use as much gas because they lose less money. They lose basically money on every flight they take and that we take as consumers.

I met him then the first time. I have had other conversations with him. He is one of the experts we had in a meeting last Thursday to talk about speculation. Today I talked with him because we introduced legislation to deal with speculation to get the energy debate started.

The Republicans, in the bill they have introduced, have a provision about speculation. So they should join with us in allowing us to get this bill to the floor.

Mr. Tilton said to me today he appreciated our working to get this bill done. We have taken parts from Democratic bills and Republican bills to be at a place where we are now. Mr. Tilton said this is extremely important for the industry, to recognize that we in Congress are trying to do something to tamp down speculation.

President Bush said yesterday there is no immediate fix, that it took a while to get to this problem; there is no short-term solution. That is true. When President Bush took office, a gallon of gasoline cost \$1.46. Today the average price is \$4.11 or \$4.12 a gallon. When President Bush took office, a barrel of oil cost \$32. Today, with the

volatility involved, it has been up near \$150 and has dropped down to \$140, but it is very high, certainly more than \$32 a barrel.

The President is correct that his administration's energy policy has created a crisis that the American people will suffer long past his Presidency. It is true we need long-term solutions, including a serious commitment to providing tax cuts, as I already talked about, to companies and innovators who are investing in clean alternative fuels that could take us off our addiction to oil—and that is what it is. President Bush identified that in one of his first State of the Union Messages, but he has not done anything about that.

The American people deserve solutions that will ease the pain at the pump and also make the future look better for them. One of those solutions is this bill that has been introduced, the Energy Speculation Act of 2008. We have done that together. We reach out and ask the Republicans to join with us in a bipartisan effort to tamp down speculation. Right now Wall Street traders are raising gas prices with nothing more than a click of a mouse.

In the nearly 8 years of this Bush-Cheney administration, the most oil-friendly administration in the history of the country—both made their fortunes in oil—they have turned a blind eye to this excessive speculation. Our legislation will finally hold the energy futures market to the same standards of accountability that other futures markets are held.

Sadly, for American consumers, the Federal watchdog that is working to do this has been understaffed over the last many years. Part of our legislation gives them more staff, to give them more power to do things. They were tremendously underfunded as a result of the work of Phil Gramm, one of JOHN MCCAIN's chief economic advisers. The 2000 Commodities Futures Modernization Act, which, in effect, allowed traders to buy and sell oil without actually taking physical delivery of it.

We are not saying in our legislation they have to take physical delivery of it. But we know where the problem started. The so-called mouse-click energy market was born as a result of JOHN MCCAIN's chief economic adviser, who, by the way, thinks people who are complaining about high gas prices and the housing crisis are a bunch of whiners. Those are his words.

We talked with one of the most fair, seasoned legislators in Congress, CARL LEVIN, a Senator from Michigan, to get more information on large traders of energy quantities in over-the-counter markets. That is in our legislation—something he came up with.

So we feel we are headed in the right direction. We have gotten help from the CFTC, the man who runs that, we have gotten help from the chairman of the Energy Committee, Senator BINGAMAN, and we are doing our best to ad-

dress an issue we feel is very important to the American people.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I would be glad to yield to my colleague from Illinois.

Mr. DURBIN. I say, through the Chair, that in a recent hearing of my Appropriations subcommittee, I asked the Acting Chairman of the Commodity Futures Trading Commission, responsible for regulating these energy futures markets: What is the size of the market? There is one exchange known as NYMEX, which is regulated by his commission, there is another known as ISE, based in London, which is coming under regulation, but there is a whole world of trading out there involving futures trading with swaps, over the counter and the like, and he said—this Acting Chairman said—I don't know. I don't know the size of the market.

So when Americans express their concerns about speculation and its impact on oil and ask whether our Government is doing its job to make sure there is no manipulation of the future price of oil, that there is not excessive speculation, the honest answer from Mr. Lukkin and I believe it was honest—is he doesn't know.

This legislation which we are presenting is going to call for more disclosure and more oversight and more reporting of these markets so we will have information and be able to look closely at these trades. I ask the Senator from Nevada, as part of this legislation, is it not a fact that we are going to dramatically increase the number of people working at this commission—100 new full-time employees—and new computer capabilities so they can keep up with the dramatic increase in trading which is taking place, and will have people to deal with the new information that is collected?

Mr. REID. I say to my friend, if you had to put a mark on this legislation—what does it do more than anything else—I would say transparency. It will allow the entity we depend on to allow us to know what is going on with trading of futures, to have more manpower in order to get more information for the American people.

I say to my friend from Illinois it is important that we have transparency. That is what we are talking about. That is why I mentioned Senator Gramm and what he did. He took away transparency so that the American people will have some idea of what is going on.

Mr. DURBIN. If the Senator will yield for one more question—because I see some of my other colleagues on the floor, including Senator DORGAN, who has done some extraordinarily good work on this issue—I ask the Senator from Nevada: A month ago, when I visited the Air Transport Association here in Washington and met with the CEOs of all the major airlines in America—I say half jokingly that it is a good thing you couldn't open the windows on that high floor of that building because

some might have been tempted to jump out, they were so despondent about what is happening to their businesses as airlines—and I know the Senator from Nevada has seen flights canceled to his home State, I have seen flights canceled in and out of Chicago, American today announced the layoff of 200 more pilots, more planes being grounded—when this bill has a limitation on the positions, which is the amount that can be traded, does this bill not also protect the right of companies, such as airlines, that want to legitimately hedge so they can be protected from future oil increases, so those legitimate commercial interests can trade on the markets and use this speculation in a positive way to protect them from the uncertainty of oil prices in the future?

Mr. REID. I say to my friend that the direct answer to the point is yes. But talking about 200 pilot layoffs, the last time I flew to Las Vegas was right before the July 4 break. I got on the plane and the pilot said to me, the captain: Senator, good to have you on our plane. He said: You know, there are 950 of us going to be laid off—950 pilots were given notice less than a month ago. Now we have 200 more.

The Senator said in a side remark that these people likely felt like jumping out of that window of that high-rise. My comment to that is, that is fairly valid. They are desperate. These are companies which are the largest companies in America—United Airlines, Delta, Northwest. These companies have been around for a long time and have employed hundreds of thousands of people.

The State of Nevada has two population centers. It is a huge State areawise, some 700 miles tall and some 400 miles wide at its widest part. But the population, 90 percent of the people, live in Reno and Las Vegas. If you want to go to Elko or Ely, you have to drive. It used to be that from Salt Lake to Elko you had a flight every hour. Now there is one a day. There used to be a number of flights from Reno to Elko. None.

Rural America is going to be in deep trouble. We have become an airplane society. We go places in airplanes. That is going to come to a screeching halt unless something is done quickly, because these airlines are cutting the flights as we speak. I repeat, every hour there was a flight from Salt Lake to Elko. Now there is one a day.

Mr. DORGAN. Mr. President, would the Senator from Nevada yield for a question?

Mr. REID. Be happy to.

Mr. DORGAN. I was noticing a story that just moved on the wire, and it says:

In a big win for the U.S. futures industry, new Senate legislation unveiled on Wednesday would not impose higher margins on oil traders but would still aim to rein in excessive speculation in energy markets.

I want to make a comment about that, because it goes on to say:

Futures markets participants had feared that earlier legislation introduced by Senator Byron Dorgan to boost significantly the

amount of money, or margin, that speculators would have to put up to trade oil futures would make it into the final anti-speculation bill.

So they paint this as some sort of victory, but let me point out what they missed. Yes, I am the one who authored a bill that said: Let's put in 25 percent margin requirements in order to wring out the speculation in this market. What they missed, however, is that last week we met in a room over here for 3 hours into the evening, and I indicated then that I don't need to have a 25-percent margin requirement if you have position limits that are effective. The bill the majority leader has introduced, which I am cosponsor of, and pleased to be a part of it, does the following: It distinguishes between legitimate hedge trading by commercial producers and purchasers of physical energy commodities for future delivery and their direct counterparties, and all other speculators. Then it establishes real position limits. That is what wrings the speculators out of the system.

Now, there are some who say: Well, speculation is not going on here. There is no issue with speculation. A study done by the House Subcommittee on Oversight and Investigations found that in the year 2000 about 37 percent of those who were in the oil futures market were speculators. Today, it is 71 percent. This market is broken. It has been taken over by speculators. Will Rogers described them as people who are buying things they will never get from people who never had it, making money on both sides of the trade, and grinning all the way to the bank. The problem is they are damaging this economy, hurting American families and destroying this country's airlines and farmers and truckers.

I wanted to make the point to the Senator from Nevada that when someone writes a story and says this is a big victory for the futures market because it doesn't have the 25-percent margin requirement, I was fine with dropping that piece if we had strong position limits that apply against those who aren't engaged in legitimate hedging but, instead, are engaged in pure, raw, unadulterated speculation.

If I might make one other point. This market was set up in 1936 by President Franklin Delano Roosevelt. When he signed the bill, he warned about speculation. He warned about speculators taking over a market. The fact is, the bill that created this market has a provision that deals with excess speculation. Our problem is that under this administration, there is no such thing as regulation. So the regulators, who are supposed to be wearing the striped shirts and blowing the whistles and calling the fouls in these markets, have decided they don't want to regulate. These folks have gone hog wild and destroyed the market for oil futures and driven these prices up to \$130, \$140 a barrel, far beyond where supply and demand would justify it being.

That is why I wanted to make the point that the bill we introduced last

night—and I applaud the majority leader—is a bill that does exactly what we had intended it to do following our meeting last week. Yes, we dropped the new margin requirement, but that is not a failure. We dropped that because we put in very strong position limits to wring the speculation out of these markets. Isn't that the case, I ask the Senator?

Mr. REID. Yes. And let me say to my friend, going back to the President of the United Airlines today—and again let me remind everyone of his background: president of Texaco, vice chairman of Chevron, and now the chief executive officer of United Airlines. He said not only are businesses, including the airline industry—using his words—“patting us on the back,” but in addition to that, all the banks that have loaned money to these airline companies, all the other entities around our country that are looking at these businesses, such as the airline industry, to succeed, this has a wide-ranging impact on our success as a country. We have to do something about this.

Now, people can criticize this legislation all they want. It is not perfect legislation, but it is very good legislation.

Mr. DORGAN. If I might make an additional point, Mr. President, by asking the Senator from Nevada a question. The issue of position limits is critical. That is why this bill has teeth and bite and could actually accomplish something. We will have some other people here in this Chamber who will come to the floor believing in their policy, which is yesterday forever—drill, drill, drill, drill. Every 20 years, we have another debate about who wants to drill where. But the fact is, that is not a game-changing approach to address energy in a significant way.

We want to do this in 2 steps: No. 1, wring the speculation out of this market and bring down prices, and some say by as much as 40 percent; and No. 2, we see a very different kind of energy future. Yes, we increase production, but we must have conservation, efficiency, renewables, and other things.

So for those who come to the floor and say, well, taking on speculation is too easy, well, it is easy when it is right in front of you. There are some people refusing to recognize it when it is right in front of them.

I want to show this chart to my colleague from Nevada. This chart shows what has happened to the price of oil, and every driver in this country knows that is what has happened to the price of gasoline as well. This red line is the price, and it goes up like a Roman candle: up, up, up, up.

Here is what our Energy Information Administration said. We spend \$100 million a year on this agency down at the Department of Energy that has all the people who estimate what is going to happen to the price of oil. Let me show you their estimates. Back in May of last year, here is what the price of oil is going to be—straight across. Kind

of a bump here and there. In July, here is the price. January of this year, here is where we think the price of oil will be.

So how is it they could miss it by so far? Because at each of these junctures they took a look at supply and demand and estimated what the price would be. They missed it by a country mile. You would have to be blind to miss it by this far, right?

Why did they miss it? Because this is all about speculation. It has nothing to do with supply and demand—not a thing. And if we say speculation is fine, let's let it damage our country, let's do nothing about it, I think we would be fools. The American people understand you have to take these two steps: No. 1, wring the speculation out of this system and put downward pressure on prices; and then, No. 2, do a new construct with a game-changing plan on energy for the future.

But I ask the Senator from Nevada: Is it not the case that the agency we rely on for estimates has not just been wrong by a foot but wrong by a mile in every case because they could not measure what this excess speculation was going to do to this country?

Mr. REID. Would my friend be good enough to put up the previous chart that is under that one?

Common sense enters into Government as it does in everything. Common sense dictates, when looking at this information we have before us, that we should do something about speculation. Now, this is not information that was dreamed up by some high school student. These were hearings that brought this out, congressional hearings that looked at what took place in 2000 and what took place in 2008. Look at this difference. Look at the difference—a more than 100-percent increase or close to a 100-percent increase as to what has taken place.

If somebody could sue us because we didn't do anything, they should sue us for negligence that we, looking at this chart, would do nothing as it relates to speculation.

Now, I say to my friend, is speculation the only thing we need to do? Of course not. There is a lot more we can do. Do we believe in increasing domestic production? Of course we do. We want to work and increase domestic production, and there are lots of ways we can do that. But it speaks volumes. My friends on the other side of the aisle keep talking about: let's go drill someplace else. The 68 million acres? We will just hang on to that, and that will be part of our balance sheet. We have 68 million acres, and we want other places to go.

I say to my friend, and everyone within the sound of my voice: We listened to the oil companies less than 2 years ago. They said they wanted to drill in the best place they could find in America, in the Gulf of Mexico, the Outer Continental Shelf in the Gulf of Mexico. We agreed with them. We said: OK, 8.3 million acres—because this is what they wanted. We gave it to them.

Everyone should know what they have done in 2 years: Nothing. Nothing. In the area they said was the most ripe for discovering new oil, they have not driven a boat to fish off the side of there. They have done nothing.

Now they are coming to us, these oil companies that have during the past year made \$250 billion. Have they built new refineries as we gave them tax incentives to do? Of course not. It appears, some say, they don't want the quantity to go up any more so they keep these prices high.

But separate and apart from that, we know the last 8.3 million acres we gave them they have not so much as gone swimming there, as far as we know.

Mr. DORGAN. If the Senator will yield for one additional question, I would make the observation that we come to the floor of the Senate wanting to do something. I understand there are 100 ideas, some of them long term, some would have an impact in 10 years, some in the sweet by-and-by. But this proposition is about the here and now. What do we do about the here and now with respect to speculation?

There is a radio announcer who was talking once about interviewing an old man—age 85 years old. The radio announcer said: I bet you have seen a lot of changes in your life.

And the old guy said: Yes, and I have been against every one them.

We know some people like that, and they serve in this Chamber. They are against anything.

My question is, wouldn't it make sense for us at least to put this in the bank of progress; that is, to shut down the speculation, put downward pressure on oil and gas prices? If some experts are right—Mr. Gates, for example, a top energy analyst for Oppenheimer & Co. for 30 years, says as much as 40 percent or more of the increase in the price of oil and gas is because of excess speculation. He said to us it is like a casino open 24/7 today, like a highway with no speed limit and no cops.

Let's assume he is right. Other experts have said the same thing. Wouldn't it make sense for all of us at least to agree to take this step and then take the other steps? Let's try to find a way to come together rather than to have all the folks who come to this Chamber say: No, not now, not this. Every single day we hear that.

My hope will be that we will get bipartisan support because it is the right thing to do and it is the right time to do it.

Mr. REID. I say to my friend, the business community is crying for help. They believe this is a big step in the right direction. Our offices are now receiving e-mails and phone calls from all the airline companies, banks that are concerned about them, and hundreds of other business entities that believe this is the right thing to do.

Are these organizations usually those that support Democrats? I am somewhat constrained to say no. They usually are all Republican-oriented busi-

nesses. But they know we are doing the right thing. I plead that my Republican friends will join us in helping the American business community. If there are other things that need to be done at a subsequent time, we will try to work with our colleagues on the other side of the aisle. But this is part of their legislation.

Mr. DORGAN. That is right.

Mr. REID. When they introduced their bill, they said speculation was important, so let's focus on speculation.

I want to say one other thing, Mr. President. My friend from North Dakota has been a real activist on this issue and trade issues and others that are important to the American economy. I appreciate his willingness to compromise. This legislation is not everything he wants. If he were King Dorgan, he would have written something else. But we are now in the legislative process, and the Senator from North Dakota and I have been in it for a long time. Legislation is the art of compromise, and that is what we have.

I hope my friends will realize our good faith. I am trying to do something we believe will have tremendous impact on stabilizing oil prices in our country.

Mr. DORGAN. If I might make just one final very brief comment. There are people in this Chamber, in the Republican caucus and the Democratic caucus, who have all spoken of speculation. My hope is that we can come together, work together, and do something in the next week or two, Republicans and Democrats, on this issue. I think we have put together a good bill.

I would say to the Senator from Nevada, one of the things he talked about in the middle of last week was making this a bipartisan initiative in the Chamber of the Senate. I very much hope that can be the case in the coming days.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Will the majority leader yield?

Mr. REID. I will be happy to.

Mrs. MURRAY. As the majority leader knows, I travel home a long distance every week to Washington State and get in my car and drive for several hours to get to my home. I have been paying these increased gas prices like my constituents. It is shocking. Last weekend I paid \$4.45 a gallon to fill up my tank in my car. This is impacting absolutely everybody in my State, my region, just as it is the rest of the Nation.

My constituents say to me: I have been hearing all this talk about drilling. Please tell me that will bring my gas prices down.

I have told my constituents, as we all know—in fact, not just me but the Bush administration's Energy Information Office, this is the Bush administration: The impact on wellhead prices from opening the Pacific, the Atlantic, and the gulf waters to drilling "is ex-

pected to be insignificant." I have not said that. This administration, the Bush administration's Energy Information Administration Office, has said that.

I say to my constituents, the drill, drill, drill or, as the Senator from North Dakota called it, "the forever yesterday policy of drill, drill, drill," is not going to have a significant impact at all on their gas prices.

I thank the majority leader for coming forward with a package that we do believe will have an impact on gas prices and deal with the excessive speculation that is in the market today.

We met last week with a number of experts in this field. We have listened to our Republican counterparts as well who agree that speculation is an issue that we can all come together on and on which we can have an immediate impact in passing a bill.

I come to the Senate floor today to thank the majority leader and to ask him, as he puts this bill together, to deal with excessive speculation with the hope that it will, as the experts have told us, begin to reduce gas prices, that we as a caucus, and I hope as a Senate, will begin to look also at the longer term issues affecting energy and investing in alternative energy so we do not continue to be so dependent on oil.

I ask the majority leader his comments on that.

Mr. REID. I say through the Chair to my friend from Washington, I have been to Washington. I have driven a lot of the State of Washington. It is absolutely a beautiful State. Part of it reminds me of Nevada. People think that Washington is a State where the ocean is everywhere, and it is not. Washington is a State where there is desert. So I love the State of Washington.

But the Senator from Washington is in a very good position to understand how I am sure her constituents feel about what we are trying to do; that is, do something to affect this increase in price, to try to tamp down speculation. To have the people of Washington be told this doesn't matter, speculation doesn't matter, let's drill some more off the coast of Washington and not only drill some more, in effect—no one questions the Federal Government owns 200 miles off our coast. That is the Outer Continental Shelf, and that is recognized by international law.

To think that the Federal Government would just give up on that and say: OK, States, do whatever you want—how do the people of Washington feel about that?

Mrs. MURRAY. I say to the majority leader that the people of my State are a very generous people. If there were a real national crisis that we could solve from my home State by drilling off our coast, my constituents would be willing to sacrifice that. But we know that drilling off the Outer Continental Shelf will have a huge economic impact in my State with no result of reducing gas prices. So that is a sacrifice they

should not be asked to give at this time.

As a matter of fact, what I see happening is that the oil companies in this country that hold 68 million acres of land they can drill today, that they are not drilling, are just looking at this crisis we have today as a land grab, that they can reach out, scare all of us, and have this Congress give them more land, including the pristine shores off my State of Washington, never intending to use them.

I was on the Senate floor with Senator BIDEN yesterday as we discussed this issue. He made a very cogent argument. The fact that if we all decided this was it, this was it and we absolutely had to drill everything, and we gave the oil companies the Outer Continental Shelf off the coast of Washington and Oregon and California and his State of Delaware, that a minimal amount of oil in 20 or 30 years may be drilled, but who among us thinks that OPEC—which actually controls the price of gas—if a 3-percent increase in oil came about as an effect of that drilling, wouldn't reduce their capacity by 3 percent in order to keep their prices high and their profits at maximum level?

Let's not sell the American people a bill of goods. Let's not promise them something that cannot be delivered. No one wants to hear empty rhetoric or to give up something that is extremely important to them if the facts are not there to back it and only, by the way, to give oil companies more excessive profits.

Let's do something that is real—and that is what the bill the majority leader and others have introduced does—to deal with the issue of excessive speculation; to do what many experts have told us to bring the price of gas down. Then, for the long term, we, as a body, have to say: What are we going to invest in this country for the long-term future so we are not so dependent on oil, so that the next generation behind us doesn't come back and hear yesterday forever, drill, drill, drill, as Senator DORGAN has said time and time again is the solution that doesn't work.

We need to get off our dependence on oil. We need to do that in the long run. But in the short term let's deal with the speculation issue and let's pass responsible legislation in a bipartisan way, not as a silver bullet. No one thinks that is the ultimate answer to bring gas prices to what they were a year ago, but it is a step in the right direction. It is a responsible step to meet the important crisis that we face today, coupled with looking at what we will do long term.

The Senator from North Dakota has been a leader on this issue. I know he is the chair on the Energy appropriations bill, where he is looking at the investments we can make in alternative energy so we can get off of the same argument of yesterday forever and really begin to be responsible lead-

ers at a critical time in our Nation's history.

It is so easy to come out here and say drill on the Outer Continental Shelf. But I will tell you, in a State such as mine, Washington State, that has an economy that is dependent upon our waters, whether it is our fisheries or our environment or tourism but a place that our Nation should say is absolutely one of critical importance—not just my coast but the rest of the coastal States—we should not jeopardize it to get nothing—to get nothing because, as the Bush administration itself said: The impact on wellhead prices from opening the Pacific, the Atlantic, and the gulf waters to drilling “is expected to be insignificant.”

Let's focus on doing something that is responsible, that is not just empty rhetoric, that obviously is not a silver bullet to the energy crisis in total but is sincerely a step in the right direction.

I am proud to join my colleague as we move this legislation forward. I look forward to working, I hope, with Members on both sides of the aisle to move forward on this critical piece of legislation.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from North Dakota is recognized.

MR. DORGAN. Madam President, let me make a couple of points. No. 1, this legislation is real. I know people who look at the Congress and look at Washington, DC, and its Government and say, they have not done one thing to address this issue or that issue. This is one thing, and I think a significant thing, that could address the issue of the prices of oil and gas that have doubled in a year, with no justification for that doubling relating to supply and demand. This is one thing.

My hope is, in a Chamber that disagrees so often—my hope is that on this issue of national importance we could agree on this one thing.

I was sitting here thinking about when I was growing up. We raised some livestock and lived in a very small town. My father also had a gas station that he managed. So as a young man, I worked at that gas station. I pumped a lot of gas. People have told me my occupation may not have changed very much.

But the fact is, back in those days when gasoline was priced at a very low price and plentiful, the supplies of energy were plentiful, people did not think much about where is the energy going to come from.

Near my little hometown, they decided to drill an oil well. I had never seen an oil well. I remember as a little boy going out about 1 mile from town, looking at the oil well. There was not much to do in that small town. So you drive out and look at the lights on that drilling rig and stare. How exciting it was. And then it turned out to be a dry hole.

Well, 2 weeks ago, I was in western North Dakota where they are drilling

in what is called the Bakken shale. When my colleagues talk about drilling, let me remind them that I asked for an assessment of what is called the Bakken shale formation. The U.S. Geological Survey completed it 2 months ago. It turns out they estimate there is 3.6 to 4.3 billion barrels of oil recoverable in the Bakken shale formation in eastern Montana and western North Dakota. The 3.6 to 4.3 billion is just in the North Dakota portion. The fact is, we have nearly 80 drill rigs right now drilling in that area, producing a great amount of additional oil. So I support that, my colleagues support that. We do support additional production. That additional production is ongoing and happening right now. It will be good for this country.

But the fact is, we are in a situation where we have an urgent need to deal with something that is happening in this country that is damaging our economy. The price of oil has doubled in the past year, and there is no justification in the marketplace for it related to the supply or demand—in fact, demand is going down in this country. We drove 5 or 6 billion fewer miles in the 6-month period than a comparable period before.

Today, we saw another monthly description of inventory going up. So the fact is, there is no justification for prices to have doubled. Now, to do nothing about this issue of speculation, which has run up the price double in a year, is to ignore the obvious. I mean, some might be content to ignore the obvious, not me.

Let's say someone who is grossly obese is brought to the hospital on a stretcher having a heart attack, and a doctor takes a look at this grossly obese patient having a heart attack and says: Well, what we need to do, we need to work first on the weight problem. Let's prescribe a diet.

No, that is not what they would do. They would deal with the heart attack first. That is what we need to do with respect to energy. We need to do a lot of things, but first and foremost, we have to find a way to make this futures market work and wring the speculation out of that market and bring down prices.

Now, we have people who talk about the “free market.” Well, I am a big fan of markets. I do not know of a better allocator of goods and services than the marketplace. I am a big fan. I used to teach economics in college ever so briefly. The marketplace is something I admire. I want the free market to work. But sometimes the market is broken. Sometimes the arteries to the market are clogged and do not work. That is certainly the case with oil.

How do you make the market in oil? Well, you have the OPEC countries. They formed a cartel. It would be illegal and prosecutable in this country. OPEC forms a cartel. They all close and lock a door and have a suggestion about how much they want to produce and what price they are going to extract for it. That is the front end.

Second, you have oil companies, bigger and stronger through mergers. All of them now have two names: ExxonMobil, ConocoPhillips, they all have two names because they decided to get together and get hitched. So they did mergers. They are all more powerful and have more muscle in the marketplace.

You have OPEC, bigger oil companies with more muscle in the marketplace, and at the other end you have this futures market that has become an orgy of speculation, unbridled speculation. I showed a chart a bit ago that showed over 70 percent of the trades in the oil futures market are not by people who ever want to see a can of oil or carry a 5-gallon can of oil or see a 30-gallon drum of oil.

They are people who want to trade contracts and make money. That might be fun for them. They might be the most satisfied people in the world traipsing back and forth to put our money in their bank accounts in the last year. God bless them.

But if we have our way on the floor of the Senate, that is going to end. Because what is happening when you run up the price of oil—and gasoline doubled—and do the kind of damage that exists in this country today, airlines declaring bankruptcy, cities losing their airlines, family truckers who have been working for 30 years saying they cannot go on because they cannot afford to fill their tanks with diesel fuel, farmers and families trying to figure out: How do I scrape up enough money to fill my tank to be able to drive to work?

The fact is, it does not work for us to allow this to continue. This market is broken. We have a right, it seems to me, to restore the market to its original purpose. Go back and look at the legislation that created the oil futures market. The purpose was to have normal hedging to hedge risk between producers and consumers of a physical product, a perfectly reasonable and necessary thing to do. But what has happened is the market is taken over now by other interests. Those interests are described by a Wall Street Journal article many months ago that piqued my interest in what was going on: investment banks, hedge funds, pension funds, running deep into these futures markets driving up prices. Investment banks buying oil storage capability to buy oil and take it off the market.

That is not the way a market should work or should be expected to work. When a broken market damages this country's economy, we have a right and, in fact, we have a responsibility, in my judgment, to address it. There will be those who disagree very strongly with that which I say. They will be surrounding Capitol Hill with substantial effort to say: This legislation that we introduced last evening will be destructive and damaging.

I say to them: I know what is destructive and damaging, it is doubling the price of oil and gasoline in the last

year. That is destructive and damaging to this country, to the families in this country, and to a good many businesses in this country that cannot fly through that storm.

So my hope is we will be able to get some bipartisan support for a piece of legislation that begins to shut down the excess speculation in the market that is damaging this country's economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEMINT. Madam President, I rise to speak on the bill being considered at this time, the foreign aid bill we call PEPFAR. I would like to speak about it in relation to the overall condition of America, America's economy, so that we can put it in context.

These are very difficult times for our country, we all know. It seems the news keeps getting worse. Obviously, we are at war. As the situation improves in Iraq, Afghanistan seems to be deteriorating. We have to keep our focus on the terrorist problem around the world.

Our economy also seems to be failing or at least slowing at this time. The energy situation is crushing Americans. Just filling up their cars and trucks with gasoline every day becomes more burdensome. People are really hurting. It is very difficult to make ends meet paycheck to paycheck. The mortgage companies and banks are experiencing extreme difficulty, making it harder for people to buy homes and to stay in their homes. Now we hear that the government-sponsored enterprises we call Fannie Mae and Freddie Mac, which are the largest credit organizations in the world, are experiencing difficulty and that we may need to step in this year and bail them out to the tune of \$40, \$50 billion this year. Families are struggling. Any family that has debt and can't make ends meet, can't meet their expenses, would not consider going out and buying a new gas-guzzling SUV. We wouldn't do it.

Why, at a time when our country is in debt and, as far as we can see, expenses will be more than revenues, would we create the biggest foreign aid bill in history and borrow more money, \$50 billion, and send it all around the world to some countries that are much better off than we are? We are doing this in the name of generosity and compassion, helping countries in Africa with the epidemic of AIDS. I supported the program in 2003, and it was a huge, expensive program at the time of \$15 billion. Because it has been focused and somewhat accountable, it has been somewhat effective. But now we come

back and increase that budget over 300 percent, expand it from countries it was originally designated for to the point where now money is going to the United Nations, to China, India, other countries. Some of these countries are much better off than we are as a nation.

This chart will help my colleagues focus on what we are dealing with and what we should consider as we talk about spending more money at a time when we are at war and our economy is in difficulty and the credit industry is in trouble.

Historically, we have been at about 20 percent of spending as the Federal Government in relation to our total economy, what we call GDP, or gross domestic product. Beginning now, projected spending is increasing dramatically because of retirees and those going on Social Security and Medicare and the fact that younger workers are not coming in at nearly the rate people are retiring. Our expenses as a country are increasing dramatically and will for the foreseeable future. We have no plans to meet this type of spending increase and no place to get the revenue. We are already in so much debt that some of the countries holding our debt are trying to get rid of it. Yet we continue to spend money. This doesn't even reflect all of the expenses we are going to have to continue the war on terror and supplemental emergency spending, such as floods. None of that is in here. So spending is going to increase dramatically. By 2050, which seems a long way off, it is going to go from around 20 to over 40. During that period, we continue to see astronomical increases in spending, with no plans to curtail it.

Perhaps even worse, we need to address our debt. That affects the value of our dollar, interest rates, and the money we have to spend on other priorities. We have never seen anything like this. This is not made up. This comes from the Committee on the Budget, as well as the Congressional Budget Office and the Office of Management and Budget from the administration. This is real.

In 2007, Government debt was 37 percent of our total economy. If we continue spending at the current rate, the U.S. Government's debt will be at 109 percent—larger than our total economy—in a little over 20 years. There is no way we can maintain a successful economy and be the leader of the world with this scenario.

Some of our colleagues have rightly said in private that this is a crisis; we could be close to a meltdown as a nation. Yet what we are doing here this week I consider obscene and completely unacceptable. It is almost unthinkable that we would come in here, at a time when we need to be addressing an energy problem or looking at how we are going to deal with Social Security and Medicare and stay more competitive as a nation and keep jobs here, and talk about expanding the

largest foreign aid program in history, with no thought of where we are.

The world has to look on us and wonder: What are they thinking? They are running out of energy. Yet their laws keep them from developing their own energy supplies. They are in huge debt. Yet they keep giving money away to other countries that are eating our lunch economically, such as China. What are we thinking?

The fact is, we are thinking about the next election instead of the next generation. We have heard comments such as: There is no need to go after any energy in America; it will take 5 or 10 years. That is what President Clinton said when he vetoed a bill that would have given us oil supplies from Alaska 10 years ago. We would today be getting as much oil from Alaska as we are having to buy from Venezuela if we didn't have a President who said we didn't need to be thinking 10 years in the future. I say we need to be thinking 50 years in the future. We don't need to be borrowing more and more money and charging it to our children and grandchildren.

This bill we are talking about this week is all with borrowed money. It is not our generosity. None of us are going to give a penny to help Africa or other nations.

We are going to charge it to our children and grandchildren and walk out of here and feel good about ourselves. And we should be ashamed of ourselves. We should be more accountable to the American people.

This is a devastating chart to look at, yet we ignore it every day. Every spending bill that is put on this floor passes with flying colors, and it seems to be an insult to this body to even suggest we might cut the budget to some realistic level.

I have an amendment we will vote on in a few minutes that takes the level of spending from \$50 billion to \$35 billion over 5 years. That is still way too much, and we should not be doing it. It is still more than the President asked for. He asked for \$30 billion. What it is, is the amount of money that the Congressional Budget Office said that no matter how hard you tried with this PEPFAR Program, you can't spend more than \$35 billion effectively in 5 years; without wasting money, you can't spend more than \$35 billion.

There is no reason this Senate can't say: Wait a minute. We are in financial trouble as a country. We still want to help people around the world. Let's bring it back to a level that at least is reasonable in the sense that it is all we can spend without wasting it.

My amendment does not change anything about the bill except moves the level from \$50 billion to \$35 billion. This will not take one dime away from AIDS treatment in Africa because if we keep it at \$50 billion or \$60 billion or \$100 billion, we cannot get any more money to the people we are trying to help. So if we are at \$35 billion, we are at the level that is going to help the

people we are intending. In fact, it is still more than twice what we started this program with only a few years ago.

I encourage my colleagues to take a moment to think about America and where we are. It is wonderful to be compassionate and generous. But this bill is not about compassion and generosity because none of this money is coming from us or our salaries, and we are not paying for one penny of it by cutting another program or making a sacrifice somewhere else.

We are not being honest about where the money is going because it is no longer an AIDS to Africa program, it is an "anything anywhere in the world" program. We at least need to say we have the discipline to bring it back to the level that is the maximum amount our own services tell us we can spend. If we cannot do this, if Members of this Senate cannot take that one, small step of responsibility, we should not be in this body. We certainly should not go out to the American people and pretend we have done something good for them around the world because we have not. We are doing business as usual here, spending like there is no tomorrow, and there might not be if these same folks stay in the Senate and the Congress and continue to spend our money here.

I plead with my colleagues to look at reality, to look at where we are as a country, in debt and spending. Please, let's demonstrate to the American people that we can trim in one place—this massive foreign aid bill, giving money, which we are borrowing, all over the world—that we can, we have the self-discipline. We can walk out of here and say: We at least trimmed it back to the maximum amount they said we could spend.

I hope some of my colleagues are listening. I appeal to them to show one grain, one little bit of sanity here as we approach the future, to take this bill back down to a level that is at least vaguely responsible.

With that, Madam President, I yield back.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator DEMINT for causing us to confront a very difficult truth; and that is, that we do not have unlimited money. We do have to manage it well.

I, frankly, have been uneasy as to the way this process developed. I supported the previous \$15 billion AIDS bill for Africa that was the largest expenditure to fight a disease in the history of the world. I remember thinking the President's plan to double it was a bold, big step, and I hoped to be able to support that. I certainly favored an increase in what we were spending on this program because I think it has made some positive difference. Then I was shocked that out of the blue they added another \$20 billion to it. So a 5-year program spending \$15 billion on this disease has all of a sudden been converted into a 5-

year program that will spend \$50 billion.

It is very difficult to spend that kind of money wisely in undeveloped countries. In fact, as the Senator noted, the Congressional Budget Office—our independent analysis branch of the Congress—has concluded we cannot spend that much. They say all we can spend is \$35 billion. He has an amendment to bring this bill down to that amount, and I intend to support it. I think that is a very generous increase.

I will note that the G8 nations that are supposed to be participating with us in this—the nations we are supposed to be leading and, in fact, are dramatically leading in this effort worldwide based on the amount of money we have put forth, and with the leadership President Bush has given—those G8 nations recently met and committed to spending \$60 billion in the next five years on this project. Obviously, most of it is, of course, the money we are spending. So I do not know that we have the kind of followers that leaders ought to have. We need to stay on those other nations around the world and insist they participate in a generous way.

But I have to tell you, it is not easy to spend this money wisely. Five years ago, when we were talking about this bill, Sir Elton John testified before our committee. He has an AIDS program in Africa, and he works hard at it. They raised a few million dollars. They spend a few million dollars a year. I cannot remember the number. I asked him about that at the committee hearing. I said: Sir, we are talking about \$15 billion. What do you think about that? Is that something we can spend wisely? I am sure you try to use your money wisely. What advice do you have?

This is what this man, who has committed much of his life and effort fighting AIDS in Africa, responded:

I concur with you totally. . . . This is just something that the politicians have to make sure that when the [AIDS] money goes to governments—

That is governments throughout Africa primarily—

the money is spent in the right way. . . . We are a very small AIDS organization; we can control where everything goes, and we do. We know where every penny goes. But when you get to these vast sums of money that we are talking about here today—

He was talking about \$15 billion, not \$50 billion—

you are going to run into those kinds of problems, and I do not personally know myself how you solve them, but I do concur with you that that is a major problem.

Well, that is obvious to us. So we have not had any kind of intensive effort to ensure this money will be spent wisely. It went to the Foreign Relations Committee, and they popped it out with the full funding—\$20 billion more than the President originally asked for, and he is the world leader on this, and the money is just passed along. I say to my colleagues, we ought to be more responsible.

I shared with a group of Senators the other day—yesterday, in fact—these figures, following up on Senator DEBARTIS's comments. In this year, this is what this Congress has done:

We have voted for a \$150 billion stimulus package—every penny of that in emergency appropriations, going straight to the debt.

We expanded the GI bill by \$60 billion. Everybody wanted to help the soldiers have more education. How could we say no to that? Senator MCCAIN raised a concern that was very legitimate. They attacked him as not caring about veterans. Basically, thank goodness, most of what he asked for got fixed in that bill because it was contrary to what the Defense Department believed was good, and Senator MCCAIN helped us improve that bill.

We passed a \$180 billion war supplemental. We spent about \$18 billion on a Medicare fix. We now are doing a \$50 billion AIDS bill. We are going to have a \$15 billion to \$18 billion housing bill.

Revenue to the U.S. Treasury, because of the economic slowdown, is going down. So that is a difficulty we face. Last year, after 3 consecutive years of reducing the \$400 billion deficit—it fell to \$177 billion, and we were feeling pretty good. But now our expenditures are surging, and our revenue is going to be down as a result of the declining taxes because people are not making as much money, they are not making as much overtime, they are not going to get the bonuses they got in the past, which they may well have paid 35 percent on to the U.S. Treasury.

The Wall Street Journal said the deficit this year, instead of \$177 billion, would be \$500 billion. So I am telling you, we have to be responsible here. Every single billion has to be watched with care, and I wanted to mention it.

I thank Senator BIDEN and Senator LUGAR for their support on an amendment I have offered on this bill. It follows up on an amendment I offered 5 years ago to deal with the concern of how many people are being infected with AIDS as a result of medical treatment—either through blood transfusions or reusing needles in medical settings. We had an estimate 5 years ago that 300,000 people a year were being infected as a result of medical transmissions. It is hard to believe the testimony to that effect. So we came up with a program that required needles that could not be reused, and checking the blood supply before transfusions. I was pleased to see that in the USAID's report on their Web site a few days ago, they have calculated that the efforts to improve the safety of immunizations, made possible through the legislation Senator MCCONNELL and others accepted which I proposed—and it went in that bill—have saved as many as 300,000 lives.

But Dr. Gisselquist, a researcher from Pennsylvania, who raised that issue originally, and some others who supported this concern, believe there are other things that need to be done,

and I have offered some additional legislation this time.

I thank Senator BIDEN—I know he cares about it—for accepting this legislation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I do support the initiative of the Senator from Alabama. I think what he has said about the consequences and effects of what he is doing are absolutely correct. At the appropriate time, with the permission of the Senator from Indiana, and in the context of a unanimous consent agreement here, we would be prepared to accept the amendment. But we are not quite there yet.

While I have the floor, if I could say for the benefit of my colleagues and their staffs who are listening as to the status of where we are, the Senator from Indiana and I think we are very close to the wrapping up of an entire unanimous consent agreement which would allow us to have no more than four votes, including final passage—at least that is the expectation—and that we would be able to do that sometime within the next 2 hours, and we would be out of here relatively early.

On that point, I thank all the Senators who have had amendments for their cooperation in moving this along, I think a great deal more rapidly than anybody anticipated, at least more rapidly than I anticipated we would be able to do.

To conclude where I began, I say to the Senator from Alabama, I think his initiative is first rate. Everything he says about the consequences of what he is talking about is absolutely accurate, as best I know the situation.

In the context of a wrap-up unanimous consent agreement, we will be able to handle all of this. So that is the intention, I say to the Senator.

I am told in the meantime if and when the Senator from Alabama yields the floor, the Senator from Florida is looking to proceed as in morning business for some relatively short period of time.

AMENDMENT NO. 5086

Madam President, I ask unanimous consent that the pending amendments be set aside, and on behalf of Senator VITTER, I send to the desk an amendment to the Vitter amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. VITTER, proposes an amendment numbered 5086.

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

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

The amendment is as follows:

(Purpose: To withhold 20 percent of the Federal funding appropriated for the Global Fund until the Secretary certifies that the Global Fund has provided the State Department with access to financial and other data)

On page 60, strike line 2.

On page 60, line 12, strike the period at the end and insert the following: “; and

“(K) has established procedures providing access by the Office of Inspector General of the Department of State and Broadcasting Board of Governors, as cognizant Inspector General, and the Inspector General of the Health and Human Services and the Inspector General of the United States Agency for International Development, to Global Fund financial data, and other information relevant to United States contributions (as determined by the Inspector General in consultation with the Global AIDS Coordinator).

Mr. BIDEN. Madam President, I wish to correct what I said. I said I send to the desk an amendment to the Vitter amendment. I send the Vitter amendment to the desk, and I ask unanimous consent that we move to its immediate consideration.

The PRESIDING OFFICER. The amendment is now pending.

If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 5086) was agreed to.

Mr. BIDEN. Madam President, for the benefit of my colleagues, I believe we are down to three amendments. As my grandfather would say, God willing and the creek not rising, we will get a UC that can wrap this up pretty quickly.

I yield the floor.

Mr. SESSIONS. Madam President, I thank Senator BIDEN for his commitment and Senator LUGAR's commitment to this. I know it is quite sincere, and I know this reauthorization will, indeed, save lives. I will note I have a New York Times article from 2004 about 428 Libyan children who were infected with HIV by Bulgarian nurses who were reusing needles. So during our discussion before, we learned there were quite a number of children infected with HIV whose mothers were not infected with HIV, and it indicated they got it from some other source. It was believed that medical transmissions were a part of that. So I believe we can make a difference.

One of the things this legislation calls for is that whenever a circumstance such as this is discovered, that an investigation be undertaken to find out how it occurred so a stop can be put to the tragedy of someone going to a physician—a doctor—or a clinic to get a shot for an infection or a virus or an antibiotic and they come home with a deadly disease. We can do better with that, and I hope we will.

I will note also how proud I have been of Dr. Michael Saag at the Center for AIDS Research at the University of Alabama at Birmingham, a part of the infectious disease program. They have operated programs throughout the world, including Zambia, under a program headed by Dr. Jeff Stringer.

I also wish to thank Senator TOM COBURN. Sometimes people complain that Dr. TOM COBURN holds up bills and doesn't always let them pass by unanimous consent—with no debate, no ability to offer amendments. He felt this

bill needed to be improved. I met with a group from Africa who urged us to oppose the legislation as originally written for a few reasons, primarily because it removed the requirement that a significant percentage of the money from the bill be spent on medical treatment. They said, in fact, we should oppose the bill, even though they would, in many ways, benefit. We had a grandmother come whose daughter died from AIDS and she had her granddaughter with her and the granddaughter was infected with HIV. So it was an emotional moment.

I wish to say that as a result of Senator COBURN's objections to the bill and the willingness of the sponsors and leaders of the bill to listen to Dr. COBURN's complaints and concerns, considerable changes were made that I think made this bill better. I do feel better about that. I wish to say I am pleased that occurred.

So, again, I am going to support the amendment of Senator DEMINT which would reduce the funding to a level above that which President Bush originally asked for, to the level the Congressional Budget Office has said is all we can spend.

I am going to remember—I will not forget—what Sir Elton John said: That it is a responsibility that he felt to everybody who contributed to his program to see that every penny is spent wisely. There is no way this huge increase in spending can effectively occur with this legislation. There is no way it can be passed down through governmental agencies and bureaucracies and be wisely spent. I hope some of the amendments and ideas to ensure integrity in the process will become part of the law.

So I thank the Chair for the opportunity to speak on this. I do believe it will have a positive impact in the world. I do believe the United States should lead, and we are able to lead, but I have to tell my colleagues that we are in a position financially where we can't do everything we would like. We wanted to help the veterans. We wanted to stimulate the economy. We wanted to support housing. We wanted to support a worldwide program to fight disease, as this bill does, but there comes a point in time when we have to ask ourselves: Where are we going to get the money?

I am telling my colleagues, the deficit this year will be more than twice what it was last year. A lot of this spending we approved this year is not going to come out of the budget until next year. Unless the economy dramatically improves, we will probably see less tax revenue next year than this year. Much of this AIDS money would not come out until next year to be spent. So I am worried about that. I think we ought to be responsible. I don't think we have been sufficiently frugal in managing this program and in ensuring that every single penny does what we want it to do and that we are building up the funding at a rate we

are sure can be done safely and effectively and protect the taxpayers' money.

So for that reason, I intend to support the amendment of Senator DEMINT and some of the other amendments that call for rigorous monitoring to ensure that the money is spent wisely.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I understand that when we finish the work on this Global AIDS relief bill, we are going to take up the urgent matter of speculation in the commodities trading markets specifically with regard to energy and specifically with regard to oil. I wish to speak on that critical subject. Is it my understanding that I should speak as in morning business?

The PRESIDING OFFICER. That is up to the Senator to make that determination.

Mr. NELSON of Florida. Well, I will speak with the existing floor legislation then.

ENERGY CONCERNS

Madam President, it is time for us to address this matter of speculation. We have heard testimony on Capitol Hill from numerous experts in the Agriculture Committee, the Commerce Committee, the Homeland Security Committee, and many others over the course of the last several weeks. All signs are indicating there is something terribly wrong with the markets—the energy markets, the financial markets—and they are having an effect upon each other. Something is clearly causing high gas prices and our people are hurting and we have to get to the bottom of it.

When somebody comes up with a solution, those who are on the other side of that say: No, that is not true. Well, we are going to have to force the issue and get to the bottom of it because now the President has lifted the moratorium on offshore drilling in the areas that have been under a moratorium for decades.

The President is offering that as if that were the solution, instead of taking on the oil speculators. The President implies that by lifting the moratorium, if you drill off the coast in the areas that heretofore had been off limits to drilling, it is going to affect the price of gas but, in fact, the President's own Energy Information Agency has stated in a report they published last year that if you drilled all over the entire offshore, it would not affect the price of gasoline until the year 2030. So the President's own administration is undercutting the very argument the President is saying. So if they know it would not affect gas prices, why are they saying it? They are saying it because they know it is a seductive argument at a time when people are hurting under the strain of paying for \$4 gas. It sounds simple: Well, let's go drill. However, the fact is, if we want to drill, why don't we drill?

There are 68 million acres under lease by the oil companies. Let me repeat that figure: 68 million acres under lease by the oil companies that have not been drilled. It is seductive to say: Well, let's drill. Well, then, if we are going to drill, let's drill. Let's drill in what is available with thousands of permits that have already been issued to drill. Why aren't we drilling? If we look at the argument, we will find that to lower gas prices by as much as half, you have to go after the unregulated speculation that keeps driving up the price of crude oil, and up to unrealistic and shockingly high prices, largely because of a legal loophole called the Enron loophole that was enacted in December of 2000.

Oil is hovering now at about \$138 a barrel, but recent congressional testimony has told us from a leading industry executive—I am talking about an oil industry executive—that under normal supply and demand, the crude oil price ought to be about \$55 a barrel, not \$138 a barrel. If you brought that price back down to what normal supply and demand would require, then instead of gas being \$4 a gallon, you are talking about gas being around \$2.28 a gallon. So that is why a number of us have gotten into this act and offered various bills on speculation.

My legislation, S. 3134, would take us back to the status quo before the Enron loophole was enacted, and it would say you would have to regulate the energy commodity trading markets. That way, I think we could bring gas prices back down to a more realistic level.

So what Senator REID has done is, he has reached out to all these different speculation bills, and he has tried to put them together into a leadership bill that reins in the speculation by imposing position limits so one particular speculator couldn't absorb most of the oil contracts in a particular market, so it would ensure legitimate speculation doesn't get out of hand. Senator REID's approach is a more complicated approach that leaves the door open for unregulated trading, but if it is done right, the approach that the majority leader has taken can get us where we need to be. So I am going to be trying to assist our leader as we try to get this kind of legislation passed.

Now, it is interesting what we have heard coming from the Wall Street investment banks that have a lot of involvement in this speculative bidding up of the price, and what we have heard from the editorial page of the Wall Street Journal, which says that if you attack speculation it is misguided, and they say that the spiking price of a barrel of oil is just the supply and demand question; that the demand exceeds supply.

Just ask yourself if that makes sense. When the Saudis agreed to increase production, there was no drop in the price of oil. They increased the supply, but there was no drop in the price, and the price of oil keeps spiraling on. And one day it jumped up \$11 a barrel.

When there is no evidence of any dramatically increased demand, there is plenty of evidence that speculative money is pouring into the energy futures market. If you were making that much money, putting it into that marketplace, why wouldn't you pour your money in there?

Madam President, our airlines are just about to go out of business. The day that oil jumped \$11 a barrel, just that \$11 a barrel jump cost the airline industry \$4 billion extra. The airlines go out and they bid in the speculative market to hedge against increases in the price of jet fuel. But they are hurting so bad because of this marketplace going haywire. There are legitimate hedgers who try to use the futures market. Every CEO of every major airline has written us, all asking us to take action against excessive speculation. In the meantime, you know the drill—the oil companies keep asking loudly, along with the President—they claim they need to drill in new areas off of Florida and off of California. They will argue that this is going to increase the supply of oil.

But what they don't tell us is that in the Gulf of Mexico, there is already 39 million acres under lease, and 32 million acres of that 39 has not been drilled. So why wouldn't they drill?

Well, there is a fact of a balance sheet and assets. The more areas of land and offshore land they can have under lease, the more reserves the oil company accumulates, and the more that is a valuable asset that is added to their books.

This Senator was involved in crafting a compromise 2 years ago on drilling in the Gulf of Mexico. Initially, the proposal was to drill in 2.5 million acres. That was going to go on a beeline straight toward Tampa, FL. This Senator, and others, crafted a compromise of 8.3 million new acres for lease, keeping it away from the coast of Florida and away from the military testing and training area. We have the largest testing and training area for the U.S. military in the world, which is basically the Gulf of Mexico off of Florida. So we worked out that compromise.

But in this argument to lift the moratorium, their side is not telling you that in the 8.3 million new acres they got in the gulf 2 years ago—that did nothing to bring down the price of gasoline and oil. They don't tell you they have not drilled in any of that new 8.3 million acres. It is available, and it is there.

So the fact is, they ought to be sinking wells in the areas they have under lease—68 million acres—before demanding the control of millions of new acres with all the resulting tradeoffs that may occur. What do I mean? For example, States such as my State of Florida or California have an enormous part of their economy depending on pristine beaches. In our State alone, we have a \$60 billion-a-year tourism industry. Do we want that threatened? Do we want our economy threatened?

In States such as mine, the State of California, and many other States, there are these delicate bays and estuaries where so much marine life is spawned. Do we want that threat? No. I admit everything is a tradeoff. So why can't we balance the interests here by protecting the economic interests, the environmental interests, and the military interests against the interests to have additional oil drilling by utilizing the 68 million acres to drill on, already leased, including the 32 million acres available in the Gulf of Mexico that is under lease but hasn't been drilled? It is too much of a commonsense question that people like to ignore. This Senator is going to continue to demand that we answer that in a commonsense way.

Let me point out something else. By the lifting of the moratorium, which the President has just done on Monday, it would lift the moratorium all up and down the eastern seaboard, from Maine all the way down to the Keys in the State of Florida. That would open in the Atlantic the area off of the Cape Canaveral Air Force Station and the Kennedy Space Center. Do you think we ought to be having oil rigs out there where we are dropping the solid rocket boosters of every space shuttle flight, and where the defense satellites that are being launched out of the Cape Canaveral Air Force Station, on whose ride to space are expendable booster rockets, with the first stages dropping off into the Atlantic—should we threaten that capability of our national security? Yet what Senator McCONNELL is going to offer as a Republican alternative is to allow this drilling in all of the areas offshore of the United States, with the exception that the Governor of an individual State could veto drilling off that State.

Do we, the United States, whose main function as a government is to provide for the national security, want a Governor of an individual State to have veto power over whether the military interests of the Nation are going to be able to be conducted off the shore of that particular State? I think the answer is clearly no. You can't let a single individual, with their point of view of a State, say we are going to drill out there and kill that military testing and training area or in the case of Cape Canaveral, the area where we have to launch our rockets into space. Yet this is what we have come to.

So why do we want, in this system of tradeoffs, a tradeoff against the interests of our national security, our environment, and our individual State economies? It is simply not worth it if you have an alternative. The alternative is to go ahead and drill in the 68 million acres you already have under lease. We are not opposed to drilling. We want to make sure we approach this, as you make the decisions of tradeoff, in a commonsense way. That is what a lot of people do not understand. We simply cannot allow the administration to take advantage of the

situation, to give away the store, before this President leaves office in about 5 months.

Instead, we need to do something that is going to reduce gas prices by curbing the profiteering and the excessive speculation on the unregulated markets. That is the real solution for the short term. Then, for the long term, we must rapidly develop alternative fuels and vehicles and have a legitimate alternative to petroleum as a means of the source of energy as we propel ourselves forward in this country in this century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, for the benefit of my colleagues, I am going to propound, very shortly, two unanimous consent requests relative to the legislation. I wanted to make sure Senator LUGAR has copies of them.

The first one relates to the Sessions amendment. Then the second relates to wrapping up the entirety of the bill, all remaining amendments. With the Senator's permission, I will proceed.

Madam President, I ask unanimous consent that it be in order for Senator SESSIONS to substitute an amendment on promoting blood safety for the amendment he currently has listed under the agreement with respect to S. 2731, with no second-degree amendments in order to the amendment; that the Sessions amendment be agreed to and the motion to reconsider be laid upon the table; that the Sessions amendment on the list be deleted, and that no point of order be in order to the bill based on section 305.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Madam President, that means the Sessions amendment is now agreed to; is that correct?

The PRESIDING OFFICER. We do not have the amendment.

AMENDMENT NO. 5087

Mr. BIDEN. Madam President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. SESSIONS, proposes an amendment numbered 5087.

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

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

The amendment (No. 5087) is as follows:

(Purpose: To advise the public about the risks of contracting HIV from blood exposures, to investigate unexplained infections, and to promote universal precautions in health care settings)

On page 20, line 13, strike "and" and all that follows through "(C)" on line 14, and insert the following:

"(C) promoting universal precautions in formal and informal health care settings;

“(D) educating the public to recognize and to avoid risks to contract HIV through blood exposures during formal and informal health care and cosmetic services;

“(E) investigating suspected nosocomial infections to identify and stop further nosocomial transmission; and

“(F)

On page 28, line 13, insert “public education about risks to acquire HIV infection from blood exposures, promotion of universal precautions, investigation of suspected nosocomial infections” after “safe blood supply.”

On page 102, line 21, strike “and” and all that follows through “(xii)” on line 22, and insert the following:

“(xi) building capacity to identify, investigate, and stop nosocomial transmission of infectious diseases, including HIV and tuberculosis; and

“(xiii)”

On page 132, between lines 12 and 13, insert “public education about risks to acquire HIV infection from blood exposures, promoting universal precautions, investigating suspected nosocomial infections.”

Mr. BIDEN. Madam President, I urge passage of the amendment by voice vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 5087) was agreed to.

Mr. BIDEN. Madam President, I ask unanimous consent that no further amendments be in order to S. 2731; that the Senate then proceed to vote in relation to the pending amendments in the order listed below; that prior to each vote there be 4 minutes equally divided and controlled in the usual form; that after the first vote in the sequence, each succeeding vote be limited to 10 minutes each; that upon disposition of all of the amendments, and prior to voting on final passage of H.R. 5501, the House companion, there be 40 minutes of debate, with the time equally divided and controlled between the chair and ranking member; that upon the use or yielding back of that time, the Senate proceed to vote on passage of H.R. 5501, as amended, with any other provisions of the previous order remaining in effect.

The amendments in question are the Gregg amendment, No. 5081; the Kyl amendment, No. 5082; and the DeMint amendment, No. 5077.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Madam President, I believe we are looking for a unanimous consent to begin the first amendment in the series of votes at 5 o'clock.

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. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BIDEN. Madam President, I ask unanimous consent that the order of the votes that was set out in the unani-

mous consent agreement begin at 5 o'clock, the first vote beginning at 5 o'clock.

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

Mr. BIDEN. Madam President, 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. GREGG. Madam 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. 5081

Mr. GREGG. Madam President, is the regular order now that we are to proceed to a vote on a series of amendments?

The PRESIDING OFFICER. A series of amendments with 2 minutes of debate on each side preceding each amendment vote.

Mr. GREGG. Is the first amendment my amendment relating to the inspector general?

The PRESIDING OFFICER. The first amendment is the amendment, of the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. Madam President, I will go forward, and I guess the Senator from Indiana will close.

This amendment seems to me to be eminently reasonable in the sense that all it does—it is certainly not partisan in any way—is set up an independent inspector general for this specific program. Why does this program need an independent, specific inspector general? It is because under the present law, where we have over \$15 billion being spent over 5 years, we have five different inspectors general looking at these programs, and it has been pretty clear that they haven't had time to do it very effectively. Only one inspector general has spent any time, in fact, and that has been the USAID inspector general. By requiring the program to increase threefold, we are dramatically increasing the responsibility relative to spending money, but the USAID inspector general isn't going to have time to increase their efforts significantly in this account. So it is very important that we have an independent inspector general.

This is especially true because almost every country that these dollars are going to go into is a country which rates very low on the international evaluation of transparency, integrity, and functioning of the government in a way that we would deem to be efficient and effective. We cannot afford to have U.S. tax dollars wasted, and we certainly don't want to have them going to processes which are corrupt. The way to avoid that is to set up a specific inspector general for this account.

I wouldn't ask for it if we weren't expanding it so dramatically. But when you take a program and triple its size, you better have someone looking over the shoulders of the folks spending

that money. That is why we need an independent inspector general relative to this account.

I yield the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

The Senator from Indiana is recognized for 2 minutes.

Mr. LUGAR. Madam President, while I agree with the oversight goals the Senator has suggested, the underlying bill we are debating has a very strong inspector general infrastructure, and it operates at much less cost than the cost that would be assumed by the Senator's amendment.

PEPFAR has set a high standard for results-based, accountable development programs both within our own Government and in the international community. PEPFAR has been among the most evaluated of new programs in the U.S. Government, with five GAO reports already completed and a sixth on the way.

I believe we now have a strong system of oversight already in the bill that recognizes the participation of many agencies in our antidiasease programs, and this system has extensive experience and continuity of oversight over these programs. I believe we should retain this system. Therefore, I hope Members will oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts in (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—44

Alexander	Crapo	McCaskill
Allard	DeMint	McConnell
Barrasso	Dole	Roberts
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Feingold	Smith
Burr	Graham	Snowe
Chambliss	Grassley	Specter
Coburn	Gregg	Sununu
Cochran	Hatch	Tester
Coleman	Hutchison	Thune
Collins	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Klobuchar	Wicker
Craig	Kyl	

NAYS—51

Akaka	Biden	Brown
Baucus	Bingaman	Byrd
Bennett	Boxer	Cantwell

Cardin	Kerry	Nelson (FL)
Carper	Kohl	Nelson (NE)
Casey	Landrieu	Pryor
Clinton	Lautenberg	Reed
Conrad	Leahy	Reid
Dodd	Levin	Rockefeller
Domenici	Lieberman	Salazar
Dorgan	Lincoln	Sanders
Durbin	Lugar	Schumer
Feinstein	Martinez	Stabenow
Hagel	Menendez	Stevens
Harkin	Mikulski	Webb
Inouye	Murkowski	Whitehouse
Johnson	Murray	Wyden

NOT VOTING—5

Bayh	McCain	Warner
Kennedy	Obama	

The amendment (No. 5081) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5082

The PRESIDING OFFICER. There is now 4 minutes of debate equally divided in relation to the vote on the Kyl amendment, No. 5082. Who yields time?

The Senator from Arizona is recognized.

Mr. KYL. I would like my colleagues' attention so I can briefly explain the amendment.

Mr. President, this will take a moment. This is a very simple amendment. We have tried to authorize \$50 billion over 5 years. All my amendment says is that in those 5 years, the last year will have \$10 billion authorized—in other words, one-fifth of the total. And that if there is an appropriation exceeding that amount, that there would be a point of order against it.

The reason for it is very simple. Under the current law, we have exceeded the authorization by about \$4 billion, actually close to \$5 billion. What that does is to affect the baseline for the following reauthorization.

All we are trying to do is to say if this is \$50 billion—that is \$10 billion a year. The House actually has it designated as such, the Senate does not. All I am saying is, is not even designate each year as 10, just make sure the last year is 10.

One reason for doing that is to make sure that is the baseline for the subsequent reauthorization. That is all we are trying to do. This is a very simple, very easy amendment to support. I would think those who are strongly in support of PEPFAR would agree to this amendment because it would grant further assurances about the program not having mission creep and expanding more than it should in future years, that would make some folks feel better about it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask Senators to oppose this amendment. Because of the anticipated funding curve over the next 5 years, this amendment likely would have the ef-

fect of cutting funds available in the final year by several billion dollars.

We should retain the flexibility to spend less than \$10 billion now, while spending more than \$10 billion in future years, if needed, when our programs are reaching more individuals with treatment and prevention services.

We want the program to expand at a rational pace based on thoughtful goals and on the developing capacity to absorb investments. Our agencies have demonstrated they know how to achieve this. We should retain the flexibility that will give them the best opportunity to succeed.

I ask Senators to oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, that is a reasonable argument. My amendment does not preclude the reasonable ramping up of the money. But what we are hoping to do is to keep the appropriation to \$50 billion—actually it is now \$48 billion. Under current law, at \$15 billion authorized, we are spending just under \$20.

In other words, the appropriations have exceeded the authorization. All I am trying to do is not prevent the internal adjustment to allow the full expenditure of the amount authorized but to prevent an appropriation above that. That is why the point of order would only apply to appropriations that exceeded the authorized amount in the final year.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want the Senator to have the last word, so I would ask that he have another 15 seconds to respond to what I am going to say.

Let's get this straight. This is an authorization. This is not an appropriation. I understand the Senator's concern. But we may need to, in terms of rationally ramping up the expenditures of this money without wasting the \$48 billion, be spending \$11 or \$12 billion in the fifth year.

His concern is that becomes the baseline for the next 5 years. We are not authorizing for the next 5 years. We are authorizing for this 5 years. All we are doing is authorizing.

So I would strongly urge us to vote against this amendment.

The PRESIDING OFFICER. The Senator from Arizona has 15 seconds to sum up.

Mr. KYL. Mr. President, I appreciate the hard work both the chairman and the ranking member have put in. Their arguments have been made. I ask my colleagues to improve the bill a little bit by adopting our amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—28

Alexander	Craig	Inhofe
Allard	Crapo	Isakson
Barrasso	DeMint	Kyl
Bond	Ensign	McConnell
Bunning	Enzi	Sessions
Burr	Graham	Thune
Chambliss	Grassley	Vitter
Coburn	Gregg	Wicker
Corker	Hatch	
Cornyn	Hutchison	

NAYS—67

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Pryor
Bennett	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Inouye	Roberts
Boxer	Johnson	Rockefeller
Brown	Kerry	Salazar
Brownback	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shelby
Cardin	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Cochran	Lincoln	Stevens
Coleman	Lugar	Sununu
Collins	Martinez	Tester
Conrad	McCaskill	Voinovich
Dodd	Menendez	Webb
Dole	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

NOT VOTING—5

Bayh	McCain	Warner
Kennedy	Obama	

The amendment (No. 5082) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5077

The PRESIDING OFFICER. There are now 4 minutes of debate equally divided prior to a vote in relation to the DeMint amendment No. 5077. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, since the President introduced his bill to reauthorize the PEPFAR program several months ago, a lot has changed. Our economy has continued to slow. We have passed a housing bill that allows up to \$300 billion of risky loans to be added to the Federal debt. We have now been told by Secretary Paulson that it is likely we will have to come up with \$40 to \$50 billion in the next year to prop up the Government-sponsored enterprises of Fannie Mae and Freddie Mac. I appeal to my colleagues to consider reducing the amount of authorization for this PEPFAR bill to \$35

billion. The Congressional Budget Office tells us we cannot spend more than \$35 billion over a 5-year period without wasting, that the mechanisms are not there. For us, in the face of what we are dealing with, to go beyond what the Congressional Budget Office tells us we can spend and authorize \$50 billion at this time is irresponsible. I encourage my colleagues to vote for this amendment to reduce the authorization amount to \$35 billion.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the President and Members of the House of Representatives have carefully examined the PEPFAR situation and strongly recommended the \$50 billion authorization. In the event we were to pass this amendment, it would be a severe blow to United States leadership and prestige on this issue, because it would profoundly affect the calculations of individuals, groups, and governments that we are trying to engage in this fight against HIV/AIDS. These commitments, many of them, are contingent upon our action today. I believe the \$50 billion figure will maximize the humanitarian and foreign policy benefits of the PEPFAR program. We have an opportunity to save lives on a massive scale and preserve the fabric of numerous fragile societies. I ask my colleagues to continue to work together for this result. I oppose the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. How much time do I have remaining?

The PRESIDING OFFICER. There is 32 seconds.

Mr. DEMINT. Mr. President, with due respect to my colleague, apparently there is nothing magic about \$50 billion, because today we arbitrarily cut \$2 billion and sent it somewhere else. Again, the Congressional Budget Office says that nothing will be sacrificed. No aid will be taken away from Africans with AIDS and others we are trying to help, because within the 5-year period we cannot spend \$50 billion effectively and efficiently. Let's show some restraint in this body and at least move it to the maximum figure we can do effectively.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, currently we are spending \$6.3 billion a year. This amendment is based in part on the Congressional Budget Office report that assumes PEPFAR, tuberculosis, and malaria spending for fiscal 2009 will only be \$1.5 billion. That false assumption stems from the fact that the Congressional Budget Office is evaluating this authorization act as if it were starting from zero. That is how they get the \$35 billion. It is not starting from zero. It is starting from \$6.3 billion. Slashing funding will require slashing targets set in this bill, including prevention of 12 million HIV infec-

tions; care for 12 million people, including 5 million orphans and vulnerable children; treatment of millions of people with AIDS, according to a formula that climbs as appropriations rise over time; and a major expansion of efforts to combat tuberculosis and malaria together which claim 6.3 million lives a year.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5077.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

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

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—31

Alexander	Craig	Kyl
Allard	Crapo	McCaskill
Barrasso	DeMint	McConnell
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Thune
Chambliss	Gregg	Vitter
Coburn	Hutchison	Wicker
Corker	Inhofe	
Cornyn	Isakson	

NAYS—64

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Pryor
Bennett	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Rockefeller
Boxer	Inouye	Salazar
Brown	Johnson	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Smith
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Clinton	Leahy	Stabenow
Cochran	Levin	Stevens
Coleman	Lieberman	Sununu
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Dodd	Martinez	Webb
Dole	Menendez	Whitehouse
Domenici	Mikulski	Wyden
Dorgan	Murkowski	
Durbin	Murray	

NOT VOTING—5

Bayh	McCain	Warner
Kennedy	Obama	

The amendment (No. 5077) was rejected.

Mr. BIDEN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. DOMENICI. Madam President, on rollcall vote 181, I voted "yea." It was

my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mrs. CLINTON. Madam President, I rise today in strong support of S. 2731, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. This legislation would provide a substantial increase in our resources to address these devastating diseases on a global scale. It will enable us to increase the number of health professionals, expand treatment, and prevent new infections, thus improving the lives and futures of millions in countries around the world.

I am particularly pleased to see the advances that this bill makes in providing information about effective interventions, such as those that can prevent the perinatal transmission of HIV and save the lives of newborns. It also will allow us to implement new strategies to protect women and girls from HIV infection. This bill is an important step in our fight against global AIDS, and I would urge all of my colleagues in the Senate to vote for it.

I would like to draw attention to several provisions in this legislation which I believe will help to improve our efforts to combat AIDS around the world. One of these is an increased emphasis on identifying and replicating best practices in service delivery, a science known as operations research.

Let me give you an example of how operations research can help to improve our response to global AIDS. In the developing world, about 1 out of every 3 children born to mothers with HIV end up with the virus—a tragic statistic and one we know how to prevent. We have learned from our experience in the United States, where less than 100 cases of perinatal transmission were recorded in 2005, that providing access to critically needed, life-extending drugs can significantly reduce cases of mother-to-child transmission of HIV. With data from operations research, we will be able to understand how we can, in low resource settings, improve testing, education, and treatment options in order to reduce mother-to-child transmission to levels that are comparable to those we see in the United States. And prevention of mother-to-child transmission of HIV is just one of the areas where the data from operations research can transform our ability to maximize the U.S. investment in global AIDS funding.

Earlier this year, I introduced the PEPFAR Accountability and Transparency Act to expand our investment in operations research. I am pleased to note that several of the provisions from that legislation have been incorporated into this bill, which will require the government to incorporate

plans to improve program monitoring, evaluation and operations research into its overall strategic plan for AIDS. Doing so will allow us to determine the effectiveness of the interventions we are funding, so that we can replicate those that are working well, and examine ways to improve those that could be better. The bill would also increase the dissemination of research findings, so that information about cost-effective interventions will be available with people working to combat diseases in their own communities, shared through a "best practices" report compiled and published annually by our government.

I am also pleased to see that this legislation increases our efforts to address the vulnerability of women and girls to HIV infection. According to the United Nations, more than 15 million women were living with HIV at the end of 2007, accounting for slightly less than half of all those living with HIV. But in the places that are hardest hit by epidemic, AIDS has a disproportionate impact upon women. In sub-Saharan Africa, for example, 61 percent of those living with HIV are women. And we are not doing enough to help women protect themselves against infection, particularly young women. Studies completed in 17 countries in 2003 show that more than 75 percent of the young women surveyed could not identify ways to protect themselves against HIV infection.

Last year, I joined Representative BARBARA LEE in introducing the Protection Against Transmission of HIV for Women and Youth (PATHWAY) Act, which would require the President to develop and implement an HIV prevention strategy that addresses the particular vulnerabilities of women and girls—the links between gender-based violence, lack of educational and economic opportunity, human trafficking and sexual exploitation, and increased risk for HIV infection. I am pleased to see that this legislation contains a strong emphasis on addressing the needs of women and girls. It will require the inclusion of programs to address the needs of women and girls, in the President's 5-year strategy to combat global AIDS, and will provide clear guidance to help integrate gender across prevention, care and treatment programs. With this increased commitment, we will be able to help prevent additional HIV infections among women, and increase access to care and treatment. Doing so will help not only women living with HIV, but the families for whom so many of these women are the primary caregivers.

In addition to requiring a strategy to address the needs of women and girls, the PATHWAY Act also repealed requirements that one-third of prevention funding under PEPFAR be spent on abstinence until marriage programs. I believe that we need to repeal this hard spending requirement in order to give countries the flexibility to tailor prevention programs to their local

needs. Both the Government Accountability Office and the Institute of Medicine have produced reports demonstrating that such spending requirements impact the ability of in-country programs to carry out effective interventions. The bill we are voting on today removes the abstinence earmark and replaces it with a requirement to submit reports on spending if in-country funding for abstinence and monogamy promotion drop below certain levels. I am hopeful that this compromise will allow countries to tailor their prevention messages to the epidemic that exists, and improve the efficacy of our efforts to halt the spread of HIV, and I will monitor implementation of this provision to ensure that it does not also constrain the ability of grantees to help prevent as many new infections as possible.

This bipartisan legislation is an opportunity for us to renew our commitment as a nation to fighting the global scourges of AIDS, tuberculosis, and malaria. It improves our ability to care for those in need, to help countries torn apart by these epidemics, to combat the dangerous stigma that often still exists around these diseases, and to prevent new infections. Today's vote represents a critical step in our efforts to halt and reverse the burden of these diseases, and I am proud to join my colleagues in supporting this bill.

Mr. DODD. Madam President, I rise in strong support of the Global HIV/AIDS, tuberculosis, and malaria reauthorization bill and urge its immediate passage. As a member of the Senate Foreign Relations Committee and chairman of its Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs, I can say that of all the global challenges we face, few are more daunting in scope or immediate in need than the scourge of HIV/AIDS. In so many parts of the world, the global HIV/AIDS pandemic threatens to undermine all of our other efforts to bring stability and prosperity to the world.

As a result of the original law Congress passed in 2003, the United States has provided lifesaving drugs to nearly 1.5 million men, women and children; supported care for nearly 7 million people, including 2.7 million orphans and vulnerable children; and prevented an estimated 150,000 infant infections around the world. Through this law alone, we as a nation have shown the world that Americans are a compassionate, caring and generous people. It is a spirit I know to be true throughout our remarkable country. Our sustained commitment to the treatment, prevention, and care of HIV/AIDS globally through this law has helped us make great strides toward helping repair our Nation's image overseas so badly damaged by the war in Iraq. So, I tell my colleagues, the eyes of the world are upon us. We must reauthorize this program and we cannot wait another day to do it.

I want to thank and commend the chairman and ranking member of the

Senate Foreign Relations Committee, Senator BIDEN and Senator LUGAR, for crafting this bipartisan legislation that will continue the success of the 2003 law and make many important improvements to the program. I would like to take a minute to highlight a few of what I believe are the most critical improvements. Following that, I want to go into a bit more detail about provisions in this bill that I am proud to have authored, along with my colleague Senator GORDON SMITH, relating to the prevention of mother-to-child transmission of HIV and the treatment of children living with this disease.

To begin with, the bill increases the authorization of appropriations to \$50 billion, allowing for incremental increases in funding over the course of the next 5 years. HIV/AIDS killed more than 2 million people last year, including 330,000 children under the age of 15, and an estimated 2.5 million people including 420,000 children were newly infected. These numbers are staggering. Absent an increase in our funding commitment, we may well lose all the hard-fought gains we've made against this disease.

The bill also eliminates the restrictive "one-third earmark" limiting prevention funding to abstinence-until-marriage programs. The Institute of Medicine and the Government Accountability Office, GAO, both concluded that the one-third abstinence earmark unduly limited flexibility for the people implementing HIV/AIDS programs on the ground. In fact, the GAO found that in order to meet the one-third spending requirement, country teams reported having to divert funds from prevention of mother-to-child transmission services.

The bill sets several key targets for HIV/AIDS prevention, treatment and care as well as targets to expand the healthcare workforce in order to help achieve staffing levels recommended by the World Health Organization. The bill moves from a reliance on a healthcare workforce that was already in place in the developing world under the original law to investing new funds to train new healthcare workers and paraprofessionals, especially nurses and doctors, under the reauthorization bill. The various targets in the bill will help move the program toward sustainability over the long term. That can only be achieved by a bold, sustained effort to train and retain new healthcare workers, including adding new workers to the most rural of areas.

The legislation repeals the provision in current law barring the admission into the U.S. of individuals who are HIV positive or have AIDS. This policy is an international embarrassment and its repeal should be maintained in the final bill. Because of this law, the President has to seek a waiver from his own State Department to invite guests to White House events related to this program. The U.S. cannot even host an international conference on HIV/AIDS. The time to repeal this statutory ban

that discriminates solely on the basis of an HIV/AIDS diagnosis is long past due.

I would like to take a moment now to highlight a couple of key provisions included in this bill that were drawn from legislation I introduced earlier this year with my colleague, Senator GORDON SMITH. Our bill, the Global Pediatric HIV/AIDS Prevention and Treatment Act, and the bill before us today set a target for the prevention and treatment of mother-to-child transmission of HIV that, within 5 years, will reach 80 percent of pregnant women in those countries most affected by HIV/AIDS in which the U.S. has such programs.

The bill also calls for integrating care and treatment with prevention of mother-to-child transmission programs, increasing access of women in these programs to maternal and child health services, and a timeline for expanding access to prevention of mother-to-child regimes. The ultimate goal of these policy improvements is to improve the health outcomes of HIV-affected women and their families and to improve followup and continuity of care.

I also want to thank the chairman and ranking member of the Foreign Relations Committee for including an amendment I offered in committee that will convene a prevention of mother-to-child expert panel which will report to the Office of the Global AIDS Coordinator and the public within a year on a plan for the scale-up of mother-to-child transmission prevention services. This provision was not included in the House-passed bill but I urge my colleagues to maintain it in the bill that is sent to the President.

We can prevent the transmission of HIV mother-to-child. We know how to do it. In the industrialized world, the standard of care involving a complex drug regimen has reduced mother-to-child transmission rates to as low as 2 percent. By the end of 2007, 34 percent of HIV-infected pregnant women around the world received the medicines they need to prevent transmission of HIV to their babies, a substantial increase from 14 percent in 2005. While this is considerable progress, still almost two-thirds of HIV-positive pregnant women did not receive the medicines necessary to prevent the transmission of HIV to their baby. That is why the target in the bill is so crucial.

I am in the unique position of serving on both the Foreign Relations Committee and the Health, Education, Labor and Pensions Committee where I have spent many years working to improve the health and welfare of children and families. We have made great strides through the Ryan White CARE Act program in this country toward ensuring that children and their families receive adequate, family-centered care and treatment for HIV/AIDS. In the United States, we have reached a point where a child living with HIV/AIDS no

longer faces certain death. Thanks to antiretroviral, ARV, therapy, many children born infected with HIV/AIDS now have the opportunity to grow up healthy. However, long-term survival remains a dream that eludes most of the 2.5 million HIV-infected children around the world.

Globally, HIV/AIDS infection rates in children continue to outpace the rate at which they are treated. Every day approximately 1,100 children across the globe are infected with HIV, the vast majority through mother-to-child transmission during pregnancy, labor or delivery or soon after through breastfeeding. Approximately 90 percent of these infections occur in Africa.

With no medical intervention, HIV-positive mothers have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. Without proper care and treatment, half of these newly-infected children will die before their second birthday and 75 percent will die before their fifth. Sadly, although children represent close to 16 percent of HIV infections, they are only 10 percent of those receiving treatment.

That is why the bill before us today also includes a 5-year target that the number of children receiving care and treatment for HIV/AIDS is proportionate to their infection rate in each country funded under this program. One cannot lag behind the other and, with passage of this bill, they won't.

I thank the chairman and ranking member again for working with me to include these vital provisions for children and families. I believe they will have an enormous impact on the long-term health and survival of the millions of men, women and children affected by HIV/AIDS.

I would be remiss if I did not take a moment to highlight an area where I believe the bill regrettably does not incorporate the lessons learned over the past 5 years about addressing HIV/AIDS, and that is the lack of language in the bill facilitating linkages between HIV/AIDS activities and family planning activities.

I recognize that Members have strong feelings on this issue. But family planning providers serve millions of women in developing countries that are now at the center of the global HIV/AIDS pandemic. Moreover, it is critical that this program continue to support voluntary family planning counseling and referral as a core component of prevention of mother-to-child transmission and other HIV-service programs. I look forward to working to ensure that this program links HIV/AIDS activities and family planning activities.

With that, I urge my colleagues to act quickly to pass this bill to reauthorize a program that has helped save the lives of millions of men, women and children. The President has asked Congress to pass the bill. The leading organizations advocating for reauthorization of this program have called on Congress to pass the bill. The House

has already passed the bill. It is time for the Senate to do the same. I implore my colleagues to put aside their differences and support passage of this bill.

Mr. COLEMAN. Madam President, I strongly support the reauthorization of the President's emergency plan for AIDS relief. The fight against pandemic AIDS is an important international priority, and I am very pleased that we can work toward a bipartisan consensus on this legislation. We have the benefit of 5 years of lessons learned to integrate into this bill, and the resources that we are putting into action through this measure will deliver lifesaving medicines, basic health care infrastructure and hope to millions of people around the globe who face the threat of HIV/AIDS, malaria and tuberculosis.

I have had a particular interest in the area of health care infrastructure in Africa, and have worked closely with my colleagues Senators DURBIN and FEINGOLD on legislation relating to this. I am very pleased that some of our language and ideas have been integrated into the current PEPFAR bill. The fact of the matter is that we face great challenges in the area of health infrastructure in Africa, including serious shortages of health care workers, clinics, and hospitals in many areas of the host countries that limit our ability to reach the millions of people who need care and treatment. It is my view that at least some of the answers may be found in the private sector, and it is my hope that U.S. agencies will reach out to the private sector to help us meet the overwhelming needs of the affected countries.

I would like to share with my colleagues the success of one unique non-profit from my home State that has harnessed the powerful force of franchising to establish a sustainable network of health clinics and pharmacies in two PEPFAR countries. This program, run by the HealthStore Foundation, was established more than a decade ago to "prevent needless death and illness by sustainably improving access to essential medicines." Since that time, the HealthStore Foundation has established a network of more than 65 franchises in Kenya, serving roughly 525,000 patients and customers in 2007. Currently, the program is expanding to Rwanda, and the first franchise should be open within a few weeks. By 2012, the HealthStore Foundation plans to expand its network to over 14 countries serving millions of patients per year.

Each HealthStore franchise is locally owned and operated by a licensed nurse or by a community health worker. Some hire employees, creating still more jobs, mostly for women. HealthStore operates as a typical franchisor, and franchises are licensed under the Child and Family Wellness Shops, CFW shops, brand name. The model incorporates key elements of any successful franchise network:

strong branding, proven operating systems and training; strict quality controls enforced through regular inspections; and well-chosen locations. It is worth noting that franchising the distribution of health care and pharmaceuticals has also helped to curtail incentives for corruption, as franchisees risk losing their business if they fail to comply with franchise system standards.

I describe the HealthStore Foundation program as a "microfranchise" model, because this model shares many of the unique characteristics of the microlending efforts led by the Grameen Bank. In Kenya, clinics are easily accessible, located within an hour's walk of the communities they serve. Each clinic offers a range of government-approved, tested medicines and products along with basic health care services from licensed nurses. Up front costs for each franchise unit are modest, and the stores generate a steady income for their owners. To ensure that capital is available, the HealthStore Foundation provides financing for up to 88 percent of the required initial capital, although many owners raise funds through family and friends. Most importantly, these clinics operate to turn a profit, and it is the long-term maintenance of this profit that sustains the system.

Franchising delivers certain competitive advantages, including economies of scale, centralized distribution of high-quality drugs, central management of regulatory and legal issues, and a critical mass of locations that can share best practices and leverage resources. Apart from the benefits accrued through these competitive advantages, franchise owners also receive extensive training, marketing and promotions support, technical advice, and an established, trusted brand name.

The genius of the HealthStore Foundation's strategy for building a sustainable infrastructure of health care delivery in Kenya and Rwanda is the adoption of the franchise business model. Franchising is such a tried and true business strategy in this country that most Americans take it for granted, but franchising is taking place all around us. In fact, a recent report by the International Franchise Association Educational Foundation shows that roughly 909,000 franchise businesses in the United States account for 21 million jobs and more \$2.3 trillion in annual economic activity, and franchising has been growing at a faster pace than the overall economy. In the United States, franchising is a business strategy that works because an entrepreneur with a great idea or great product can quickly and efficiently develop a network of businesses to deliver a consistent, high quality product in every State, city and town across the Nation.

The goal of this legislation is to halt the spread of pandemic diseases in a large part of the world. Certainly, the HealthStore Foundation has proven

that microfranchise businesses can be capable partners in this effort, but the ownership opportunities provided by franchising also offer us other benefits. We know that ownership is a powerful incentive. Ownership gives people a stake in the future. In Kenya, owning a HealthStore clinic has become an attractive career choice for health care workers, helping to slow the pace of emigration of these trained professionals. The microfranchise model also supports the development of a strong small business infrastructure in villages and towns throughout the PEPFAR regions, and the lessons learned through franchised health care clinics can be repeated in other kinds of businesses.

For these reasons, the Senate should work with U.S. agencies to consider microfranchise business creation among the strategies for putting these resources to work in the PEPFAR region. In order to continue to raise awareness around this important approach that has been tried by the HealthStore Foundation, I plan to follow up this statement with a colloquy with one of my Senate colleagues.

Mr. ENZI. Madam President, I rise today to reiterate my continued support for the passage of the Tom Lantos and Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008. The compromise that many of my colleagues were able to support is what I call the third way. Many on both sides of the aisle would prefer to have it changed one way or another to assuage some of their concerns with the policies set out in the bill, and I can understand those concerns. However, now is the time to put away our partisan politics and pass a bill that will reach to save over 3 million more lives, care for more than 12 million more people affected by HIV/AIDS and continue to stop the spread of the disease by spreading the messages about prevention. That is the bottom line—it saves lives and it really is a shining example of the generosity and goodness of America and her people. Senators COBURN, BURR and I worked with Senators BIDEN and LUGAR and many other members of the Senate to reach an agreement that we all think is fair, just and conscientious.

As I mentioned the other day, I have been to Africa more than once, so I have seen first hand the tremendous benefit that this program has achieved and I am confident that this bill will allow it to achieve even more. Now I know that some of us are concerned about, and have legitimate disagreements, over the high authorization level attached to this bill. I have always supported having a fair debate on this issue on the Senate floor and I hope to find a fiscally responsible way to address this crisis by having every member vote on a number that is reasonable and get the job done. There is an urgent need to meet this world health crisis, and America has never

turned her back when there is such a profound and pressing crisis affecting those who are far less fortunate. I again want to reiterate my support for this discussion and for the continuation of the floor process to have this bill passed as quickly as possible.

I believe that the American people support these humanitarian efforts, and as their elected Representatives, we have the solemn responsibility to see to it that their hard-earned dollars are being spent wisely and effectively. I happen to believe that it is critical that the bulk of these funds are spent for the specific benefit of people who are infected—for their direct medical care and treatment. I personally am satisfied that we have secured a bill that will do just that. In fact, in order to assure that this does happen, we have built in safeguards to ensure transparency and accountability throughout this bill so that we may better monitor the outcomes of this program and easily find the areas that are in need of improvement.

We have come a long way in assuring that over half of these funds will be focused on treating people directly, so that the funds will follow the individuals affected by HIV/AIDS. The more we are focusing our efforts on treatment, the less likely these funds will be spent on so called extraneous provisions that so many of my colleagues are concerned about.

I hope that we can all agree to act on this bill in a timely manner without partisan politics. This is a good bill; it will save lives. As I said the other day, I urge all my colleagues to vote for passage and send a message to the world's nations that America will always be there for those who cannot help themselves—our commitment is to ridding the world of these dread diseases, and we are resolute in our determination to reach that goal.

Ms. MIKULSKI. Madam President, I rise today to applaud the passage of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act. I am proud to have voted in support of this legislation that reauthorizes the President's Emergency Plan for AIDS Relief, PEPFAR, and provides much-needed foreign aid to countries to combat these devastating diseases.

Currently, more than 33 million people worldwide live with HIV/AIDS. My own dear State of Maryland is one of the hardest hit States in the U.S. Maryland has the ninth highest AIDS rate in the Nation and the Baltimore metropolitan area has the second highest rate of AIDS cases compared to other cities in the country. Today, by providing \$50 billion over the next 5 years to 120 countries we are recommitting ourselves to fighting the deadly diseases of HIV/AIDS, tuberculosis, and malaria. These global health problems affect not just patients, but their families and communities.

This act provides funding for education, prevention, research, care, and

treatment for HIV/AIDS, tuberculosis, and malaria. It expands programs to increase access to care for children and expands the international health workforce to train and retain health care workers who can provide much-needed care. As the champion of the Nurse Reinvestment Act, I understand how critical it is for any country to have a large enough health care workforce available to treat such destructive diseases.

I would like to honor and thank the men and women who work hard daily to make a difference in the fight against these deadly diseases. There are many great organizations throughout the state of Maryland that have been on the front lines for decades fighting HIV/AIDS, tuberculosis and malaria in the U.S. and worldwide. The National Institutes of Health is home to some of the most significant advances made to treat HIV/AIDS and the Johns Hopkins Bloomberg School of Public Health has been an international leader in creating innovative programs to fight disease epidemics. The University of Maryland is home to the Institute of Human Virology, where some of the world's most renowned scientists are undertaking groundbreaking research, such as developing an AIDS vaccine. I am also proud of organizations like Catholic Relief Services, which is headquartered in Baltimore, that work tirelessly all over the world to provide assistance and compassion to those who suffer the physical, economic, social and emotional toll of these diseases. We have made giant leaps forward because of their efforts.

I have always fought in the Senate to fund important programs that assist individuals living with HIV/AIDS, as well as fund the research that will one day lead to a cure. I will continue the battle and stand sentry to fight and prevent HIV/AIDS, tuberculosis, and malaria in Maryland and around the world.

Mr. LEAHY. Madam President, I support this bill, which extends the authorization of United States HIV/AIDS programs administered by the Office of the Global AIDS Coordinator, and includes several important changes to the former authorization act. I commend Senators BIDEN and LUGAR, and their capable staff, for the outstanding work they have done, over many months, to get this bill through committee and to the Senate floor.

This administration will not be remembered for its foreign policy achievements. In fact our country's reputation and leadership have been badly damaged in the past 7 years, due to colossal blunders by this White House that will take years to overcome. But I do credit President Bush for his consistent support for significant increases in funding to combat HIV/AIDS around the world.

The Congress, of course, has surpassed the President's requests by increasing funding for the PEPFAR pro-

gram by \$2 billion over the past 5 years. We will continue to support this program whoever is the next President.

In addition to authorizing \$50 billion over 5 years for HIV/AIDS programs, the bill would call for increased U.S. contributions to the global fund to fight AIDS, TB and malaria. The global fund is a mechanism for multilateral cooperation which has strong support in Congress, although the President has consistently cut funding for it. Like PEPFAR, the global fund is providing antiretroviral drugs to increasing numbers of people infected with HIV, and it is expanding its prevention programs in many countries that are not PEPFAR focus countries.

This bill does authorize considerably more—\$20 billion more—than what the President initially proposed. Some Senators in the other party have objected to that increase. Madam President, \$50 billion is a lot of money. But those same Senators have never uttered a word of objection to spending hundreds of billions of dollars in emergency, off budget funding for a war that could have been avoided, has cost thousands of lives, that has made us less secure.

There is little doubt these additional funds will be needed, although the capacity to use such large increases will take time to build. Ultimately, it will be a matter for the Appropriations Committee. At this point we are a long way from having the budget allocation to fund these amounts, so we should not be under any illusions. It is one thing to authorize funding, but quite another to appropriate the money. Were we to try to meet this level today, we would have nothing left to meet other pressing demands and threats around the world. We cannot put all our eggs in one basket without causing serious damage to other critical foreign policy programs.

There is also the question of how much we can do bilaterally and how much should be done through the global fund. We need to know what the right balance is—something the President has repeatedly ignored in his budget requests.

This bill tackles many other issues, including how best to allocate HIV/AIDS funds. When the Republicans were in the majority at the time of the first PEPFAR authorization, the Congress took a prescriptive approach, even legislating percentages of the funds that must be used for treatment or prevention, or which types of organizations could receive funding. We are still struggling with that misguided legacy.

My own view is that the less Congress injects itself into matters of global health the better, because the result is too often that politics and ideology take precedence over what is in the best interest of public health in a particular country. Every country has different conditions, different capacity, and different social traditions, and trying to legislate in Washington the ap-

proach that should be used in Mali or Bangladesh or Brazil is fraught with problems.

To me, the bottom line is simple. We are a country whose economy dwarfs all others. AIDS is a global pandemic—with over 33 million people infected—that knows no geographical boundaries. It threatens us all, but in some countries the needs are far greater. In Africa, people suffering from AIDS succumb from malnutrition and water borne illnesses. Others, in Haiti or Asia, suffer in pitiful conditions with no one to care for them. From Cambodia to Cameroon, grandmothers are caring for five, six, seven children on an income of a dollar or two a day.

The PEPFAR program represents the best face of America. It is one way for the United States to mitigate some of the damage to our image, by saving lives in countries where AIDS no longer has to mean a death sentence.

We need to do a better job of making sure that our PEPFAR and global fund dollars are used as effectively as possible, which has not always been the case. The oil producing countries, which are making huge profits and yet contribute little to the global fund, need to do a lot more. And the Congress needs to give the public health professionals at PEPFAR, the U.S. Agency for International Development, and the Global Fund the flexibility to make decisions based on the health needs of each country.

Again, I commend Senators BIDEN and LUGAR, and their staffs, for completing this bill.

Mr. DURBIN. Madam President, I rise to speak in support of section 305 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act. Section 305 would make an important change in our laws that is long overdue.

Under current law, foreign students, tourists, refugees and immigrants with HIV are prohibited from entering the United States. Section 305 would eliminate this HIV travel ban. I was pleased to join Senator KERRY and Senator SMITH as an original cosponsor of the HIV Nondiscrimination in Travel and Immigration Act, the original version of this provision.

Our immigration laws treat people with HIV differently than people with any other medical condition. HIV is the only disease specifically listed in U.S. law as a bar to entering the United States. For all other medical conditions, the Secretary of Health and Human Services determines whether the public health risk justifies a bar to admission.

Only 11 other countries have such harsh travel restrictions for people with HIV. Listen to the other countries with HIV travel bans: Armenia, Colombia, Iraq, Oman, Qatar, Russia, Saudi Arabia, Solomon Islands, South Korea, Sudan, and Yemen. Even China recently took steps to overturn its HIV travel ban. Does the United States

really want to be in the company of Sudan when it comes to the treatment of people with HIV?

This HIV travel ban undermines our global leadership in the fight against AIDS and is incompatible with the goals of PEPFAR.

How can we tell other countries to end discrimination against people with HIV when we ourselves treat people with HIV who want to travel to our country differently than those with any other medical condition?

The travel ban for persons with HIV was enacted in 1993, at a time when there was fear and misunderstanding about this disease. The travel ban is a relic of an earlier time. Hasn't our knowledge about HIV and tolerance for people with HIV expanded enough in the 15 years to eliminate the travel ban?

The travel ban does not further any public health goals. Eliminating the ban will simply return the authority to the Secretary of Health and Human Services to decide whether or not persons with HIV should be admitted into our country, as they do for all other diseases.

Our laws already require that anyone who wants to immigrate here demonstrate that they are unlikely to become an economic burden to the U.S. Government, which ensures that lifting the HIV travel ban would not have a significant financial cost.

Over 200 organizations, including the American Medical Association, the American Public Health Association and the World Health Organization, oppose the HIV travel ban. A broad range of faith-based groups, including the U.S. Conference of Catholic Bishops, support lifting the HIV travel ban.

The HIV travel ban allows for a discretionary, case-by-case waiver process, but it is available only to a restricted group of visa applicants, and it is cumbersome and time-consuming. Let's take just one example: when Chicago hosted the Gay Games in 2006, the organizers had to work with various government agencies for several months before securing a waiver for persons with HIV to attend the event.

We will take an important step towards ending discrimination against people with HIV by lifting this travel ban and treating persons with HIV the same way we treat those with other medical conditions. That is consistent with the goals of PEPFAR and the U.S. leadership role in fighting discrimination against people with HIV around the world.

I urge my colleagues to support this legislation.

Mr. SMITH. Madam President, let me first commend the work of Senators LUGAR and BIDEN for their leadership in chaperoning this bill through the committee and on to the Senate floor. And, I am a proud cosponsor of this legislation. I also want to thank them for including the Kerry/Smith language on lifting the HIV/AIDS travel ban. This legislation is an important com-

mitment to meeting the global challenges of this epidemic.

Right now, PEPFAR is on schedule to achieve its goals of supporting treatment for 2 million AIDS patients with life-saving antiretroviral therapies; preventing the transmission of 7 million new cases of the disease; and supporting care for 10 million people infected and affected with HIV/AIDS, including orphans and most vulnerable the world's children.

Despite what we have witnessed on the Senate floor over the past few weeks, PEPFAR, since its inception, has enjoyed wide bipartisan support. More importantly, it has served as a powerful demonstration of our Nation's leadership on global health issues and our Nation's collective compassion to the most vulnerable throughout the world.

In the past, I have had the fortune of working with Senator BOXER on The Stop Tuberculosis (TB) Act Now Act. Based on the recommendations of the World Health Organization and the Stop TB Partnership, this legislation would increase the resources available to combat TB in countries with high drug resistant TB infection rates. For people infected with AIDS, TB is often deadly. We have worked to have key provisions of this legislation included in the bill.

Senator DODD and I have worked closely with the Senate Foreign Relations Committee chair and ranking member to include provisions from our pediatric HIV/AIDS bill. This legislation, the Global Pediatric HIV/AIDS Prevention and Treatment Act, would increase the number of children receiving treatment under PEPFAR. Specifically, it would expand services to prevent thousands of new mother-to-child transmission cases.

Lastly, this legislation should serve as a mirror of reflection on our own Nation's policies related to individuals living with HIV/AIDS. I have sought in my years in the Senate to help in this fight, pushing for more funding, authoring the Early Treatment for HIV Act and helping Oregon's largest HIV/AIDS service provider, Cascade AIDS, where I am able. I honor the good work that Cascade AIDS has done in Oregon from education and testing to hospice care at Our House and food services through Esther's Pantry. Cascade AIDS truly proves the good in Oregonians in answering the many needs of those living with HIV/AIDS.

Yet while we have come a long way from the stigma, fear-mongering, and rampant discrimination of the 1980s against those living with HIV/AIDS, our Nation continues to discriminate. As many of you may not know, the United States is 1 of only 12 Nations with an HIV immigration and visitor travel ban. Although we are the leader in public and private HIV research, we also legally ban people from entering the country who are HIV positive. It does not matter whether the individual seeks to enter the U.S. to attend a

global health conference, conduct business, vacation, or visit family or friends—they are all categorically banned from entering the U.S. because they are HIV-positive. HIV/AIDS is the only medical condition that serves as permanent grounds for inadmissibility to the U.S. Even TB and leprosy are left to the discretion of the Health and Human Services Secretary in determining admissibility. While individuals with HIV can seek a waiver from inadmissibility, it is cumbersome, restrictive, and ineffective.

As a result, the U.S. has made it clear to individuals with HIV/AIDS worldwide that they are unwelcome in our country—period. The other Nations that have put the “unwelcome mat” out to individuals with HIV/AIDS include Russia, Saudi Arabia, South Korea, and Sudan. Aside from the U.S., only 11 other Nations have a ban. Even China, fearing embarrassment with hosting the upcoming Olympics, recently acted to remove its ban on HIV-positive visitors. It is time we join China and most of the rest of the world.

Senator KERRY and I have introduced legislation, which was been included in this bill, to simply return the authority to the Department of Health and Human Services—as with other diseases—to decide whether or not HIV should be grounds for inadmissibility to the U.S. This ban is a byproduct of the ignorance surrounding HIV in the 1980s and 1990s. By lifting this ban, we can finally set free the specters of phobia from our past and fully embrace our global leadership on HIV/AIDS. I urge my colleagues to join with me and Senator KERRY in removing this stigma from our immigration policy.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Committee on Foreign Relations is discharged from further consideration of H.R. 5501, and the Senate will proceed to its consideration, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The PRESIDING OFFICER. All after the enacting clause is stricken and the text of S. 2731, as amended, is inserted in lieu thereof.

The question is on the third reading of the bill.

The bill, as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There is now 40 minutes equally divided for debate.

Who yields time?

The Senator from Delaware.

Mr. BIDEN. Madam President, I yield myself 1 minute.

For the benefit of our colleagues, there is 40 minutes of debate equally divided, but it is not the intention of the majority to use that 40 minutes. For planning purposes, I do not think we will use more than 8 minutes.

I yield 5 minutes to my friend from Ohio, Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the senior Senator from Delaware.

I rise in support of this very important legislation that the Senate, I hope, passes this evening. HIV, as we know, debilitates and kills. It orphans children. It fractures communities. It drains resources from fragile economies. In addition to what it does to human beings, it destabilizes fragile governments in the poorest countries in the world.

It is a human tragedy, the dimensions of which have humbled the world community.

I thank the Senator from Delaware for his terrific work and leadership on this legislation, and the senior Senator from Indiana, Mr. LUGAR, who has been a leader in combating global poverty, and especially fighting for public health, combating malaria, AIDS, and tuberculosis.

I met a young man recently who now lives in my hometown of Mansfield, OH. He grew up in the Lake Victoria region of Kenya. He is now married to a Mansfielder, after he came to this country. He himself had malaria, which caused his weight to drop to 110 pounds at one point.

Now that he is healthy again, he is finishing his degree at Oberlin College, not far from where I live. His life's goal is to train more health workers to work in Africa to combat TB, HIV, and malaria.

I was, earlier this evening, talking with Senator McCASKILL about how we can, with relatively small amounts of money, cure tuberculosis. With literally \$20, \$30, \$40 a patient, over a period of 6 months we can give them medicine so they, in fact, can be made whole. It is the combination of TB and HIV together—people get TB, their resistance goes down, and that is what kills the most people with HIV in Africa and increasingly in India and other places around the world. The combination of TB and HIV is ravaging Africa.

In 2006, 65 percent of new HIV cases and 72 percent of all HIV-related deaths occurred in Africa. TB killed half a million Africans last year.

As important, what happens with TB does not stay necessarily in Africa. We saw what happened just a year or so ago when a young man from Atlanta, a professional, who had TB—he was not probably sure he had TB—flew around the world and could have very likely infected people in an airplane with TB. People who are immigrants who come

here, people who are traveling abroad and come here from other countries, and Americans traveling around the world, all can be infected with TB.

With PEPFAR, we are making a huge investment in services, in prevention of these diseases. Now our investment will grow. We obviously need to do more. What we are doing with PEPFAR with a scaled-up investment will mean significant numbers of children won't be dying from HIV and won't be dying from TB.

Investing more in family planning is one of the best ways of preventing mother-to-child transmission of HIV. To address this issue, this week I am introducing the Senate companion to Representative McCOLLUM's bill, a Congressman from St. Paul, MN, legislation entitled "Focus on Healthy Families Worldwide Act," a bill which will significantly scale up U.S. involvement in global family planning.

When I think of PEPFAR, I am reminded that we constantly need to think about how our actions affect people directly in ways we don't fully understand, and in terms of our lives of plenty, we need to be committed to help. This is major landmark legislation. What Senator BIDEN and Senator LUGAR are doing is so very important to our place in the world, to a more peaceful world, to a more healthy, developing world, but also to a more healthy United States because it really will matter in this country. It will help to preserve our public health infrastructure, and it deeply matters to people all over the world, especially in our country.

I yield back the remainder of my time.

Mr. LUGAR. Madam President, on the minority side, I wish to recognize the Senator from Oklahoma, Mr. COBURN. I thank the distinguished Senator from Ohio for his very generous comments.

I yield 10 minutes to the distinguished Senator from Oklahoma.

Mr. COBURN. First of all, let me thank Senator BIDEN and Senator LUGAR for their hard work, and the staffs especially, as well as the White House, in working with us to accomplish what I think—and I believe others think—were significant policy changes that will make a real difference for people in other countries. There is no question about it.

I never approached, in any of my negotiations with the White House or either of the staffs, the cost of this bill, and I am concerned about that. We all should be concerned. The \$50 billion, we are going to authorize it, and this is one that is going to get spent. This money is going to be appropriated. Everybody knows that. The question, then, becomes, where is it going to come from?

Although I think this is our most successful foreign policy initiative in my lifetime—I was born after the Marshall Plan started or thereabouts—I think this is the most effective thing

we have done to build American prestige, esteem, and respect and thankfulness that we have done in my lifetime. When we look at the 2 million people who are now vibrant and vigorous and not wasting, who don't have a secondary disease such as Senator BROWN talked about, what it does is it gives them hope, but it ought to give us hope. So I am extremely appreciative of the very cooperative attitude.

It has been said in recent days that you can't work with me. You can't negotiate with TOM COBURN. Well, I will tell my colleagues we negotiated a pretty good fix to a pretty good bill that is going to make a lot of difference in a lot of people's lives. Talking about the Genetic Nondiscrimination Act, people said it couldn't work, but we passed that bill, didn't we? We fixed it. We made it to where it met all sides and all comers, and we did something great.

I wish to spend a very short amount of time talking about priorities. I think this bill is a priority for our country—making a real difference.

How are we going to afford to appropriate this \$50 billion? The only way we are going to afford to really do it and do it effectively and not charge the \$50 billion to JOE BIDEN's grandchildren or TOM COBURN's grandchildren or DICK LUGAR's grandchildren is if we go about making harder choices about the waste, fraud, and abuse that is in our present system. If you add up what the IGs say, what the GAO says, what the CBO says, and what the CRS says, we have \$300 billion every year that is wasted. It is either wasted or defrauded.

So my challenge as we finish this bill, which is going to pass—and it is the right thing to do; you heard me say it; it is the right thing to do—is we only have half our work done, because if we walk away after the commitment of saying we are going to make a difference in Africans' lives and we don't make a difference in our grandchildren's lives by getting rid of the waste that can pay for this so that there is no additional debt, we will have failed. So that is my plea to the Members of this body.

JIM DEMINT made a good plea. He showed you what is getting ready to happen to us. He is right. We have precarious financial markets today. We have a credit crisis. We have a housing crisis. We have a debt crisis. We have a trade deficit crisis. Those things are fixable, but we have to fix them with the same kind of zeal, the same kind of community that we did on this bill.

So my challenge to the chairman and the ranking member is, as we appropriate this money—and we know it is going to happen—let's start making the same hard choices we made as we negotiated this bill about the waste and abuse and fraud—\$80 billion worth of waste and fraud in Medicare alone. Let's do it. Let's don't just give it lip service; let's leave a legacy for the next generation so they can not only be

proud about what we have done as great humanitarians by helping people with a deadly infectious disease, but let's leave the same legacy to our grandchildren by being responsible. That means we are going to have to take some heat because anything we get rid of that is not efficient and not effective, somebody likes, somebody benefits from.

So my plea to the Members of this body as we pass this is let's do the second half of the job. Let's get rid of the waste, fraud, and abuse. There is \$70 billion worth of waste and fraud in the Pentagon. There is \$30 billion worth of contracting fraud. There is \$24 billion worth of IT waste every year out of \$64 billion we spend on IT. So we can do it. My challenge to us—and my thanks to the chairman and the ranking member—is let's finish the job when we get down to appropriating. Let's really do our homework. Let's give America not only lower gas prices, let's give them lower costs for their kids and grandkids in the future.

With that, I yield back the remainder of my time.

Mr. BIDEN. Madam President, I yield myself 30 seconds.

I wish to make clear in the RECORD that I have never had any trouble working with TOM COBURN. He is correct. We did work on this. He is one smart fellow. He knew a great deal about the substance of this legislation but also the financing of it. I wish to thank him and his staff for his cooperation and thank him for his compliment to our staffs on the committee. I share his view about them, but also it has always been a pleasure to work with him.

I yield 5 minutes of our time to the Senator from Massachusetts, Mr. KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank you very much, Madam President.

Let me begin by thanking the chairman of our Foreign Relations Committee, Senator BIDEN, and the ranking member, Senator LUGAR, for their leadership and their efforts to help bring the Senate to where it is today. I appreciate what they have done to help elevate this program and bring it down to a new stage.

The truth is that for two shamefully sluggish decades, the Senate and the Congress and the country really ignored this issue and were somewhat timid, even scared of it for a lot of different reasons. We lost a lot of time in leading the fight against HIV/AIDS on a global basis.

In 1999, I guess it was, Senator Frist and I were privileged to work together and bring an effort to the floor of the Senate, working as cochairs, ultimately, of CSIS's task force that was put together. We wrote a piece of legislation that ultimately drew broad support from the Foreign Relations Committee. I am pleased to say that one of the important points people began to understand about this issue—not par-

tisan and not ideological—was when the then-chair, I think, Senator Jesse Helms, came onboard and became a cosponsor of our effort. That effort ultimately transformed itself, with President Bush's support, into PEPFAR, when he picked up the cry for some \$15 billion.

I will tell everybody that initially many of us had suspicions that it was going to be a public relations effort, not a real one. In fact, I think President Bush has probably transformed this effort into the single most important piece of his legacy. As Senator COBURN just said, this is perhaps now one of the most important programs the United States is doing on a global basis, and it has made a profound difference.

My wife and I had the privilege of being in South Africa and Botswana last November. I will never forget visiting the Umgeni School in KwaNgcolosi near Durban, where there was an incredible display of community effort that had been brought together because the United States was putting this money into the organizational effort of community caretaking. I saw children, orphaned children who, long before the years that they should have been, had become the caretakers for a whole family of brothers and sisters. I saw what they refer to as AIDS grannies who assumed responsibilities because of the deaths within the family for the caretaking of people who were HIV positive. It was impressive, and the gratitude of people toward the United States, the connection they had with us as a result of this, is one of the most significant foreign policy initiatives in which we have engaged.

So I am very grateful to Senator BIDEN and Senator LUGAR and the committee itself for its work and to the Senate now for embracing this measure which will take us to the next tier.

Two and a half million people will be infected in this next year; 2.1 million people are going to die of AIDS. The challenge of human infrastructure to be able to deliver the antiretroviral drugs, to be able to reach people, to even begin to tackle some of the infrastructure issues and deal with the mythology that works against us, to deal with denial in governments such as South Africa itself. Some of the AIDS workers I met with—we had to kick out the press and kick out public people in order to get them to talk openly and honestly about the difficulties they were having because the Government itself was engaged in some denial, and they feared retribution. It is our effort, our taxpayer money, our initiative, our caring that is making a difference in those lives and breaking down those barriers of denial. I think all of us in the Senate ought to be profoundly proud of this initiative and this effort.

I am also pleased that in this legislation there are two items that I thought were important. One is creating advanced market mechanisms where we

can say to people where there is no market for the creation of a vaccine that that market will be there. Norway, Canada, the Gates Foundation, and others are involved—Germany and others are involved now in providing that kind of market assurance. In that legislation, there is an additional effort to engage us similarly in helping to provide those market assurances so that drug manufacturers will invest in the creation of vaccines, knowing that indeed there will be a market down the road.

Finally, we are going to allow people who are HIV positive to be able, on a case-by-case basis appropriately approved, to come to the United States as experts or otherwise on a humane basis to be able to travel to the country. We are one of only 12 nations that don't allow it. President George Herbert Walker Bush thought we should do this, President Clinton thought we should do this, President Bush thinks we should do this, and obviously a majority of the Senate thinks we should do this. I think that is adopting a humane and sensible policy. The International AIDS Committee has held two conferences, one in Canada and one in Mexico, simply because they wanted Americans to take part, but nobody could travel into this country, so the conference couldn't be held here. I think it is a wise policy, and I appreciate the fact that the leadership of Senator BIDEN and Senator LUGAR on this legislation was able to fight to hold on to that.

This is a good bipartisan moment for the Senate. Most importantly, it is a good moment for the American people because it reflects our values and I think will help us to be better understood and better appreciated in many parts of the world where today we have to climb back from our former reputation.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, the distinguished Senator from Arizona has sought time, and I wish to give him that time, but I simply wish to thank Senator KERRY for his leadership throughout the past decade, starting with the task force which he mentioned and his work all the time and his work all the time with Senator BIDEN, with me on the Foreign Relations Committee. Likewise, I thank Senator COBURN for his gracious remarks and his leadership and his ability to work with all of us in a bipartisan way to fashion this bill. I believe that is the spirit that has characterized success in this endeavor. I am grateful for that.

I wish to express a special appreciation to Shellie Bressler, Paul Foldi, Dan Diller, and Ken Myers of the Senate Foreign Relations Staff on the Republican side, who have been so instrumental in working on this bill. Of course, I thank profoundly my colleague, Senator JOE BIDEN, our chairman, and his remarkable staff. It has

been a joy, once again, to work with them on something that is so important.

I recognize the presence of the Senator from Arizona. I believe we still have 5 minutes on this side; is that right?

The PRESIDING OFFICER. The Senator has 12½ minutes remaining.

Mr. LUGAR. I yield that to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I thank both Senator LUGAR for his courtesies, as well as Senator BIDEN. I appreciate the fact that we have had an opportunity to make some changes in this bill which, while modest, do improve it. Senator COBURN talked about some of the more important ones. I supported PEPFAR. When the President announced in his State of the Union speech that he would request Congress to double the authorization for PEPFAR, I swallowed kind of hard but said, if it has done a good job, which we will find out, maybe that is all right.

What we have found is that at the present level of authorization—\$15 billion—it has been a successful program. That is the good news. Unfortunately, when the bill was written, many of the policy provisions that made it a success were changed. That has required some amendments to be adopted to get closer to the original purpose.

Unfortunately, some policy issues remain. I wish to note that my objections to the bill relate to two primary points. First is a couple of policy issues, and second is the amount of money being authorized. I will just mention three issues. Notwithstanding the positive changes of which Senator COBURN spoke, we still have a significant mission creep. You cannot go from \$15 billion—the amount authorized today—to \$50 billion without having substantial mission creep. You cannot spend it all on the original purpose of the program. Indeed, we add things such as nutrition, legal aid, and others that are quite far afield from the original mission, which was primarily the treatment of AIDS patients.

Secondly, we still have the problem that it deals with far more countries, including wealthy ones, than the poor countries we should be focusing on here. Unfortunately, we were not able to constrain it to a list of more needy countries that would receive this aid.

The third policy problem, spoken about before, is the doubling of funding for the U.N. Global AIDS Fund, which has had significant problems. I think they have been well identified. It disregards U.S. policy on matters such as abortion, needle exchange, and others. While many of the policy problems have been resolved, there are still policy problems with this legislation. If the amount of money was much less than it is, this would be less significant. At \$50 billion, these policy changes can be magnified. Due to the cooperation of the colleagues I have al-

ready mentioned, \$2 billion of the authorization has been diverted to some needs in the United States. I am grateful for my colleagues' cooperation on that.

There is a lot we could do with money—\$10 billion, \$15 billion—in the United States that we have not been able to do because of a lack of funding. If we are going to commit to authorize \$50 billion to deal with some difficult issues, it seems to me we could have diverted more than \$2 billion of that to deal with some of our needs in the United States.

But that brings me to the second points of my concern with the bill and that is the pure sticker shock of \$50 billion. We are more than tripling the current authorization of \$15 billion. As we heard earlier this afternoon, I don't think there is any intention of appropriating less than that amount of money. If anything, we should be appropriating more than that. Because one of my amendments was not adopted, there is no limitation on how much money could be appropriated. So we have gone from \$15 billion to \$50 billion. That is a lot of money in anybody's budget—especially at a time in the United States when we are facing several crises.

I was down at the White House this afternoon with the Secretary of the Treasury. We have a crisis dealing with a couple of the mortgage holders, we have a Fannie and Freddie problem, as well as other potential liabilities that will fall on the shoulders of American taxpayers. We need to take these issues on because they are critical to our economy and indeed have ramifications throughout the world. But they all involve the U.S. taxpayers potentially picking up the tab. We don't have any choice. We need to do it. Gas prices are high.

We are going to take up energy on the floor next, I hope. That is a huge problem. People are hurting because they are paying high gas prices and high food prices also. This is not the time for us to be tripling a worthy program to \$50 billion when we are facing some huge crises here at home. It seems to me we need to make sure we are in better financial condition to face those crises rather than authorizing another \$50 billion in foreign aid.

Now, we will hear the argument that this is to do. Nobody denies that. The argument is not is this a good thing. Of course, it is. There is an argument about whether moving from \$15 billion to \$50 billion more than triples the good that is done. I have heard nobody make that argument. In fact, the only way you can spend that much money is to increase the mission beyond what it is today. The CBO—a nonpartisan office—makes the point that at a \$50 billion authorization, no more than \$34 billion could be effectively spent.

The point is there is only so much you can do on these programs—especially without good policy to ensure that the money is spent wisely. There

could be, and I submit will be, a tremendous amount of waste if we authorize this program at \$50 billion.

So for all these reasons, but primarily and, frankly, because of the huge unmet needs we have at home and the uncertain future we have here and the things that we are going to have to do to shore up our financial system and make sure our economy can continue to operate strongly, I cannot support a bill that authorizes \$50 billion in this foreign aid. Our country needs to be strong, and we need to deal with the crises here at home. We are a wealthy nation; we can afford to be a generous nation. We all want to be generous. We have supported the program in its current form.

The only question here is whether we can efficaciously go from \$15 billion to \$50 billion. I find the answer to that question, at this point, to be no. To be strong, we have to be strong here at home, and then we can help people abroad. Reluctantly—because I realize the President supports this program strongly—I must oppose the program. I express the appreciation of those who helped adopt one of the amendments I proposed. I think it will make a modest difference.

On behalf of taxpayers, we should not be committing to spend \$50 billion at this time.

Mr. LUGAR. Madam President, we are prepared to yield back the remainder of the time on our side.

Mr. BIDEN. Madam President, I yield myself a couple of minutes. After final passage, I will go through the thanks that are robustly warranted to the staff and individuals and Senators who are still here serving, and some who are not serving here, who have laid the groundwork for us to get to this point.

In a small village in Otse, Botswana, there is a rural health clinic run by a retired nurse in her seventies. Their patient log is a simple, handwritten ledger. It lists in chronological order the patients who have come in to her for treatment. The ledger has several columns, including one where, if the patient died, there is a mark made in red ink.

On a visit to this clinic last summer by minority and majority staff, this nurse, I am told by our staff, held up this ledger that showed an array of red marks in the early part of this decade. Then, a few years ago, something drastic happened. The nurse explained, with great excitement, to our staffs:

Look, no red marks. The red marks have stopped.

There is one reason for that dramatic turn of events in this small village in Africa, and that is PEPFAR, which I think would more appropriately be named the "President of the United States Fund." But it is nonetheless called PEPFAR, which is confusing to people.

The bottom line is what the President of the United States of America, all the Senators, and others who have

not been mentioned today are about to do, began to change the life of that village.

In 2003, President Bush and this Congress launched the largest public health program in the history of the world. It is saving lives—millions of them. The funerals that were a daily occurrence have been reduced in number, and millions of people around the world have been given hope.

We have to sustain and build on this progress, and that is what we are doing today. That is what we are about to vote on. This bill we are about to vote on will set the course for the next 5 years and, hopefully, beyond. I am confident that, with the hard work of our House counterparts, this bill we are going to pass today will, in fact, be moved very quickly and be sent to the President's desk for signature.

We set forth very ambitious targets for care, treatment, and prevention. We must do all three. We cannot treat our way out of this disease, but we have succeeded at treatment in a way that nobody ever envisaged when JOHN KERRY, RUSS FEINGOLD, and others started talking about this a long time ago. Five years ago, when we stood on the floor, I don't think anybody thought that the treatment side of this ledger would be as successful as it has been. I expect and hope that we are going to continue to see this kind of progress.

There are a lot of people to thank. I will do that after we pass the bill. For the moment, I wish to thank the President of the United States, President George Bush. His decision to launch this initiative was bold, and it was unexpected. I believe historians will regard it as his single finest hour. That is not a backhanded compliment. It would be a fine hour under the tenure of any President of the United States of America.

I wish to thank—quite frankly, I don't do it often enough around here—the American people for their generosity. Let me say it again—the generosity of the American people. Senator KYL makes the point that we have serious needs here at home. Yes, the American people are overwhelmingly supporting what we are doing today, knowing the cost and knowing there will be tradeoffs. I also appreciate the hard work of thousands of men and women in our Government and of the governments of our foreign partners, and their partners in the private sector, who are working on the ground around the world and have made this possible.

I yield back the remainder of the time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KEN-

NEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Virginia (Mr. WARNER) would have voted "yea."

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

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—80

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Pryor
Bingaman	Grassley	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Inouye	Salazar
Burr	Isakson	Sanders
Byrd	Johnson	Schumer
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Landrieu	Specter
Chambliss	Lautenberg	Stabenow
Clinton	Leahy	Stevens
Coburn	Levin	Sununu
Cochran	Lieberman	Tester
Coleman	Lincoln	Thune
Collins	Lugar	Voinovich
Conrad	Martinez	Webb
Corker	McCaskill	Whitehouse
Dodd	McConnell	Wyden
Dole	Menendez	

NAYS—16

Allard	DeMint	Kyl
Barrasso	Ensign	Sessions
Bunning	Graham	Vitter
Cornyn	Gregg	Wicker
Craig	Hutchison	
Crapo	Inhofe	

NOT VOTING—4

Kennedy	Obama
McCain	Warner

The bill (H.R. 5501), as amended was passed, as follows:

H.R. 5501

Resolved, That the bill from the House of Representatives (H.R. 5501) entitled "An Act to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes," do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008".

(b) *TABLE OF CONTENTS*.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Purpose.
- Sec. 5. Authority to consolidate and combine reports.

TITLE I—POLICY PLANNING AND COORDINATION

Sec. 101. Development of an updated, comprehensive, 5-year, global strategy.

Sec. 102. Interagency working group.

Sec. 103. Sense of Congress.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

Sec. 201. Voluntary contributions to international vaccine funds.

Sec. 202. Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Sec. 203. Research on methods for women to prevent transmission of HIV and other diseases.

Sec. 204. Combating HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of partner countries.

Sec. 205. Facilitating effective operations of the Centers for Disease Control.

Sec. 206. Facilitating vaccine development.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

Sec. 301. Assistance to combat HIV/AIDS.

Sec. 302. Assistance to combat tuberculosis.

Sec. 303. Assistance to combat malaria.

Sec. 304. Malaria Response Coordinator.

Sec. 305. Amendment to Immigration and Nationality Act.

Sec. 306. Clerical amendment.

Sec. 307. Requirements.

Sec. 308. Annual report on prevention of mother-to-child transmission of HIV.

Sec. 309. Prevention of mother-to-child transmission expert panel.

TITLE IV—FUNDING ALLOCATIONS

Sec. 401. Authorization of appropriations.

Sec. 402. Sense of Congress.

Sec. 403. Allocation of funds.

TITLE V—MISCELLANEOUS

Sec. 501. Machine readable visa fees.

TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH

Sec. 601. Emergency plan for Indian safety and health.

SEC. 2. FINDINGS.

Section 2 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601) is amended by adding at the end the following:

"(29) On May 27, 2003, the President signed this Act into law, launching the largest international public health program of its kind ever created.

"(30) Between 2003 and 2008, the United States, through the President's Emergency Plan for AIDS Relief (PEPFAR) and in conjunction with other bilateral programs and the multilateral Global Fund has helped to—

"(A) provide antiretroviral therapy for over 1,900,000 people;

"(B) ensure that over 150,000 infants, most of whom would have likely been infected with HIV during pregnancy or childbirth, were not infected; and

"(C) provide palliative care and HIV prevention assistance to millions of other people.

"(31) While United States leadership in the battles against HIV/AIDS, tuberculosis, and malaria has had an enormous impact, these diseases continue to take a terrible toll on the human race.

"(32) According to the 2007 AIDS Epidemic Update of the Joint United Nations Programme on HIV/AIDS (UNAIDS)—

"(A) an estimated 2,100,000 people died of AIDS-related causes in 2007; and

"(B) an estimated 2,500,000 people were newly infected with HIV during that year.

"(33) According to the World Health Organization, malaria kills more than 1,000,000 people per year, 70 percent of whom are children under 5 years of age.

"(34) According to the World Health Organization, 1/3 of the world's population is infected with the tuberculosis bacterium, and tuberculosis is 1 of the greatest infectious causes of death of adults worldwide, killing 1,600,000 people per year.

“(35) Efforts to promote abstinence, fidelity, the correct and consistent use of condoms, the delay of sexual debut, and the reduction of concurrent sexual partners represent important elements of strategies to prevent the transmission of HIV/AIDS.

“(36) According to UNAIDS—

“(A) women and girls make up nearly 60 percent of persons in sub-Saharan Africa who are HIV positive;

“(B) women and girls are more biologically, economically, and socially vulnerable to HIV infection; and

“(C) gender issues are critical components in the effort to prevent HIV/AIDS and to care for those affected by the disease.

“(37) Children who have lost a parent to HIV/AIDS, who are otherwise directly affected by the disease, or who live in areas of high HIV prevalence may be vulnerable to the disease or its socioeconomic effects.

“(38) Lack of health capacity, including insufficient personnel and inadequate infrastructure, in sub-Saharan Africa and other regions of the world is a critical barrier that limits the effectiveness of efforts to combat HIV/AIDS, tuberculosis, and malaria, and to achieve other global health goals.

“(39) On March 30, 2007, the Institute of Medicine of the National Academies released a report entitled ‘PEPFAR Implementation: Progress and Promise’, which found that budget allocations setting percentage levels for spending on prevention, care, and treatment and for certain subsets of activities within the prevention category—

“(A) have ‘adversely affected implementation of the U.S. Global AIDS Initiative’;

“(B) have inhibited comprehensive, integrated, evidence based approaches;

“(C) ‘have been counterproductive’;

“(D) ‘may have been helpful initially in ensuring a balance of attention to activities within the 4 categories of prevention, treatment, care, and orphans and vulnerable children’;

“(E) ‘have also limited PEPFAR’s ability to tailor its activities in each country to the local epidemic and to coordinate with the level of activities in the countries’ national plans’; and

“(F) should be removed by Congress and replaced with more appropriate mechanisms that—

“(i) ‘ensure accountability for results from Country Teams to the U.S. Global AIDS Coordinator and to Congress’; and

“(ii) ‘ensure that spending is directly linked to and commensurate with necessary efforts to achieve both country and overall performance targets for prevention, treatment, care, and orphans and vulnerable children’.

“(40) The United States Government has endorsed the principles of harmonization in coordinating efforts to combat HIV/AIDS commonly referred to as the ‘Three Ones’, which includes—

“(A) 1 agreed HIV/AIDS action framework that provides the basis for coordination of the work of all partners;

“(B) 1 national HIV/AIDS coordinating authority, with a broadbased multisectoral mandate; and

“(C) 1 agreed HIV/AIDS country-level monitoring and evaluating system.

“(41) In the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, of April 26–27, 2001 (referred to in this Act as the ‘Abuja Declaration’), the Heads of State and Government of the Organization of African Unity (OAU)—

“(A) declared that they would ‘place the fight against HIV/AIDS at the forefront and as the highest priority issue in our respective national development plans’;

“(B) committed ‘TO TAKE PERSONAL RESPONSIBILITY AND PROVIDE LEADERSHIP for the activities of the National AIDS Commissions/Councils’;

“(C) resolved ‘to lead from the front the battle against HIV/AIDS, Tuberculosis and Other Re-

lated Infectious Diseases by personally ensuring that such bodies were properly convened in mobilizing our societies as a whole and providing focus for unified national policymaking and programme implementation, ensuring coordination of all sectors at all levels with a gender perspective and respect for human rights, particularly to ensure equal rights for people living with HIV/AIDS’; and

“(D) pledged ‘to set a target of allocating at least 15% of our annual budget to the improvement of the health sector’.”.

SEC. 3. DEFINITIONS.

Section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602) is amended—

(1) in paragraph (2), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations”;

(2) by redesignating paragraph (6) as paragraph (12);

(3) by redesignating paragraphs (3) through (5), as paragraphs (4) through (6), respectively;

(4) by inserting after paragraph (2) the following:

“(3) GLOBAL AIDS COORDINATOR.—The term ‘Global AIDS Coordinator’ means the Coordinator of United States Government Activities to Combat HIV/AIDS Globally.”; and

(5) by inserting after paragraph (6), as redesignated, the following:

“(7) IMPACT EVALUATION RESEARCH.—The term ‘impact evaluation research’ means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

“(8) OPERATIONS RESEARCH.—The term ‘operations research’ means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

“(9) PARAPROFESSIONAL.—The term ‘paraprofessional’ means an individual who is trained and employed as a health agent for the provision of basic assistance in the identification, prevention, or treatment of illness or disability.

“(10) PARTNER GOVERNMENT.—The term ‘partner government’ means a government with which the United States is working to provide assistance to combat HIV/AIDS, tuberculosis, or malaria on behalf of people living within the jurisdiction of such government.

“(11) PROGRAM MONITORING.—The term ‘program monitoring’ means the collection, analysis, and use of routine program data to determine—

“(A) how well a program is carried out; and

“(B) how much the program costs.”.

SEC. 4. PURPOSE.

Section 4 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7603) is amended to read as follows:

“SEC. 4. PURPOSE.

“The purpose of this Act is to strengthen and enhance United States leadership and the effectiveness of the United States response to the HIV/AIDS, tuberculosis, and malaria pandemics and other related and preventable infectious diseases as part of the overall United States health and development agenda by—

“(1) establishing comprehensive, coordinated, and integrated 5-year, global strategies to combat HIV/AIDS, tuberculosis, and malaria by—

“(A) building on progress and successes to date;

“(B) improving harmonization of United States efforts with national strategies of partner

governments and other public and private entities; and

“(C) emphasizing capacity building initiatives in order to promote a transition toward greater sustainability through the support of country-driven efforts;

“(2) providing increased resources for bilateral and multilateral efforts to fight HIV/AIDS, tuberculosis, and malaria as integrated components of United States development assistance;

“(3) intensifying efforts to—

“(A) prevent HIV infection;

“(B) ensure the continued support for, and expanded access to, treatment and care programs;

“(C) enhance the effectiveness of prevention, treatment, and care programs; and

“(D) address the particular vulnerabilities of girls and women;

“(4) encouraging the expansion of private sector efforts and expanding public-private sector partnerships to combat HIV/AIDS, tuberculosis, and malaria;

“(5) reinforcing efforts to—

“(A) develop safe and effective vaccines, microbicides, and other prevention and treatment technologies; and

“(B) improve diagnostics capabilities for HIV/AIDS, tuberculosis, and malaria; and

“(6) helping partner countries to—

“(A) strengthen health systems;

“(B) expand health workforce; and

“(C) address infrastructural weaknesses.”.

SEC. 5. AUTHORITY TO CONSOLIDATE AND COMBINE REPORTS.

Section 5 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7604) is amended by inserting “, with the exception of the 5-year strategy” before the period at the end.

TITLE I—POLICY PLANNING AND COORDINATION

SEC. 101. DEVELOPMENT OF AN UPDATED, COMPREHENSIVE, 5-YEAR, GLOBAL STRATEGY.

(a) STRATEGY.—Section 101(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(a)) is amended to read as follows:

“(a) STRATEGY.—The President shall establish a comprehensive, integrated, 5-year strategy to expand and improve efforts to combat global HIV/AIDS. This strategy shall—

“(1) further strengthen the capability of the United States to be an effective leader of the international campaign against this disease and strengthen the capacities of nations experiencing HIV/AIDS epidemics to combat this disease;

“(2) maintain sufficient flexibility and remain responsive to—

“(A) changes in the epidemic;

“(B) challenges facing partner countries in developing and implementing an effective national response; and

“(C) evidence-based improvements and innovations in the prevention, care, and treatment of HIV/AIDS;

“(3) situate United States efforts to combat HIV/AIDS, tuberculosis, and malaria within the broader United States global health and development agenda, establishing a roadmap to link investments in specific disease programs to the broader goals of strengthening health systems and infrastructure and to integrate and coordinate HIV/AIDS, tuberculosis, or malaria programs with other health or development programs, as appropriate;

“(4) provide a plan to—

“(A) prevent 12,000,000 new HIV infections worldwide;

“(B) support—

“(i) the increase in the number of individuals with HIV/AIDS receiving antiretroviral treatment above the goal established under section 402(a)(3) and increased pursuant to paragraphs (1) through (3) of section 403(d); and

“(ii) additional treatment through coordinated multilateral efforts;

“(C) support care for 12,000,000 individuals infected with or affected by HIV/AIDS, including 5,000,000 orphans and vulnerable children affected by HIV/AIDS, with an emphasis on promoting a comprehensive, coordinated system of services to be integrated throughout the continuum of care;

“(D) help partner countries in the effort to achieve goals of 80 percent access to counseling, testing, and treatment to prevent the transmission of HIV from mother to child, emphasizing a continuum of care model;

“(E) help partner countries to provide care and treatment services to children with HIV in proportion to their percentage within the HIV-infected population in each country;

“(F) promote preservice training for health professionals designed to strengthen the capacity of institutions to develop and implement policies for training health workers to combat HIV/AIDS, tuberculosis, and malaria;

“(G) equip teachers with skills needed for HIV/AIDS prevention and support for persons with, or affected by, HIV/AIDS;

“(H) provide and share best practices for combating HIV/AIDS with health professionals;

“(I) promote pediatric HIV/AIDS training for physicians, nurses, and other health care workers, through public-private partnerships if possible, including through the designation, if appropriate, of centers of excellence for training in pediatric HIV/AIDS prevention, care, and treatment in partner countries; and

“(J) help partner countries to train and support retention of health care professionals and paraprofessionals, with the target of training and retaining at least 140,000 new health care professionals and paraprofessionals with an emphasis on training and in country deployment of critically needed doctors and nurses and to strengthen capacities in developing countries, especially in sub-Saharan Africa, to deliver primary health care with the objective of helping countries achieve staffing levels of at least 2.3 doctors, nurses, and midwives per 1,000 population, as called for by the World Health Organization;

“(5) include multisectoral approaches and specific strategies to treat individuals infected with HIV/AIDS and to prevent the further transmission of HIV infections, with a particular focus on the needs of families with children (including the prevention of mother-to-child transmission), women, young people, orphans, and vulnerable children;

“(6) establish a timetable with annual global treatment targets with country-level benchmarks for antiretroviral treatment;

“(7) expand the integration of timely and relevant research within the prevention, care, and treatment of HIV/AIDS;

“(8) include a plan for program monitoring, operations research, and impact evaluation and for the dissemination of a best practices report to highlight findings;

“(9) support the in-country or intra-regional training, preferably through public-private partnerships, of scientific investigators, managers, and other staff who are capable of promoting the systematic uptake of clinical research findings and other evidence-based interventions into routine practice, with the goal of improving the quality, effectiveness, and local leadership of HIV/AIDS health care;

“(10) expand and accelerate research on and development of HIV/AIDS prevention methods for women, including enhancing inter-agency collaboration, staffing, and organizational infrastructure dedicated to microbicide research;

“(11) provide for consultation with local leaders and officials to develop prevention strategies and programs that are tailored to the unique needs of each country and community and targeted particularly toward those most at risk of acquiring HIV infection;

“(12) make the reduction of HIV/AIDS behavioral risks a priority of all prevention efforts by—

“(A) promoting abstinence from sexual activity and encouraging monogamy and faithful-ness;

“(B) encouraging the correct and consistent use of male and female condoms and increasing the availability of, and access to, these commodities;

“(C) promoting the delay of sexual debut and the reduction of multiple concurrent sexual partners;

“(D) promoting education for discordant couples (where an individual is infected with HIV and the other individual is uninfected or whose status is unknown) about safer sex practices;

“(E) promoting voluntary counseling and testing, addiction therapy, and other prevention and treatment tools for illicit injection drug users and other substance abusers;

“(F) educating men and boys about the risks of procuring sex commercially and about the need to end violent behavior toward women and girls;

“(G) supporting partner country and community efforts to identify and address social, economic, or cultural factors, such as migration, urbanization, conflict, gender-based violence, lack of empowerment for women, and transportation patterns, which directly contribute to the transmission of HIV;

“(H) supporting comprehensive programs to promote alternative livelihoods, safety, and social reintegration strategies for commercial sex workers and their families;

“(I) promoting cooperation with law enforcement to prosecute offenders of trafficking, rape, and sexual assault crimes with the goal of eliminating such crimes; and

“(J) working to eliminate rape, gender-based violence, sexual assault, and the sexual exploitation of women and children;

“(13) include programs to reduce the transmission of HIV, particularly addressing the heightened vulnerabilities of women and girls to HIV in many countries; and

“(14) support other important means of preventing or reducing the transmission of HIV, including—

“(A) medical male circumcision;

“(B) the maintenance of a safe blood supply;

“(C) promoting universal precautions in formal and informal health care settings;

“(D) educating the public to recognize and to avoid risks to contract HIV through blood exposures during formal and informal health care and cosmetic services;

“(E) investigating suspected nosocomial infections to identify and stop further nosocomial transmission; and

“(F) other mechanisms to reduce the transmission of HIV;

“(15) increase support for prevention of mother-to-child transmission;

“(16) build capacity within the public health sector of developing countries by improving health systems and public health infrastructure and developing indicators to measure changes in broader public health sector capabilities;

“(17) increase the coordination of HIV/AIDS programs with development programs;

“(18) provide a framework for expanding or developing existing or new country or regional programs, including—

“(A) drafting compacts or other agreements, as appropriate;

“(B) establishing criteria and objectives for such compacts and agreements; and

“(C) promoting sustainability;

“(19) provide a plan for national and regional priorities for resource distribution and a global investment plan by region;

“(20) provide a plan to address the immediate and ongoing needs of women and girls, which—

“(A) addresses the vulnerabilities that contribute to their elevated risk of infection;

“(B) includes specific goals and targets to address these factors;

“(C) provides clear guidance to field missions to integrate gender across prevention, care, and treatment programs;

“(D) sets forth gender-specific indicators to monitor progress on outcomes and impacts of gender programs;

“(E) supports efforts in countries in which women or orphans lack inheritance rights and other fundamental protections to promote the passage, implementation, and enforcement of such laws;

“(F) supports life skills training, especially among women and girls, with the goal of reducing vulnerabilities to HIV/AIDS;

“(G) addresses and prevents gender-based violence; and

“(H) addresses the posttraumatic and psychosocial consequences and provides postexposure prophylaxis protecting against HIV infection to victims of gender-based violence and rape;

“(21) provide a plan to—

“(A) determine the local factors that may put men and boys at elevated risk of contracting or transmitting HIV;

“(B) address male norms and behaviors to reduce these risks, including by reducing alcohol abuse;

“(C) promote responsible male behavior; and

“(D) promote male participation and leadership at the community level in efforts to promote HIV prevention, reduce stigma, promote participation in voluntary counseling and testing, and provide care, treatment, and support for persons with HIV/AIDS;

“(22) provide a plan to address the vulnerabilities and needs of orphans and children who are vulnerable to, or affected by, HIV/AIDS;

“(23) encourage partner countries to develop health care curricula and promote access to training tailored to individuals receiving services through, or exiting from, existing programs geared to orphans and vulnerable children;

“(24) provide a framework to work with international actors and partner countries toward universal access to HIV/AIDS prevention, treatment, and care programs, recognizing that prevention is of particular importance;

“(25) enhance the coordination of United States bilateral efforts to combat global HIV/AIDS with other major public and private entities;

“(26) enhance the attention given to the national strategic HIV/AIDS plans of countries receiving United States assistance by—

“(A) reviewing the planning and programmatic decisions associated with that assistance; and

“(B) helping to strengthen such national strategies, if necessary;

“(27) support activities described in the Global Plan to Stop TB, including—

“(A) expanding and enhancing the coverage of the Directly Observed Treatment Short-course (DOTS) in order to treat individuals infected with tuberculosis and HIV, including multi-drug resistant or extensively drug resistant tuberculosis; and

“(B) improving coordination and integration of HIV/AIDS and tuberculosis programming;

“(28) ensure coordination between the Global AIDS Coordinator and the Malaria Coordinator and address issues of comorbidity between HIV/AIDS and malaria; and

“(29) include a longer term estimate of the projected resource needs, progress toward greater sustainability and country ownership of HIV/AIDS programs, and the anticipated role of the United States in the global effort to combat HIV/AIDS during the 10-year period beginning on October 1, 2013.”.

(b) REPORT.—Section 101(b) of such Act (22 U.S.C. 7611(b)) is amended to read as follows:

“(b) REPORT.—

“(1) IN GENERAL.—Not later than October 1, 2009, the President shall submit a report to the appropriate congressional committees that sets forth the strategy described in subsection (a).

“(2) CONTENTS.—The report required under paragraph (1) shall include a discussion of the following elements:

“(A) The purpose, scope, methodology, and general and specific objectives of the strategy.

“(B) The problems, risks, and threats to the successful pursuit of the strategy.

“(C) The desired goals, objectives, activities, and outcome-related performance measures of the strategy.

“(D) A description of future costs and resources needed to carry out the strategy.

“(E) A delineation of United States Government roles, responsibility, and coordination mechanisms of the strategy.

“(F) A description of the strategy—

“(i) to promote harmonization of United States assistance with that of other international, national, and private actors as elucidated in the ‘Three Ones’; and

“(ii) to address existing challenges in harmonization and alignment.

“(G) A description of the manner in which the strategy will—

“(i) further the development and implementation of the national multisectoral strategic HIV/AIDS frameworks of partner governments; and

“(ii) enhance the centrality, effectiveness, and sustainability of those national plans.

“(H) A description of how the strategy will seek to achieve the specific targets described in subsection (a) and other targets, as appropriate.

“(I) A description of, and rationale for, the timetable for annual global treatment targets with country-level estimates of numbers of persons in need of antiretroviral treatment, country-level benchmarks for United States support for assistance for antiretroviral treatment, and numbers of persons enrolled in antiretroviral treatment programs receiving United States support. If global benchmarks are not achieved within the reporting period, the report shall include a description of steps being taken to ensure that global benchmarks will be achieved and a detailed breakdown and justification of spending priorities in countries in which benchmarks are not being met, including a description of other donor or national support for antiretroviral treatment in the country, if appropriate.

“(J) A description of how operations research is addressed in the strategy and how such research can most effectively be integrated into care, treatment, and prevention activities in order to—

“(i) improve program quality and efficiency;

“(ii) ascertain cost effectiveness;

“(iii) ensure transparency and accountability;

“(iv) assess population-based impact;

“(v) disseminate findings and best practices; and

“(vi) optimize delivery of services.

“(K) An analysis of United States-assisted strategies to prevent the transmission of HIV/AIDS, including methodologies to promote abstinence, monogamy, faithfulness, the correct and consistent use of male and female condoms, reductions in concurrent sexual partners, and delay of sexual debut, and of intended monitoring and evaluation approaches to measure the effectiveness of prevention programs and ensure that they are targeted to appropriate audiences.

“(L) Within the analysis required under subparagraph (K), an examination of additional planned means of preventing the transmission of HIV including medical male circumcision, maintenance of a safe blood supply, public education about risks to acquire HIV infection from blood exposures, promotion of universal precautions, investigation of suspected nosocomial infections and other tools.

“(M) A description of efforts to assist partner country and community to identify and address social, economic, or cultural factors, such as migration, urbanization, conflict, gender-based violence, lack of empowerment for women, and transportation patterns, which directly contribute to the transmission of HIV.

“(N) A description of the specific targets, goals, and strategies developed to address the needs and vulnerabilities of women and girls to HIV/AIDS, including—

“(i) activities directed toward men and boys;

“(ii) activities to enhance educational, micro-finance, and livelihood opportunities for women and girls;

“(iii) activities to promote and protect the legal empowerment of women, girls, and orphans and vulnerable children;

“(iv) programs targeted toward gender-based violence and sexual coercion;

“(v) strategies to meet the particular needs of adolescents;

“(vi) assistance for victims of rape, sexual abuse, assault, exploitation, and trafficking; and

“(vii) programs to prevent alcohol abuse.

“(O) A description of strategies to address male norms and behaviors that contribute to the transmission of HIV, to promote responsible male behavior, and to promote male participation and leadership in HIV/AIDS prevention, care, treatment, and voluntary counseling and testing.

“(P) A description of strategies—

“(i) to address the needs of orphans and vulnerable children, including an analysis of—

“(I) factors contributing to children’s vulnerability to HIV/AIDS; and

“(II) vulnerabilities caused by the impact of HIV/AIDS on children and their families; and

“(ii) in areas of higher HIV/AIDS prevalence, to promote a community-based approach to vulnerability, maximizing community input into determining which children participate.

“(Q) A description of capacity-building efforts undertaken by countries themselves, including adherents of the Abuja Declaration and an assessment of the impact of International Monetary Fund macroeconomic and fiscal policies on national and donor investments in health.

“(R) A description of the strategy to—

“(i) strengthen capacity building within the public health sector;

“(ii) improve health care in those countries;

“(iii) help countries to develop and implement national health workforce strategies;

“(iv) strive to achieve goals in training, retaining, and effectively deploying health staff;

“(v) promote the use of codes of conduct for ethical recruiting practices for health care workers; and

“(vi) increase the sustainability of health programs.

“(S) A description of the criteria for selection, objectives, methodology, and structure of compacts or other framework agreements with countries or regional organizations, including—

“(i) the role of civil society;

“(ii) the degree of transparency;

“(iii) benchmarks for success of such compacts or agreements; and

“(iv) the relationship between such compacts or agreements and the national HIV/AIDS and public health strategies and commitments of partner countries.

“(T) A strategy to better coordinate HIV/AIDS assistance with nutrition and food assistance programs.

“(U) A description of transnational or regional initiatives to combat regionalized epidemics in highly affected areas such as the Caribbean.

“(V) A description of planned resource distribution and global investment by region.

“(W) A description of coordination efforts in order to better implement the Stop TB Strategy and to address the problem of coinfection of HIV/AIDS and tuberculosis and of projected challenges or barriers to successful implementation.

“(X) A description of coordination efforts to address malaria and comorbidity with malaria and HIV/AIDS.”

(c) STUDY.—Section 101(c) of such Act (22 U.S.C. 7611(c)) is amended to read as follows:

“(c) STUDY OF PROGRESS TOWARD ACHIEVEMENT OF POLICY OBJECTIVES.—

“(1) DESIGN AND BUDGET PLAN FOR DATA EVALUATION.—The Global AIDS Coordinator shall enter into a contract with the Institute of Medicine of the National Academies that provides that not later than 18 months after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, the Institute, in consultation with the Global AIDS Coordinator and other relevant parties representing the public and private sector, shall provide the Global AIDS Coordinator with a design plan and budget for the evaluation and collection of baseline and subsequent data to address the elements set forth in paragraph (2)(B). The Global AIDS Coordinator shall submit the budget and design plan to the appropriate congressional committees.

“(2) STUDY.—

“(A) IN GENERAL.—Not later than 4 years after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, the Institute of Medicine of the National Academies shall publish a study that includes—

“(i) an assessment of the performance of United States-assisted global HIV/AIDS programs; and

“(ii) an evaluation of the impact on health of prevention, treatment, and care efforts that are supported by United States funding, including multilateral and bilateral programs involving joint operations.

“(B) CONTENT.—The study conducted under this paragraph shall include—

“(i) an assessment of progress toward prevention, treatment, and care targets;

“(ii) an assessment of the effects on health systems, including on the financing and management of health systems and the quality of service delivery and staffing;

“(iii) an assessment of efforts to address gender-specific aspects of HIV/AIDS, including gender related constraints to accessing services and addressing underlying social and economic vulnerabilities of women and men;

“(iv) an evaluation of the impact of treatment and care programs on 5-year survival rates, drug adherence, and the emergence of drug resistance;

“(v) an evaluation of the impact of prevention programs on HIV incidence in relevant population groups;

“(vi) an evaluation of the impact on child health and welfare of interventions authorized under this Act on behalf of orphans and vulnerable children;

“(vii) an evaluation of the impact of programs and activities authorized in this Act on child mortality; and

“(viii) recommendations for improving the programs referred to in subparagraph (A)(i).

“(C) METHODOLOGIES.—Assessments and impact evaluations conducted under the study shall utilize sound statistical methods and techniques for the behavioral sciences, including random assignment methodologies as feasible. Qualitative data on process variables should be used for assessments and impact evaluations, wherever possible.

“(3) CONTRACT AUTHORITY.—The Institute of Medicine may enter into contracts or cooperative agreements or award grants to conduct the study under paragraph (2).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the study under this subsection.”

(d) REPORT.—Section 101 of such Act, as amended by this section, is further amended by adding at the end the following:

“(d) COMPTROLLER GENERAL REPORT.—

“(1) REPORT REQUIRED.—Not later than 3 years after the date of the enactment of the Tom

Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, the Comptroller General of the United States shall submit a report on the global HIV/AIDS programs of the United States to the appropriate congressional committees.

“(2) CONTENTS.—The report required under paragraph (1) shall include—

“(A) a description and assessment of the monitoring and evaluation practices and policies in place for these programs;

“(B) an assessment of coordination within Federal agencies involved in these programs, examining both internal coordination within these programs and integration with the larger global health and development agenda of the United States;

“(C) an assessment of procurement policies and practices within these programs;

“(D) an assessment of harmonization with national government HIV/AIDS and public health strategies as well as other international efforts;

“(E) an assessment of the impact of global HIV/AIDS funding and programs on other United States global health programming; and

“(F) recommendations for improving the global HIV/AIDS programs of the United States.

“(e) BEST PRACTICES REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter, the Global AIDS Coordinator shall publish a best practices report that highlights the programs receiving financial assistance from the United States that have the potential for replication or adaption, particularly at a low cost, across global AIDS programs, including those that focus on both generalized and localized epidemics.

“(2) DISSEMINATION OF FINDINGS.—

“(A) PUBLICATION ON INTERNET WEBSITE.—The Global AIDS Coordinator shall disseminate the full findings of the annual best practices report on the Internet website of the Office of the Global AIDS Coordinator.

“(B) DISSEMINATION GUIDANCE.—The Global AIDS Coordinator shall develop guidance to ensure timely submission and dissemination of significant information regarding best practices with respect to global AIDS programs.

“(f) INSPECTORS GENERAL.—

“(1) OVERSIGHT PLAN.—

“(A) DEVELOPMENT.—The Inspectors General of the Department of State and Broadcasting Board of Governors, the Department of Health and Human Services, and the United States Agency for International Development shall jointly develop 5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013, with regard to the programs authorized under this Act and sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2, 2151b–3, and 2151b–4).

“(B) CONTENTS.—The plans developed under subparagraph (A) shall include a schedule for financial audits, inspections, and performance reviews, as appropriate.

“(C) DEADLINE.—

“(i) INITIAL PLAN.—The first plan developed under subparagraph (A) shall be completed not later than the later of—

“(I) September 1, 2008; or

“(II) 60 days after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

“(ii) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2010 through 2013, respectively.

“(2) COORDINATION.—In order to avoid duplication and maximize efficiency, the Inspectors General described in paragraph (1) shall coordinate their activities with—

“(A) the Government Accountability Office; and

“(B) the Inspectors General of the Department of Commerce, the Department of Defense, the Department of Labor, and the Peace Corps, as appropriate, pursuant to the 2004 Memorandum of Agreement Coordinating Audit Coverage of Programs and Activities Implementing the President's Emergency Plan for AIDS Relief, or any successor agreement.

“(3) FUNDING.—The Global AIDS Coordinator and the Coordinator of the United States Government Activities to Combat Malaria Globally shall make available necessary funds not exceeding \$15,000,000 during the 5-year period beginning on October 1, 2008 to the Inspectors General described in paragraph (1) for the audits, inspections, and reviews described in that paragraph.”.

(e) ANNUAL STUDY; MESSAGE.—Section 101 of such Act, as amended by this section, is further amended by adding at the end the following:

“(g) ANNUAL STUDY.—

“(1) IN GENERAL.—Not later than September 30, 2009, and annually thereafter through September 30, 2013, the Global AIDS Coordinator shall complete a study of treatment providers that—

“(A) represents a range of countries and service environments;

“(B) estimates the per-patient cost of antiretroviral HIV/AIDS treatment and the care of people with HIV/AIDS not receiving antiretroviral treatment, including a comparison of the costs for equivalent services provided by programs not receiving assistance under this Act;

“(C) estimates per-patient costs across the program and in specific categories of service providers, including—

“(i) urban and rural providers;

“(ii) country-specific providers; and

“(iii) other subcategories, as appropriate.

“(2) PUBLICATION.—Not later than 90 days after the completion of each study under paragraph (1), the Global AIDS Coordinator shall make the results of such study available on a publicly accessible Web site.

“(h) MESSAGE.—The Global AIDS Coordinator shall develop a message, to be prominently displayed by each program receiving funds under this Act, that—

“(1) demonstrates that the program is a commitment by citizens of the United States to the global fight against HIV/AIDS, tuberculosis, and malaria; and

“(2) enhances awareness by program recipients that the program is an effort on behalf of the citizens of the United States.”.

SEC. 102. INTERAGENCY WORKING GROUP.

Section 1(f)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)) is amended—

(1) in subparagraph (A), by inserting “, partner country finance, health, and other relevant ministries,” after “community based organizations)” each place it appears;

(2) in subparagraph (B)(ii)—

(A) by striking subclauses (IV) and (V);

(B) by inserting after subclause (III) the following:

“(IV) Establishing an interagency working group on HIV/AIDS headed by the Global AIDS Coordinator and comprised of representatives from the United States Agency for International Development and the Department of Health and Human Services, for the purposes of coordination of activities relating to HIV/AIDS, including—

“(aa) meeting regularly to review progress in partner countries toward HIV/AIDS prevention, treatment, and care objectives;

“(bb) participating in the process of identifying countries to consider for increased assistance based on the epidemiology of HIV/AIDS in those countries, including clear evidence of a public health threat, as well as government com-

mitment to address the HIV/AIDS problem, relative need, and coordination and joint planning with other significant actors;

“(cc) assisting the Coordinator in the evaluation, execution, and oversight of country operational plans;

“(dd) reviewing policies that may be obstacles to reaching targets set forth for HIV/AIDS prevention, treatment, and care; and

“(ee) consulting with representatives from additional relevant agencies, including the National Institutes of Health, the Health Resources and Services Administration, the Department of Labor, the Department of Agriculture, the Millennium Challenge Corporation, the Peace Corps, and the Department of Defense.

“(V) Coordinating overall United States HIV/AIDS policy and programs, including ensuring the coordination of relevant executive branch agency activities in the field, with efforts led by partner countries, and with the assistance provided by other relevant bilateral and multilateral aid agencies and other donor institutions to promote harmonization with other programs aimed at preventing and treating HIV/AIDS and other health challenges, improving primary health, addressing food security, promoting education and development, and strengthening health care systems.”.

(C) by redesignating subclauses (VII) and (VIII) as subclauses (IX) and (XII), respectively;

(D) by inserting after subclause (VI) the following:

“(VII) Holding annual consultations with nongovernmental organizations in partner countries that provide services to improve health, and advocating on behalf of the individuals with HIV/AIDS and those at particular risk of contracting HIV/AIDS, including organizations with members who are living with HIV/AIDS.

“(VIII) Ensuring, through interagency and international coordination, that HIV/AIDS programs of the United States are coordinated with, and complementary to, the delivery of related global health, food security, development, and education.”.

(E) in subclause (IX), as redesignated by subparagraph (C)—

(i) by inserting “Vietnam,” after “Uganda,”;

(ii) by inserting after “of 2003” the following: “and other countries in which the United States is implementing HIV/AIDS programs as part of its foreign assistance program”; and

(iii) by adding at the end the following: “In designating additional countries under this subparagraph, the President shall give priority to those countries in which there is a high prevalence of HIV or risk of significantly increasing incidence of HIV within the general population and inadequate financial means within the country.”.

(F) by inserting after subclause (IX), as redesignated by subparagraph (C), the following:

“(X) Working with partner countries in which the HIV/AIDS epidemic is prevalent among injection drug users to establish, as a national priority, national HIV/AIDS prevention programs.

“(XI) Working with partner countries in which the HIV/AIDS epidemic is prevalent among individuals involved in commercial sex acts to establish, as a national priority, national prevention programs, including education, voluntary testing, and counseling, and referral systems that link HIV/AIDS programs with programs to eradicate trafficking in persons and support alternatives to prostitution.”.

(G) in subclause (XII), as redesignated by subparagraph (C), by striking “funds section” and inserting “funds appropriated for HIV/AIDS assistance pursuant to the authorization of appropriations under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671)”;

(H) by adding at the end the following:

“(XIII) Publicizing updated drug pricing data to inform the purchasing decisions of pharmaceutical procurement partners.”.

SEC. 103. SENSE OF CONGRESS.

Section 102 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7612) is amended by adding at the end the following:

“(d) **SENSE OF CONGRESS.**—It is the sense of Congress that—

“(1) full-time country level coordinators, preferably with management experience, should head each HIV/AIDS country team for United States missions overseeing significant HIV/AIDS programs;

“(2) foreign service nationals provide critically important services in the design and implementation of United States country-level HIV/AIDS programs and their skills and experience as public health professionals should be recognized within hiring and compensation practices; and

“(3) staffing levels for United States country-level HIV/AIDS teams should be adequately maintained to fulfill oversight and other obligations of the positions.”.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS**SEC. 201. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL VACCINE FUNDS.**

Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended—

(1) by inserting after subsection (c) the following:

“(d) **TUBERCULOSIS VACCINE DEVELOPMENT PROGRAMS.**—In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013, which shall be used for United States contributions to tuberculosis vaccine development programs, which may include the Aeras Global TB Vaccine Foundation.”;

(2) in subsection (k)—

(A) by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(B) by striking “Vaccine Fund” and inserting “GAVI Fund”.

(3) in subsection (l), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(4) in subsection (m), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”.

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

(a) **FINDINGS; SENSE OF CONGRESS.**—Section 202(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(a)) is amended to read as follows:

“(a) **FINDINGS; SENSE OF CONGRESS.**—

“(1) **FINDINGS.**—Congress makes the following findings:

“(A) The establishment of the Global Fund in January 2002 is consistent with the general principles for an international AIDS trust fund first outlined by Congress in the Global AIDS and Tuberculosis Relief Act of 2000 (Public Law 106–264).

“(B) The Global Fund is an innovative financing mechanism which—

“(i) has made progress in many areas in combating HIV/AIDS, tuberculosis, and malaria; and

“(ii) represents the multilateral component of this Act, extending United States efforts to more than 130 countries around the world.

“(C) The Global Fund and United States bilateral assistance programs—

“(i) are demonstrating increasingly effective coordination, with each possessing certain comparative advantages in the fight against HIV/AIDS, tuberculosis, and malaria; and

“(ii) often work most effectively in concert with each other.

“(D) The United States Government—

“(i) is the largest supporter of the Global Fund in terms of resources and technical support;

“(ii) made the founding contribution to the Global Fund; and

“(iii) is fully committed to the success of the Global Fund as a multilateral public-private partnership.

“(2) **SENSE OF CONGRESS.**—It is the sense of Congress that—

“(A) transparency and accountability are crucial to the long-term success and viability of the Global Fund;

“(B) the Global Fund has made significant progress toward addressing concerns raised by the Government Accountability Office by—

“(i) improving risk assessment and risk management capabilities;

“(ii) providing clearer guidance for and oversight of Local Fund Agents; and

“(iii) strengthening the Office of the Inspector General for the Global Fund;

“(C) the provision of sufficient resources and authority to the Office of the Inspector General for the Global Fund to ensure that office has the staff and independence necessary to carry out its mandate will be a measure of the commitment of the Global Fund to transparency and accountability;

“(D) regular, publicly published financial, programmatic, and reporting audits of the Fund, its grantees, and Local Fund Agents are also important benchmarks of transparency;

“(E) the Global Fund should establish and maintain a system to track—

“(i) the amount of funds disbursed to each subrecipient on the grant's fiscal cycle; and

“(ii) the distribution of resources, by grant and principal recipient, for prevention, care, treatment, drug and commodity purchases, and other purposes;

“(F) relevant national authorities in recipient countries should exempt from duties and taxes all products financed by Global Fund grants and procured by any principal recipient or subrecipient for the purpose of carrying out such grants;

“(G) the Global Fund, UNAIDS, and the Global AIDS Coordinator should work together to standardize program indicators wherever possible;

“(H) for purposes of evaluating total amounts of funds contributed to the Global Fund under subsection (d)(4)(A)(i), the timetable for evaluations of contributions from sources other than the United States should take into account the fiscal calendars of other major contributors; and

“(I) the Global Fund should not support activities involving the ‘Affordable Medicines Facility–Malaria’ or similar entities pending compelling evidence of success from pilot programs as evaluated by the Coordinator of United States Government Activities to Combat Malaria Globally.”.

(b) **STATEMENT OF POLICY.**—Section 202(b) of such Act is amended by adding at the end the following:

“(3) **STATEMENT OF POLICY.**—The United States Government regards the imposition by recipient countries of taxes or tariffs on goods or services provided by the Global Fund, which are supported through public and private donations, including the substantial contribution of the American people, as inappropriate and inconsistent with standards of good governance. The Global AIDS Coordinator or other representatives of the United States Government shall work with the Global Fund to dissuade governments from imposing such duties, tariffs, or taxes.”.

(c) **UNITED STATES FINANCIAL PARTICIPATION.**—Section 202(d) of such Act (22 U.S.C. 7622(d)) is amended—

(1) in paragraph (1)—

(A) by striking “\$1,000,000,000 for the period of fiscal year 2004 beginning on January 1, 2004” and inserting “\$2,000,000,000 for fiscal year 2009,”; and

(B) by striking “the fiscal years 2005–2008” and inserting “each of the fiscal years 2010 through 2013”;

(2) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”;

(ii) in clause (ii)—

(I) by striking “during any of the fiscal years 2004 through 2008” and inserting “during any of the fiscal years 2009 through 2013”; and

(II) by adding at the end the following: “The President may waive the application of this clause with respect to assistance for Sudan that is overseen by the Southern Country Coordinating Mechanism, including Southern Sudan, Southern Kordofan, Blue Nile State, and Abyei, if the President determines that the national interest or humanitarian reasons justify such a waiver. The President shall publish each waiver of this clause in the Federal Register and, not later than 15 days before the waiver takes effect, shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the proposed waiver.”; and

(iii) in clause (vi)—

(I) by striking “for the purposes” and inserting “For the purposes”;

(II) by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(III) by striking “prior to fiscal year 2004” and inserting “before fiscal year 2009”;

(B) in subparagraph (B)(iv), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(C) in subparagraph (C)(ii), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

(3) by adding at the end the following:

“(5) **WITHHOLDING FUNDS.**—Notwithstanding any other provision of this Act, 20 percent of the amounts appropriated pursuant to this Act for a contribution to support the Global Fund for each of the fiscal years 2010 through 2013 shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the appropriate congressional committees that the Global Fund—

“(A) has established an evaluation framework for the performance of Local Fund Agents (referred to in this paragraph as ‘LFAs’);

“(B) is undertaking a systematic assessment of the performance of LFAs;

“(C) has adopted, and is implementing, a policy to publish on a publicly available Web site—

“(i) grant performance reviews;

“(ii) all reports of the Inspector General of the Global Fund, in a manner that is consistent with the Policy for Disclosure of Reports of the Inspector General, approved at the 16th Meeting of the Board of the Global Fund;

“(iii) decision points of the Board of the Global Fund;

“(iv) reports from Board committees to the Board; and

“(v) a regular collection and analysis of performance data and funding of grants of the Global Fund, which shall cover all principal recipients and all subrecipients;

“(D) is maintaining an independent, well-staffed Office of the Inspector General that—

“(i) reports directly to the Board of the Global Fund; and

“(ii) compiles regular, publicly published audits of financial, programmatic, and reporting aspects of the Global Fund, its grantees, and LFAs;

“(E) has established, and is reporting publicly on, standard indicators for all program areas;

“(F) has established a methodology to track and is publicly reporting on—

“(i) all subrecipients and the amount of funds disbursed to each subrecipient on the grant's fiscal cycle; and

“(ii) the distribution of resources, by grant and principal recipient, for prevention, care,

treatment, drugs and commodities purchase, and other purposes;

“(G) has established a policy on tariffs imposed by national governments on all goods and services financed by the Global Fund;

“(H) through its Secretariat, has taken meaningful steps to prevent national authorities in recipient countries from imposing taxes or tariffs on goods or services provided by the Fund;

“(I) is maintaining its status as a financing institution focused on programs directly related to HIV/AIDS, malaria, and tuberculosis;

“(J) is maintaining and making progress on—

“(i) sustaining its multisectoral approach, through country coordinating mechanisms; and

“(ii) the implementation of grants, as reflected in the proportion of resources allocated to different sectors, including governments, civil society, and faith- and community-based organizations; and

“(K) has established procedures providing access by the Office of Inspector General of the Department of State and Broadcasting Board of Governors, as cognizant Inspector General, and the Inspector General of the Health and Human Services and the Inspector General of the United States Agency for International Development, to Global Fund financial data, and other information relevant to United States contributions (as determined by the Inspector General in consultation with the Global AIDS Coordinator).

“(6) SUMMARIES OF BOARD DECISIONS AND UNITED STATES POSITIONS.—Following each meeting of the Board of the Global Fund, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall report on the public website of the Coordinator a summary of Board decisions and how the United States Government voted and its positions on such decisions.”

SEC. 203. RESEARCH ON METHODS FOR WOMEN TO PREVENT TRANSMISSION OF HIV AND OTHER DISEASES.

(a) SENSE OF CONGRESS.—Congress recognizes the need and urgency to expand the range of interventions for preventing the transmission of human immunodeficiency virus (HIV), including nonvaccine prevention methods that can be controlled by women.

(b) NIH OFFICE OF AIDS RESEARCH.—Subpart 1 of part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc–40 et seq.) is amended by inserting after section 2351 the following:

“SEC. 2351A. MICROBICIDE RESEARCH.

“(a) FEDERAL STRATEGIC PLAN.—The Director of the Office shall—

“(1) expedite the implementation of the Federal strategic plans required by section 403(a) of the Public Health Service Act (42 U.S.C. 283(a)(5)) regarding the conduct and support of research on, and development of, a microbicide to prevent the transmission of the human immunodeficiency virus; and

“(2) review and, as appropriate, revise such plan to prioritize funding and activities relative to their scientific urgency and potential market readiness.

“(b) COORDINATION.—In implementing, reviewing, and prioritizing elements of the plan described in subsection (a), the Director of the Office shall consult, as appropriate, with—

“(1) representatives of other Federal agencies involved in microbicide research, including the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the Director of the Centers for Disease Control and Prevention, and the Administrator of the United States Agency for International Development;

“(2) the microbicide research and development community; and

“(3) health advocates.”

(c) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

“SEC. 447C. MICROBICIDE RESEARCH AND DEVELOPMENT.

“The Director of the Institute, acting through the head of the Division of AIDS, shall, consistent with the peer-review process of the National Institutes of Health, carry out research on, and development of, safe and effective methods for use by women to prevent the transmission of the human immunodeficiency virus, which may include microbicides.”

(d) CDC.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317S the following:

“SEC. 317T. MICROBICIDE RESEARCH.

“(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention is strongly encouraged to fully implement the Centers' microbicide agenda to support research and development of microbicides for use to prevent the transmission of the human immunodeficiency virus.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2013 to carry out this section.”

(e) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, may facilitate availability and accessibility of microbicides, provided that such pharmaceuticals are approved, tentatively approved, or otherwise authorized for use by—

(A) the Food and Drug Administration;

(B) a stringent regulatory agency acceptable to the Secretary of Health and Human Services; or

(C) a quality assurance mechanism acceptable to the Secretary of Health and Human Services.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) for HIV/AIDS assistance, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.

SEC. 204. COMBATING HIV/AIDS, TUBERCULOSIS, AND MALARIA BY STRENGTHENING HEALTH POLICIES AND HEALTH SYSTEMS OF PARTNER COUNTRIES.

(a) IN GENERAL.—Title II of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7621) is amended by adding at the end the following:

“SEC. 204. COMBATING HIV/AIDS, TUBERCULOSIS, AND MALARIA BY STRENGTHENING HEALTH POLICIES AND HEALTH SYSTEMS OF PARTNER COUNTRIES.

“(a) STATEMENT OF POLICY.—It shall be the policy of the United States Government—

“(1) to invest appropriate resources authorized under this Act—

“(A) to carry out activities to strengthen HIV/AIDS, tuberculosis, and malaria health policies and health systems; and

“(B) to provide workforce training and capacity-building consistent with the goals and objectives of this Act; and

“(2) to support the development of a sound policy environment in partner countries to increase the ability of such countries—

“(A) to maximize utilization of health care resources from donor countries;

“(B) to increase national investments in health and education and maximize the effectiveness of such investments;

“(C) to improve national HIV/AIDS, tuberculosis, and malaria strategies;

“(D) to deliver evidence-based services in an effective and efficient manner; and

“(E) to reduce barriers that prevent recipients of services from achieving maximum benefit from such services.

“(b) ASSISTANCE TO IMPROVE PUBLIC FINANCE MANAGEMENT SYSTEMS.—

“(1) IN GENERAL.—Consistent with the authority under section 129 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152), the Secretary of the Treasury, acting through the head of the Office of Technical Assistance, is authorized to provide assistance for advisors and partner country finance, health, and other relevant ministries to improve the effectiveness of public finance management systems in partner countries to enable such countries to receive funding to carry out programs to combat HIV/AIDS, tuberculosis, and malaria and to manage such programs.

“(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 for HIV/AIDS assistance, there are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.

“(c) PLAN REQUIRED.—The Global AIDS Coordinator, in collaboration with the Administrator of the United States Agency for International Development (USAID), shall develop and implement a plan to combat HIV/AIDS by strengthening health policies and health systems of partner countries as part of USAID's ‘Health Systems 2020’ project. Recognizing that human and institutional capacity form the core of any health care system that can sustain the fight against HIV/AIDS, tuberculosis, and malaria, the plan shall include a strategy to encourage postsecondary educational institutions in partner countries, particularly in Africa, in collaboration with United States postsecondary educational institutions, including historically black colleges and universities, to develop such human and institutional capacity and in the process further build their capacity to sustain the fight against these diseases.”

(b) CLERICAL AMENDMENT.—The table of contents for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 note) is amended by inserting after the item relating to section 203, as added by section 203 of this Act, the following:

“Sec. 204. Combating HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of partner countries.”

SEC. 205. FACILITATING EFFECTIVE OPERATIONS OF THE CENTERS FOR DISEASE CONTROL.

Section 307 of the Public Health Service Act (42 U.S.C. 242i) is amended—

(1) by amending subsection (a) to read as follows:

“(a) The Secretary may participate with other countries in cooperative endeavors in—

“(1) biomedical research, health care technology, and the health services research and statistical analysis authorized under section 306 and title IX; and

“(2) biomedical research, health care services, health care research, or other related activities in furtherance of the activities, objectives or goals authorized under the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.”; and

(2) in subsection (b)—

(A) in paragraph (7), by striking “and” after the semicolon at the end;

(B) by striking “The Secretary may not, in the exercise of his authority under this section, provide financial assistance for the construction of any facility in any foreign country.”

(C) in paragraph (8), by striking “for any purpose,” and inserting “for the purpose of any law administered by the Office of Personnel Management.”; and

(D) by adding at the end the following:

“(9) provide such funds by advance or reimbursement to the Secretary of State, as may be necessary, to pay the costs of acquisition, lease, construction, alteration, equipping, furnishing

or management of facilities outside of the United States; and

“(10) in consultation with the Secretary of State, through grant or cooperative agreement, make funds available to public or nonprofit private institutions or agencies in foreign countries in which the Secretary is participating in activities described under subsection (a) to acquire, lease, construct, alter, or renovate facilities in those countries.”.

(3) in subsection (c)—

(A) by striking “1990” and inserting “1980”; and

(B) by inserting or “or section 903 of the Foreign Service Act of 1980 (22 U.S.C. 4083)” after “Code”.

SEC. 206. FACILITATING VACCINE DEVELOPMENT.

(a) TECHNICAL ASSISTANCE FOR DEVELOPING COUNTRIES.—The Administrator of the United States Agency for International Development, utilizing public-private partners, as appropriate, and working in coordination with other international development agencies, is authorized to strengthen the capacity of developing countries' governmental institutions to—

(1) collect evidence for informed decision-making and introduction of new vaccines, including potential HIV/AIDS, tuberculosis, and malaria vaccines, if such vaccines are determined to be safe and effective;

(2) review protocols for clinical trials and impact studies and improve the implementation of clinical trials; and

(3) ensure adequate supply chain and delivery systems.

(b) ADVANCED MARKET COMMITMENTS.—

(1) PURPOSE.—The purpose of this subsection is to improve global health by requiring the United States to participate in negotiations for advance market commitments for the development of future vaccines, including potential vaccines for HIV/AIDS, tuberculosis, and malaria.

(2) NEGOTIATION REQUIREMENT.—The Secretary of the Treasury shall enter into negotiations with the appropriate officials of the International Bank of Reconstruction and Development (World Bank) and the GAVI Alliance, the member nations of such entities, and other interested parties to establish advanced market commitments to purchase vaccines to combat HIV/AIDS, tuberculosis, malaria, and other related infectious diseases.

(3) REQUIREMENTS.—In negotiating the United States participation in programs for advanced market commitments, the Secretary of the Treasury shall take into account whether programs for advance market commitments include—

(A) legally binding contracts for product purchase that include a fair market price for up to a maximum number of treatments, creating a strong market incentive;

(B) clearly defined and transparent rules of program participation for qualified developers and suppliers of the product;

(C) clearly defined requirements for eligible vaccines to ensure that they are safe and effective and can be delivered in developing country contexts;

(D) dispute settlement mechanisms; and

(E) sufficient flexibility to enable the contracts to be adjusted in accord with new information related to projected market size and other factors while still maintaining the purchase commitment at a fair price.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act—

(A) the Secretary of the Treasury shall submit a report to the appropriate congressional committees on the status of the United States negotiations to participate in programs for the advanced market commitments under this subsection; and

(B) the President shall produce a comprehensive report, written by a study group of qualified professionals from relevant Federal agencies and initiatives, nongovernmental organizations,

and industry representatives, that sets forth a coordinated strategy to accelerate development of vaccines for infectious diseases, such as HIV/AIDS, malaria, and tuberculosis, which includes—

(i) initiatives to create economic incentives for the research, development, and manufacturing of vaccines for HIV/AIDS, tuberculosis, malaria, and other infectious diseases;

(ii) an expansion of public-private partnerships and the leveraging of resources from other countries and the private sector; and

(iii) efforts to maximize United States capabilities to support clinical trials of vaccines in developing countries and to address the challenges of delivering vaccines in developing countries to minimize delays in access once vaccines are available.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS.

(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) FINDING.—Section 104A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(a)) is amended by inserting “Central Asia, Eastern Europe, Latin America” after “Caribbean.”.

(2) POLICY.—Section 104A(b) of such Act is amended to read as follows:

“(b) POLICY.—

“(1) OBJECTIVES.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention and treatment of HIV/AIDS and the care of those affected by the disease. It is the policy objective of the United States, by 2013, to—

“(A) assist partner countries to—

“(i) prevent 12,000,000 new HIV infections worldwide;

“(ii) support—

“(I) the increase in the number of individuals with HIV/AIDS receiving antiretroviral treatment above the goal established under section 402(a)(3) and increased pursuant to paragraphs (1) through (3) of section 403(d); and

“(II) additional treatment through coordinated multilateral efforts;

“(iii) support care for 12,000,000 individuals infected with or affected by HIV/AIDS, including 5,000,000 orphans and vulnerable children affected by HIV/AIDS, with an emphasis on promoting a comprehensive, coordinated system of services to be integrated throughout the continuum of care;

“(iv) provide at least 80 percent of the target population with access to counseling, testing, and treatment to prevent the transmission of HIV from mother-to-child;

“(v) provide care and treatment services to children with HIV in proportion to their percentage within the HIV-infected population of a given partner country; and

“(vi) train and support retention of health care professionals, paraprofessionals, and community health workers in HIV/AIDS prevention, treatment, and care, with the target of providing such training to at least 140,000 new health care professionals and paraprofessionals with an emphasis on training and in country deployment of critically needed doctors and nurses;

“(B) strengthen the capacity to deliver primary health care in developing countries, especially in sub-Saharan Africa;

“(C) support and help countries in their efforts to achieve staffing levels of at least 2.3 doctors, nurses, and midwives per 1,000 population, as called for by the World Health Organization; and

“(D) help partner countries to develop independent, sustainable HIV/AIDS programs.

“(2) COORDINATED GLOBAL STRATEGY.—The United States and other countries with the sufficient capacity should provide assistance to countries in sub-Saharan Africa, the Caribbean, Central Asia, Eastern Europe, and Latin America, and other countries and regions confronting

HIV/AIDS epidemics in a coordinated global strategy to help address generalized and concentrated epidemics through HIV/AIDS prevention, treatment, care, monitoring and evaluation, and related activities.

“(3) PRIORITIES.—The United States Government's response to the global HIV/AIDS pandemic and the Government's efforts to help countries assume leadership of sustainable campaigns to combat their local epidemics should place high priority on—

“(A) the prevention of the transmission of HIV;

“(B) moving toward universal access to HIV/AIDS prevention counseling and services;

“(C) the inclusion of cost sharing assurances that meet the requirements under section 110; and

“(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”.

(b) AUTHORIZATION.—Section 104A(c) of such Act is amended—

(1) in paragraph (1), by striking “and other countries and areas.” and inserting “Central Asia, Eastern Europe, Latin America, and other countries and areas, particularly with respect to refugee populations or those in postconflict settings in such countries and areas with significant or increasing HIV incidence rates.”;

(2) in paragraph (2), by striking “and other countries and areas affected by the HIV/AIDS pandemic” and inserting “Central Asia, Eastern Europe, Latin America, and other countries and areas affected by the HIV/AIDS pandemic, particularly with respect to refugee populations or those in post-conflict settings in such countries and areas with significant or increasing HIV incidence rates.”; and

(3) in paragraph (3)—

(A) by striking “foreign countries” and inserting “partner countries, other international actors,”; and

(B) by inserting “within the framework of the principles of the Three Ones” before the period at the end.

(c) ACTIVITIES SUPPORTED.—Section 104A(d) of such Act is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “and multiple concurrent sexual partnering,” after “casual sexual partnering”; and

(ii) by striking “condoms” and inserting “male and female condoms”;

(B) in subparagraph (B)—

(i) by striking “programs that” and inserting “programs that are designed with local input and”; and

(ii) by striking “those organizations” and inserting “those locally based organizations”;

(C) in subparagraph (D), by inserting “and promoting the use of provider-initiated or ‘opt-out’ voluntary testing in accordance with World Health Organization guidelines” before the semicolon at the end;

(D) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (H), (I), and (J), respectively;

(E) by inserting after subparagraph (E) the following:

“(F) assistance to—

“(i) achieve the goal of reaching 80 percent of pregnant women for prevention and treatment of mother-to-child transmission of HIV in countries in which the United States is implementing HIV/AIDS programs by 2013; and

“(ii) promote infant feeding options and treatment protocols that meet the most recent criteria established by the World Health Organization;

“(G) medical male circumcision programs as part of national strategies to combat the transmission of HIV/AIDS;”;

(F) in subparagraph (I), as redesignated, by striking “and” at the end; and

(G) by adding at the end the following:

“(K) assistance for counseling, testing, treatment, care, and support programs, including—

“(i) counseling and other services for the prevention of reinfection of individuals with HIV/AIDS;

“(ii) counseling to prevent sexual transmission of HIV, including—

“(I) life skills development for practicing abstinence and faithfulness;

“(II) reducing the number of sexual partners;

“(III) delaying sexual debut; and

“(IV) ensuring correct and consistent use of condoms;

“(iii) assistance to engage underlying vulnerabilities to HIV/AIDS, especially those of women and girls;

“(iv) assistance for appropriate HIV/AIDS education programs and training targeted to prevent the transmission of HIV among men who have sex with men;

“(v) assistance to provide male and female condoms;

“(vi) diagnosis and treatment of other sexually transmitted infections;

“(vii) strategies to address the stigma and discrimination that impede HIV/AIDS prevention efforts; and

“(viii) assistance to facilitate widespread access to microbicides for HIV prevention, if safe and effective products become available, including financial and technical support for culturally appropriate introductory programs, procurement, distribution, logistics management, program delivery, acceptability studies, provider training, demand generation, and postintroduction monitoring.”; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C)—

(i) by inserting “pain management,” after “opportunistic infections.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) as part of care and treatment of HIV/AIDS, assistance (including prophylaxis and treatment) for common HIV/AIDS-related opportunistic infections for free or at a rate at which it is easily affordable to the individuals and populations being served;

“(E) as part of care and treatment of HIV/AIDS, assistance or referral to available and adequately resourced service providers for nutritional support, including counseling and where necessary the provision of commodities, for persons meeting malnourishment criteria and their families.”;

(3) in paragraph (4)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) carrying out and expanding program monitoring, impact evaluation research and analysis, and operations research and disseminating data and findings through mechanisms to be developed by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, in coordination with the Director of the Centers for Disease Control, in order to—

“(i) improve accountability, increase transparency, and ensure the delivery of evidence-based services through the collection, evaluation, and analysis of data regarding gender-responsive interventions, disaggregated by age and sex;

“(ii) identify and replicate effective models; and

“(iii) develop gender indicators to measure outcomes and the impacts of interventions; and

“(F) establishing appropriate systems to—

“(i) gather epidemiological and social science data on HIV; and

“(ii) evaluate the effectiveness of prevention efforts among men who have sex with men, with

due consideration to stigma and risks associated with disclosure.”;

(4) in paragraph (5)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following:

“(C) MECHANISM TO ENSURE COST-EFFECTIVE DRUG PURCHASING.—Subject to subparagraph (B), mechanisms to ensure that safe and effective pharmaceuticals, including antiretrovirals and medicines to treat opportunistic infections, are purchased at the lowest possible price at which such pharmaceuticals may be obtained in sufficient quantity on the world market, provided that such pharmaceuticals are approved, tentatively approved, or otherwise authorized for use by—

“(i) the Food and Drug Administration;

“(ii) a stringent regulatory agency acceptable to the Secretary of Health and Human Services; or

“(iii) a quality assurance mechanism acceptable to the Secretary of Health and Human Services.”;

(5) in paragraph (6)—

(A) by amending the paragraph heading to read as follows:

“(6) RELATED AND COORDINATED ACTIVITIES.—”;

(B) in subparagraph (B), by striking “and” at the end;

(C) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(D) coordinated or referred activities to—

“(i) enhance the clinical impact of HIV/AIDS care and treatment; and

“(ii) ameliorate the adverse social and economic costs often affecting AIDS-impacted families and communities through the direct provision, as necessary, or through the referral, if possible, of support services, including—

“(I) nutritional and food support;

“(II) safe drinking water and adequate sanitation;

“(III) nutritional counseling;

“(IV) income-generating activities and livelihood initiatives;

“(V) maternal and child health care;

“(VI) primary health care;

“(VII) the diagnosis and treatment of other infectious or sexually transmitted diseases;

“(VIII) substance abuse and treatment services; and

“(IX) legal services;

“(E) coordinated or referred activities to link programs addressing HIV/AIDS with programs addressing gender-based violence in areas of significant HIV prevalence to assist countries in the development and enforcement of women's health, children's health, and HIV/AIDS laws and policies that—

“(i) prevent and respond to violence against women and girls;

“(ii) promote the integration of screening and assessment for gender-based violence into HIV/AIDS programming;

“(iii) promote appropriate HIV/AIDS counseling, testing, and treatment into gender-based violence programs; and

“(iv) assist governments to develop partnerships with civil society organizations to create networks for psychosocial, legal, economic, or other support services;

“(F) coordinated or referred activities to—

“(i) address the frequent coinfection of HIV and tuberculosis, in accordance with World Health Organization guidelines;

“(ii) promote provider-initiated or ‘opt-out’ HIV/AIDS counseling and testing and appropriate referral for treatment and care to individuals with tuberculosis or its symptoms, particularly in areas with significant HIV prevalence; and

“(iii) strengthen programs to ensure that individuals testing positive for HIV receive tuberculosis screening and to improve laboratory capacities, infection control, and adherence; and

“(G) activities to—

“(i) improve the effectiveness of national responses to HIV/AIDS;

“(ii) strengthen overall health systems in high-prevalence countries, including support for workforce training, retention, and effective deployment, capacity building, laboratory development, equipment maintenance and repair, and public health and related public financial management systems and operations; and

“(iii) encourage fair and transparent procurement practices among partner countries; and

“(iv) promote in-country or intra-regional pediatric training for physicians and other health professionals, preferably through public-private partnerships involving colleges and universities, with the goal of increasing pediatric HIV workforce capacity.”; and

(6) by adding at the end the following:

“(8) COMPACTS AND FRAMEWORK AGREEMENTS.—The development of compacts or framework agreements, tailored to local circumstances, with national governments or regional partnerships in countries with significant HIV/AIDS burdens to promote host government commitment to deeper integration of HIV/AIDS services into health systems, contribute to health systems overall, and enhance sustainability, including—

“(A) cost sharing assurances that meet the requirements under section 110; and

“(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”;

(d) COMPACTS AND FRAMEWORK AGREEMENTS.—Section 104A of such Act is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h); and

(2) by inserting after subsection (d) the following:

“(e) COMPACTS AND FRAMEWORK AGREEMENTS.—

“(1) FINDINGS.—Congress makes the following findings:

“(A) The congressionally mandated Institute of Medicine report entitled ‘PEPFAR Implementation: Progress and Promise’ states: ‘The next strategy [of the U.S. Global AIDS Initiative] should squarely address the needs and challenges involved in supporting sustainable country HIV/AIDS programs, thereby transitioning from a focus on emergency relief.’

“(B) One mechanism to promote the transition from an emergency to a public health and development approach to HIV/AIDS is through compacts or framework agreements between the United States Government and each participating nation.

“(2) ELEMENTS.—Compacts on HIV/AIDS authorized under subsection (d)(8) shall include the following elements:

“(A) Compacts whose primary purpose is to provide direct services to combat HIV/AIDS are to be made between—

“(i) the United States Government; and

“(ii) (I) national or regional entities representing low-income countries served by an existing United States Agency for International Development or Department of Health and Human Services presence or regional platform; or

“(II) countries or regions—

“(aa) experiencing significantly high HIV prevalence or risk of significantly increasing incidence within the general population;

“(bb) served by an existing United States Agency for International Development or Department of Health and Human Services presence or regional platform; and

“(cc) that have inadequate financial means within such country or region.

“(B) Compacts whose primary purpose is to provide limited technical assistance to a country or region connected to services provided within the country or region—

“(i) may be made with other countries or regional entities served by an existing United

States Agency for International Development or Department of Health and Human Services presence or regional platform;

“(ii) shall require significant investments in HIV prevention, care, and treatment services by the host country;

“(iii) shall be time-limited in terms of United States contributions; and

“(iv) shall be made only upon prior notification to Congress—

“(I) justifying the need for such compacts;

“(II) describing the expected investment by the country or regional entity; and

“(III) describing the scope, nature, expected total United States investment, and time frame of the limited technical assistance under the compact and its intended impact.

“(C) Compacts shall include provisions to—

“(i) promote local and national efforts to reduce stigma associated with HIV/AIDS; and

“(ii) work with and promote the role of civil society in combating HIV/AIDS.

“(D) Compacts shall take into account the overall national health and development and national HIV/AIDS and public health strategies of each country.

“(E) Compacts shall contain—

“(i) consideration of the specific objectives that the country and the United States expect to achieve during the term of a compact;

“(ii) consideration of the respective responsibilities of the country and the United States in the achievement of such objectives;

“(iii) consideration of regular benchmarks to measure progress toward achieving such objectives;

“(iv) an identification of the intended beneficiaries, disaggregated by gender and age, and including information on orphans and vulnerable children, to the maximum extent practicable;

“(v) consideration of the methods by which the compact is intended to—

“(I) address the factors that put women and girls at greater risk of HIV/AIDS; and

“(II) strengthen elements such as the economic, educational, and social status of women, girls, orphans, and vulnerable children and the inheritance rights and safety of such individuals;

“(vi) consideration of the methods by which the compact will—

“(I) strengthen the health care capacity, including factors such as the training, retention, deployment, recruitment, and utilization of health care workers;

“(II) improve supply chain management; and

“(III) improve the health systems and infrastructure of the partner country, including the ability of compact participants to maintain and operate equipment transferred or purchased as part of the compact;

“(vii) consideration of proposed mechanisms to provide oversight;

“(viii) consideration of the role of civil society in the development of a compact and the achievement of its objectives;

“(ix) a description of the current and potential participation of other donors in the achievement of such objectives, as appropriate; and

“(x) consideration of a plan to ensure appropriate fiscal accountability for the use of assistance.

“(F) For regional compacts, priority shall be given to countries that are included in regional funds and programs in existence as of the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

“(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

“(i) cost sharing assurances that meet the requirements under section 110; and

“(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other inter-

national donor support, and budget support by respective foreign governments.

“(3) LOCAL INPUT.—In entering into a compact on HIV/AIDS authorized under subsection (d)(8), the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall seek to ensure that the government of a country—

“(A) takes into account the local perspectives of the rural and urban poor, including women, in each country; and

“(B) consults with private and voluntary organizations, including faith-based organizations, the business community, and other donors in the country.

“(4) CONGRESSIONAL AND PUBLIC NOTIFICATION AFTER ENTERING INTO A COMPACT.—Not later than 10 days after entering into a compact authorized under subsection (d)(8), the Global AIDS Coordinator shall—

“(A) submit a report containing a detailed summary of the compact and a copy of the text of the compact to—

“(i) the Committee on Foreign Relations of the Senate;

“(ii) the Committee on Appropriations of the Senate;

“(iii) the Committee on Foreign Affairs of the House of Representatives; and

“(iv) the Committee on Appropriations of the House of Representatives; and

“(B) publish such information in the Federal Register and on the Internet website of the Office of the Global AIDS Coordinator.”

(e) ANNUAL REPORT.—Section 104A(f) of such Act, as redesignated, is amended—

(1) in paragraph (1), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) by striking subparagraph (C) and inserting the following:

“(C) a detailed breakdown of funding allocations, by program and by country, for prevention activities; and

“(D) a detailed assessment of the impact of programs established pursuant to such sections, including—

“(i)(I) the effectiveness of such programs in reducing—

“(aa) the transmission of HIV, particularly in women and girls;

“(bb) mother-to-child transmission of HIV, including through drug treatment and therapies, either directly or by referral; and

“(cc) mortality rates from HIV/AIDS;

“(II) the number of patients receiving treatment for AIDS in each country that receives assistance under this Act;

“(III) an assessment of progress towards the achievement of annual goals set forth in the timetable required under the 5-year strategy established under section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 and, if annual goals are not being met, the reasons for such failure; and

“(IV) retention and attrition data for programs receiving United States assistance, including mortality and loss to follow-up rates, organized overall and by country;

“(ii) the progress made toward—

“(I) improving health care delivery systems (including the training of health care workers, including doctors, nurses, midwives, pharmacists, laboratory technicians, and compensated community health workers, and the use of codes of conduct for ethical recruiting practices for health care workers);

“(II) advancing safe working conditions for health care workers; and

“(III) improving infrastructure to promote progress toward universal access to HIV/AIDS prevention, treatment, and care by 2013;

“(iii) a description of coordination efforts with relevant executive branch agencies to link

HIV/AIDS clinical and social services with non-HIV/AIDS services as part of the United States health and development agenda;

“(iv) a detailed description of integrated HIV/AIDS and food and nutrition programs and services, including—

“(I) the amount spent on food and nutrition support;

“(II) the types of activities supported; and

“(III) an assessment of the effectiveness of interventions carried out to improve the health status of persons with HIV/AIDS receiving food or nutritional support;

“(v) a description of efforts to improve harmonization, in terms of relevant executive branch agencies, coordination with other public and private entities, and coordination with partner countries’ national strategic plans as called for in the ‘Three Ones’;

“(vi) a description of—

“(I) the efforts of partner countries that were signatories to the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases to adhere to the goals of such Declaration in terms of investments in public health, including HIV/AIDS; and

“(II) a description of the HIV/AIDS investments of partner countries that were not signatories to such Declaration;

“(vii) a detailed description of any compacts or framework agreements reached or negotiated between the United States and any partner countries, including a description of the elements of compacts described in subsection (e);

“(viii) a description of programs serving women and girls, including—

“(I) HIV/AIDS prevention programs that address the vulnerabilities of girls and women to HIV/AIDS;

“(II) information on the number of individuals served by programs aimed at reducing the vulnerabilities of women and girls to HIV/AIDS and data on the types, objectives, and duration of programs to address these issues;

“(III) information on programs to address the particular needs of adolescent girls and young women; and

“(IV) programs to prevent gender-based violence or to assist victims of gender based violence as part of, or in coordination with, HIV/AIDS programs;

“(ix) a description of strategies, goals, programs, and interventions to—

“(I) address the needs and vulnerabilities of youth populations;

“(II) expand access among young men and women to evidence-based HIV/AIDS health care services and HIV prevention programs, including abstinence education programs; and

“(III) expand community-based services to meet the needs of orphans and of children and adolescents affected by or vulnerable to HIV/AIDS without increasing stigmatization;

“(x) a description of—

“(I) the specific strategies funded to ensure the reduction of HIV infection among injection drug users;

“(II) the number of injection drug users, by country, reached by such strategies; and

“(III) medication-assisted drug treatment for individuals with HIV or at risk of HIV;

“(xi) a detailed description of program monitoring, operations research, and impact evaluation research, including—

“(I) the amount of funding provided for each research type;

“(II) an analysis of cost-effectiveness models; and

“(III) conclusions regarding the efficiency, effectiveness, and quality of services as derived from previous or ongoing research and monitoring efforts;

“(xii) building capacity to identify, investigate, and stop nosocomial transmission of infectious diseases, including HIV and tuberculosis; and

“(xiii) a description of staffing levels of United States government HIV/AIDS teams in

countries with significant HIV/AIDS programs, including whether or not a full-time coordinator was on staff for the year.”

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Section 301(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7631(b)) is amended—

(1) in paragraph (1), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(2) in paragraph (3), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”.

(g) **RELATIONSHIP TO ASSISTANCE PROGRAMS TO ENHANCE NUTRITION.**—Section 301(c) of such Act is amended to read as follows:

“(c) **FOOD AND NUTRITIONAL SUPPORT.**—

“(1) **IN GENERAL.**—As indicated in the report produced by the Institute of Medicine, entitled ‘PEPFAR Implementation: Progress and Promise’, inadequate caloric intake has been clearly identified as a principal reason for failure of clinical response to antiretroviral therapy. In recognition of the impact of malnutrition as a clinical health issue for many persons living with HIV/AIDS that is often associated with health and economic impacts on these individuals and their families, the Global AIDS Coordinator and the Administrator of the United States Agency for International Development shall—

“(A) follow World Health Organization guidelines for HIV/AIDS food and nutrition services;

“(B) integrate nutrition programs with HIV/AIDS activities through effective linkages among the health, agricultural, and livelihood sectors and establish additional services in circumstances in which referrals are inadequate or impossible;

“(C) provide, as a component of care and treatment programs for persons with HIV/AIDS, food and nutritional support to individuals infected with, and affected by, HIV/AIDS who meet established criteria for nutritional support (including clinically malnourished children and adults, and pregnant and lactating women in programs in need of supplemental support), including—

“(i) anthropometric and dietary assessment;

“(ii) counseling; and

“(iii) therapeutic and supplementary feeding;

“(D) provide food and nutritional support for children affected by HIV/AIDS and to communities and households caring for children affected by HIV/AIDS; and

“(E) in communities where HIV/AIDS and food insecurity are highly prevalent, support programs to address these often intersecting health problems through community-based assistance programs, with an emphasis on sustainable approaches.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated under section 401, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.”

(h) **ELIGIBILITY FOR ASSISTANCE.**—Section 301(d) of such Act is amended to read as follows:

“(d) **ELIGIBILITY FOR ASSISTANCE.**—An organization, including a faith-based organization, that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961, under this Act, or under any amendment made by this Act or by the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, for HIV/AIDS prevention, treatment, or care—

“(1) shall not be required, as a condition of receiving such assistance—

“(A) to endorse or utilize a multisectoral or comprehensive approach to combating HIV/AIDS; or

“(B) to endorse, utilize, make a referral to, become integrated with, or otherwise participate in any program or activity to which the organization has a religious or moral objection; and

“(2) shall not be discriminated against in the solicitation or issuance of grants, contracts, or cooperative agreements under such provisions of law for refusing to meet any requirement described in paragraph (1).”

SEC. 302. ASSISTANCE TO COMBAT TUBERCULOSIS.

(a) **POLICY.**—Section 104B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-3(b)) is amended to read as follows:

“(b) **POLICY.**—It is a major objective of the foreign assistance program of the United States to control tuberculosis. In all countries in which the Government of the United States has established development programs, particularly in countries with the highest burden of tuberculosis and other countries with high rates of tuberculosis, the United States should support the objectives of the Global Plan to Stop TB, including through achievement of the following goals:

“(1) Reduce by half the tuberculosis death and disease burden from the 1990 baseline.

“(2) Sustain or exceed the detection of at least 70 percent of sputum smear-positive cases of tuberculosis and the successful treatment of at least 85 percent of the cases detected in countries with established United States Agency for International Development tuberculosis programs.

“(3) In support of the Global Plan to Stop TB, the President shall establish a comprehensive, 5-year United States strategy to expand and improve United States efforts to combat tuberculosis globally, including a plan to support—

“(A) the successful treatment of 4,500,000 new sputum smear tuberculosis patients under DOTS programs by 2013, primarily through direct support for needed services, commodities, health workers, and training, and additional treatment through coordinated multilateral efforts; and

“(B) the diagnosis and treatment of 90,000 new multiple drug resistant tuberculosis cases by 2013, and additional treatment through coordinated multilateral efforts.”

(b) **PRIORITY TO STOP TB STRATEGY.**—Section 104B(e) of such Act is amended to read as follows:

“(e) **PRIORITY TO STOP TB STRATEGY.**—In furnishing assistance under subsection (c), the President shall give priority to—

“(1) direct services described in the Stop TB Strategy, including expansion and enhancement of Directly Observed Treatment Short-course (DOTS) coverage, rapid testing, treatment for individuals infected with both tuberculosis and HIV, and treatment for individuals with multidrug resistant tuberculosis (MDR-TB), strengthening of health systems, use of the International Standards for Tuberculosis Care by all providers, empowering individuals with tuberculosis, and enabling and promoting research to develop new diagnostics, drugs, and vaccines, and program-based operational research relating to tuberculosis; and

“(2) funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Development.”

(c) **ASSISTANCE FOR THE WORLD HEALTH ORGANIZATION AND THE STOP TUBERCULOSIS PARTNERSHIP.**—Section 104B of such Act is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following:

“(f) **ASSISTANCE FOR THE WORLD HEALTH ORGANIZATION AND THE STOP TUBERCULOSIS PARTNERSHIP.**—In carrying out this section, the President, acting through the Administrator of the United States Agency for International Development, is authorized to provide increased resources to the World Health Organization and the Stop Tuberculosis Partnership to improve the capacity of countries with high rates of tuberculosis and other affected countries to implement the Stop TB Strategy and specific strategies related to addressing multiple drug resistant

tuberculosis (MDR-TB) and extensively drug resistant tuberculosis (XDR-TB).”

(d) **ANNUAL REPORT.**—Section 104B of such Act is amended by inserting after subsection (f), as added by subsection (c) of this section, the following:

“(g) **ANNUAL REPORT.**—The President shall submit an annual report to Congress that describes the impact of United States foreign assistance on efforts to control tuberculosis, including—

“(1) the number of tuberculosis cases diagnosed and the number of cases cured in countries receiving United States bilateral foreign assistance for tuberculosis control purposes;

“(2) a description of activities supported with United States tuberculosis resources in each country, including a description of how those activities specifically contribute to increasing the number of people diagnosed and treated for tuberculosis;

“(3) in each country receiving bilateral United States foreign assistance for tuberculosis control purposes, the percentage provided for direct tuberculosis services in countries receiving United States bilateral foreign assistance for tuberculosis control purposes;

“(4) a description of research efforts and clinical trials to develop new tools to combat tuberculosis, including diagnostics, drugs, and vaccines supported by United States bilateral assistance;

“(5) the number of persons who have been diagnosed and started treatment for multidrug-resistant tuberculosis in countries receiving United States bilateral foreign assistance for tuberculosis control programs;

“(6) a description of the collaboration and coordination of United States anti-tuberculosis efforts with the World Health Organization, the Global Fund, and other major public and private entities within the Stop TB Strategy;

“(7) the constraints on implementation of programs posed by health workforce shortages and capacities;

“(8) the number of people trained in tuberculosis control; and

“(9) a breakdown of expenditures for direct patient tuberculosis services, drugs and other commodities, drug management, training in diagnosis and treatment, health systems strengthening, research, and support costs.”

(e) **DEFINITIONS.**—Section 104B(h) of such Act, as redesignated by subsection (c), is amended—

(1) in paragraph (1), by striking the period at the end and inserting the following: “including—

“(A) low-cost and effective diagnosis, treatment, and monitoring of tuberculosis;

“(B) a reliable drug supply;

“(C) a management strategy for public health systems;

“(D) health system strengthening;

“(E) promotion of the use of the International Standards for Tuberculosis Care by all care providers;

“(F) bacteriology under an external quality assessment framework;

“(G) short-course chemotherapy; and

“(H) sound reporting and recording systems.”; and

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

“(5) **STOP TB STRATEGY.**—The term ‘Stop TB Strategy’ means the 6-point strategy to reduce tuberculosis developed by the World Health Organization, which is described in the Global Plan to Stop TB 2006–2015: Actions for Life, a comprehensive plan developed by the Stop TB Partnership that sets out the actions necessary to achieve the millennium development goal of cutting tuberculosis deaths and disease burden in half by 2015.”

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Section 302 (b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7632(b)) is amended—

(1) in paragraph (1), by striking “such sums as may be necessary for each of the fiscal years 2004 through 2008” and inserting “a total of \$4,000,000,000 for the 5-year period beginning on October 1, 2008.”; and

(2) in paragraph (3), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013.”.

SEC. 303. ASSISTANCE TO COMBAT MALARIA.

(a) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Section 104C(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-4(b)) is amended by inserting “treatment,” after “control.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, and Malaria Act of 2003 (22 U.S.C. 7633) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “such sums as may be necessary for fiscal years 2004 through 2008” and inserting “\$5,000,000,000 during the 5-year period beginning on October 1, 2008”; and

(B) in paragraph (3), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(2) by adding at the end the following:

“(c) STATEMENT OF POLICY.—Providing assistance for the prevention, control, treatment, and the ultimate eradication of malaria is—

“(1) a major objective of the foreign assistance program of the United States; and

“(2) 1 component of a comprehensive United States global health strategy to reduce disease burdens and strengthen communities around the world.

“(d) DEVELOPMENT OF A COMPREHENSIVE 5-YEAR STRATEGY.—The President shall establish a comprehensive, 5-year strategy to combat global malaria that—

“(1) strengthens the capacity of the United States to be an effective leader of international efforts to reduce malaria burden;

“(2) maintains sufficient flexibility and remains responsive to the ever-changing nature of the global malaria challenge;

“(3) includes specific objectives and multisectoral approaches and strategies to reduce the prevalence, mortality, incidence, and spread of malaria;

“(4) describes how this strategy would contribute to the United States’ overall global health and development goals;

“(5) clearly explains how outlined activities will interact with other United States Government global health activities, including the 5-year global AIDS strategy required under this Act;

“(6) expands public-private partnerships and leverage of resources;

“(7) coordinates among relevant Federal agencies to maximize human and financial resources and to reduce duplication among these agencies, foreign governments, and international organizations;

“(8) coordinates with other international entities, including the Global Fund;

“(9) maximizes United States capabilities in the areas of technical assistance and training and research, including vaccine research; and

“(10) establishes priorities and selection criteria for the distribution of resources based on factors such as—

“(A) the size and demographics of the population with malaria;

“(B) the needs of that population;

“(C) the country’s existing infrastructure; and

“(D) the ability to closely coordinate United States Government efforts with national malaria control plans of partner countries.”.

SEC. 304. MALARIA RESPONSE COORDINATOR.

Section 304 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7634) is amended to read as follows:

“SEC. 304. MALARIA RESPONSE COORDINATOR.

“(a) IN GENERAL.—There is established within the United States Agency for International Development a Coordinator of United States Government Activities to Combat Malaria Globally (referred to in this section as the ‘Malaria Coordinator’), who shall be appointed by the President.

“(b) AUTHORITIES.—The Malaria Coordinator, acting through nongovernmental organizations (including faith-based and community-based organizations), partner country finance, health, and other relevant ministries, and relevant executive branch agencies as may be necessary and appropriate to carry out this section, is authorized to—

“(1) operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities to reduce the prevalence, mortality, and incidence of malaria;

“(2) provide grants to, and enter into contracts and cooperative agreements with, nongovernmental organizations (including faith-based organizations) to carry out this section; and

“(3) transfer and allocate executive branch agency funds that have been appropriated for the purposes described in paragraphs (1) and (2).

“(c) DUTIES.—

“(1) IN GENERAL.—The Malaria Coordinator has primary responsibility for the oversight and coordination of all resources and international activities of the United States Government relating to efforts to combat malaria.

“(2) SPECIFIC DUTIES.—The Malaria Coordinator shall—

“(A) facilitate program and policy coordination of antimalarial efforts among relevant executive branch agencies and nongovernmental organizations by auditing, monitoring, and evaluating such programs;

“(B) ensure that each relevant executive branch agency undertakes antimalarial programs primarily in those areas in which the agency has the greatest expertise, technical capability, and potential for success;

“(C) coordinate relevant executive branch agency activities in the field of malaria prevention and treatment;

“(D) coordinate planning, implementation, and evaluation with the Global AIDS Coordinator in countries in which both programs have a significant presence;

“(E) coordinate with national governments, international agencies, civil society, and the private sector; and

“(F) establish due diligence criteria for all recipients of funds appropriated by the Federal Government for malaria assistance.

“(d) ASSISTANCE FOR THE WORLD HEALTH ORGANIZATION.—In carrying out this section, the President may provide financial assistance to the Roll Back Malaria Partnership of the World Health Organization to improve the capacity of countries with high rates of malaria and other affected countries to implement comprehensive malaria control programs.

“(e) COORDINATION OF ASSISTANCE EFFORTS.—In carrying out this section and in accordance with section 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-4), the Malaria Coordinator shall coordinate the provision of assistance by working with—

“(1) relevant executive branch agencies, including—

“(A) the Department of State (including the Office of the Global AIDS Coordinator);

“(B) the Department of Health and Human Services;

“(C) the Department of Defense; and

“(D) the Office of the United States Trade Representative;

“(2) relevant multilateral institutions, including—

“(A) the World Health Organization;

“(B) the United Nations Children’s Fund;

“(C) the United Nations Development Programme;

“(D) the Global Fund;

“(E) the World Bank; and

“(F) the Roll Back Malaria Partnership;

“(3) program delivery and efforts to lift barriers that would impede effective and comprehensive malaria control programs; and

“(4) partner or recipient country governments and national entities including universities and civil society organizations (including faith- and community-based organizations).

“(f) RESEARCH.—To carry out this section, the Malaria Coordinator, in accordance with section 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 1151d-4), shall ensure that operations and implementation research conducted under this Act will closely complement the clinical and program research being undertaken by the National Institutes of Health. The Centers for Disease Control and Prevention should advise the Malaria Coordinator on priorities for operations and implementation research and should be a key implementer of this research.

“(g) MONITORING.—To ensure that adequate malaria controls are established and implemented, the Centers for Disease Control and Prevention should advise the Malaria Coordinator on monitoring, surveillance, and evaluation activities and be a key implementer of such activities under this Act. Such activities shall complement, rather than duplicate, the work of the World Health Organization.

“(h) ANNUAL REPORT.—

“(1) SUBMISSION.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter, the President shall submit a report to the appropriate congressional committees that describes United States assistance for the prevention, treatment, control, and elimination of malaria.

“(2) CONTENTS.—The report required under paragraph (1) shall describe—

“(A) the countries and activities to which malaria resources have been allocated;

“(B) the number of people reached through malaria assistance programs, including data on children and pregnant women;

“(C) research efforts to develop new tools to combat malaria, including drugs and vaccines;

“(D) the collaboration and coordination of United States antimalarial efforts with the World Health Organization, the Global Fund, the World Bank, other donor governments, major private efforts, and relevant executive agencies;

“(E) the coordination of United States antimalarial efforts with the national malarial strategies of other donor or partner governments and major private initiatives;

“(F) the estimated impact of United States assistance on childhood mortality and morbidity from malaria;

“(G) the coordination of antimalarial efforts with broader health and development programs; and

“(H) the constraints on implementation of programs posed by health workforce shortages or capacities; and

“(I) the number of personnel trained as health workers and the training levels achieved.”.

SEC. 305. AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.

Section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)) is amended by striking “, which shall include infection with the etiologic agent for acquired immune deficiency syndrome,” and inserting a semicolon.

SEC. 306. CLERICAL AMENDMENT.

Title III of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7631 et seq.) is amended by striking the heading for subtitle B and inserting the following:

“Subtitle B—Assistance for Women, Children, and Families”.

SEC. 307. REQUIREMENTS.

Section 312(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7652(b)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) establish a target for the prevention and treatment of mother-to-child transmission of HIV that, by 2013, will reach at least 80 percent of pregnant women in those countries most affected by HIV/AIDS in which the United States has HIV/AIDS programs;

“(2) establish a target that, by 2013, the proportion of children receiving care and treatment under this Act is proportionate to their numbers within the population of HIV infected individuals in each country;

“(3) integrate care and treatment with prevention of mother-to-child transmission of HIV programs to improve outcomes for HIV-affected women and families as soon as is feasible and support strategies that promote successful follow-up and continuity of care of mother and child;

“(4) expand programs designed to care for children orphaned by, affected by, or vulnerable to HIV/AIDS;

“(5) ensure that women in prevention of mother-to-child transmission of HIV programs are provided with, or referred to, appropriate maternal and child services; and

“(6) develop a timeline for expanding access to more effective regimes to prevent mother-to-child transmission of HIV, consistent with the national policies of countries in which programs are administered under this Act and the goal of achieving universal use of such regimes as soon as possible.”.

SEC. 308. ANNUAL REPORT ON PREVENTION OF MOTHER-TO-CHILD TRANSMISSION OF HIV.

Section 313(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7653(a)) is amended by striking “5 years” and inserting “10 years”.

SEC. 309. PREVENTION OF MOTHER-TO-CHILD TRANSMISSION EXPERT PANEL.

Section 312 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7652) is amended by adding at the end the following:

“(c) PREVENTION OF MOTHER-TO-CHILD TRANSMISSION EXPERT PANEL.—

“(1) ESTABLISHMENT.—The Global AIDS Coordinator shall establish a panel of experts to be known as the Prevention of Mother-to-Child Transmission Panel (referred to in this subsection as the ‘Panel’) to—

“(A) provide an objective review of activities to prevent mother-to-child transmission of HIV; and

“(B) provide recommendations to the Global AIDS Coordinator and to the appropriate congressional committees for scale-up of mother-to-child transmission prevention services under this Act in order to achieve the target established in subsection (b)(1).

“(2) MEMBERSHIP.—The Panel shall be convened and chaired by the Global AIDS Coordinator, who shall serve as a nonvoting member. The Panel shall consist of not more than 15 members (excluding the Global AIDS Coordinator), to be appointed by the Global AIDS Coordinator not later than 1 year after the date of the enactment of this Act, including—

“(A) 2 members from the Department of Health and Human Services with expertise relating to the prevention of mother-to-child transmission activities;

“(B) 2 members from the United States Agency for International Development with expertise relating to the prevention of mother-to-child transmission activities;

“(C) 2 representatives from among health ministers of national governments of foreign coun-

tries in which programs under this Act are administered;

“(D) 3 members representing organizations implementing prevention of mother-to-child transmission activities under this Act;

“(E) 2 health care researchers with expertise relating to global HIV/AIDS activities; and

“(F) representatives from among patient advocate groups, health care professionals, persons living with HIV/AIDS, and non-governmental organizations with expertise relating to the prevention of mother-to-child transmission activities, giving priority to individuals in foreign countries in which programs under this Act are administered.

“(3) DUTIES OF PANEL.—The Panel shall—

“(A) assess the effectiveness of current activities in reaching the target described in subsection (b)(1);

“(B) review scientific evidence related to the provision of mother-to-child transmission prevention services, including programmatic data and data from clinical trials;

“(C) review and assess ways in which the Office of the United States Global AIDS Coordinator collaborates with international and multi-lateral entities on efforts to prevent mother-to-child transmission of HIV in affected countries;

“(D) identify barriers and challenges to increasing access to mother-to-child transmission prevention services and evaluate potential mechanisms to alleviate those barriers and challenges;

“(E) identify the extent to which stigma has hindered pregnant women from obtaining HIV counseling and testing or returning for results, and provide recommendations to address such stigma and its effects;

“(F) identify opportunities to improve linkages between mother-to-child transmission prevention services and care and treatment programs; and

“(G) recommend specific activities to facilitate reaching the target described in subsection (b)(1).

“(4) REPORT.—

“(A) IN GENERAL.—Not later than 1 year after the date on which the Panel is first convened, the Panel shall submit a report containing a detailed statement of the recommendations, findings, and conclusions of the Panel to the appropriate congressional committees.

“(B) AVAILABILITY.—The report submitted under subparagraph (A) shall be made available to the public.

“(C) CONSIDERATION BY COORDINATOR.—The Coordinator shall—

“(i) consider any recommendations contained in the report submitted under subparagraph (A); and

“(ii) include in the annual report required under section 104A(f) of the Foreign Assistance Act of 1961 a description of the activities conducted in response to the recommendations made by the Panel and an explanation of any recommendations not implemented at the time of the report.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Panel such sums as may be necessary for each of the fiscal years 2009 through 2011 to carry out this section.

“(6) TERMINATION.—The Panel shall terminate on the date that is 60 days after the date on which the Panel submits the report to the appropriate congressional committees under paragraph (4).”.

TITLE IV—FUNDING ALLOCATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671(a)) is amended by striking “\$3,000,000,000 for each of the fiscal years 2004 through 2008” and inserting “\$48,000,000,000 for the 5-year period beginning on October 1, 2008”.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the appropriations authorized

under section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, as amended by subsection (a), should be allocated among fiscal years 2009 through 2013 in a manner that allows for the appropriations to be gradually increased in a manner that is consistent with program requirements, absorptive capacity, and priorities set forth in such Act, as amended by this Act.

SEC. 402. SENSE OF CONGRESS.

Section 402(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7672(b)) is amended by striking “an effective distribution of such amounts would be” and all that follows through “10 percent of such amounts” and inserting “10 percent should be used”.

SEC. 403. ALLOCATION OF FUNDS.

Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

(1) by amending subsection (a) to read as follows:

“(a) BALANCED FUNDING REQUIREMENT.—

“(1) IN GENERAL.—The Global AIDS Coordinator shall—

“(A) provide balanced funding for prevention activities for sexual transmission of HIV/AIDS; and

“(B) ensure that activities promoting abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction are implemented and funded in a meaningful and equitable way in the strategy for each host country based on objective epidemiological evidence as to the source of infections and in consultation with the government of each host country involved in HIV/AIDS prevention activities.

“(2) PREVENTION STRATEGY.—

“(A) ESTABLISHMENT.—In carrying out paragraph (1), the Global AIDS Coordinator shall establish an HIV sexual transmission prevention strategy governing the expenditure of funds authorized under this Act to prevent the sexual transmission of HIV in any host country with a generalized epidemic.

“(B) REPORT.—In each host country described in subparagraph (A), if the strategy established under subparagraph (A) provides less than 50 percent of the funds described in subparagraph (A) for activities promoting abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction, the Global AIDS Coordinator shall, not later than 30 days after the issuance of this strategy, report to the appropriate congressional committees on the justification for this decision.

“(3) EXCLUSION.—Programs and activities that implement or purchase new prevention technologies or modalities, such as medical male circumcision, public education about risks to acquire HIV infection from blood exposures, promoting universal precautions, investigating suspected nosocomial infections, pre-exposure pharmaceutical prophylaxis to prevent transmission of HIV, or microbicides and programs and activities that provide counseling and testing for HIV or prevent mother-to-child prevention of HIV, shall not be included in determining compliance with paragraph (2).

“(4) REPORT.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter as part of the annual report required under section 104A(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b–2(e)), the President shall—

“(A) submit a report on the implementation of paragraph (2) for the most recently concluded fiscal year to the appropriate congressional committees; and

“(B) make the report described in subparagraph (A) available to the public.”;

(2) in subsection (b)—

(A) by striking “fiscal years 2006 through 2008” and inserting “fiscal years 2009 through 2013”; and

(B) by striking “vulnerable children affected by” and inserting “other children affected by, or vulnerable to,”; and

(3) by adding at the end the following:

“(c) **FUNDING ALLOCATION.**—For each of the fiscal years 2009 through 2013, more than half of the amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401 shall be expended for—

“(1) antiretroviral treatment for HIV/AIDS;

“(2) clinical monitoring of HIV-seropositive people not in need of antiretroviral treatment;

“(3) care for associated opportunistic infections;

“(4) nutrition and food support for people living with HIV/AIDS; and

“(5) other essential HIV/AIDS-related medical care for people living with HIV/AIDS.

“(d) **TREATMENT, PREVENTION, AND CARE GOALS.**—For each of the fiscal years 2009 through 2013—

“(1) the treatment goal under section 402(a)(3) shall be increased above 2,000,000 by at least the percentage increase in the amount appropriated for bilateral global HIV/AIDS assistance for such fiscal year compared with fiscal year 2008;

“(2) any increase in the treatment goal under section 402(a)(3) above the percentage increase in the amount appropriated for bilateral global HIV/AIDS assistance for such fiscal year compared with fiscal year 2008 shall be based on long-term requirements, epidemiological evidence, the share of treatment needs being met by partner governments and other sources of treatment funding, and other appropriate factors;

“(3) the treatment goal under section 402(a)(3) shall be increased above the number calculated under paragraph (1) by the same percentage that the average United States Government cost per patient of providing treatment in countries receiving bilateral HIV/AIDS assistance has decreased compared with fiscal year 2008; and

“(4) the prevention and care goals established in clauses (i) and (iv) of section 104A(b)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(b)(1)(A)) shall be increased consistent with the epidemiological evidence and available resources.”.

TITLE V—MISCELLANEOUS

SEC. 501. MACHINE READABLE VISA FEES.

(a) **FEE INCREASE.**—Notwithstanding any other provision of law—

(1) not later than October 1, 2010, the Secretary of State shall increase by \$1 the fee or surcharge authorized under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note) for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas; and

(2) not later than October 1, 2013, the Secretary shall increase the fee or surcharge described in paragraph (1) by an additional \$1.

(b) **DEPOSIT OF AMOUNTS.**—Notwithstanding section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note), fees collected under the authority of subsection (a) shall be deposited in the Treasury.

TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH

SEC. 601. EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH.

(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury of the United States a fund, to be known as the “Emergency Fund for Indian Safety and Health” (referred to in this section as the “Fund”), consisting of such amounts as are appropriated to the Fund under subsection (b).

(b) **TRANSFERS TO FUND.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, \$2,000,000,000 for the 5-year period beginning on October 1, 2008.

(2) **AVAILABILITY OF AMOUNTS.**—Amounts deposited in the Fund under this section shall—

(A) be made available without further appropriation;

(B) be in addition to amounts made available under any other provision of law; and

(C) remain available until expended.

(c) **EXPENDITURES FROM FUND.**—On request by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, the Secretary of the Treasury shall transfer from the Fund to the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, as appropriate, such amounts as the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services determines to be necessary to carry out the emergency plan under subsection (f).

(d) **TRANSFERS OF AMOUNTS.**—

(1) **IN GENERAL.**—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) **REMAINING AMOUNTS.**—Any amounts remaining in the Fund on September 30 of an applicable fiscal year may be used by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services to carry out the emergency plan under subsection (f) for any subsequent fiscal year.

(f) **EMERGENCY PLAN.**—Not later than 1 year after the date of enactment of this Act, the Attorney General, the Secretary of the Interior, and the Secretary of Health and Human Services, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), shall jointly establish an emergency plan that addresses law enforcement, water, and health care needs of Indian tribes under which, for each of fiscal years 2010 through 2019, of amounts in the Fund—

(1) the Attorney General shall use—

(A) 18.5 percent for the construction, rehabilitation, and replacement of Federal Indian detention facilities;

(B) 1.5 percent to investigate and prosecute crimes in Indian country (as defined in section 1151 of title 18, United States Code);

(C) 1.5 percent for use by the Office of Justice Programs for Indian and Alaska Native programs; and

(D) 0.5 percent to provide assistance to—

(i) parties to cross-deputization or other cooperative agreements between State or local governments and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)) carrying out law enforcement activities in Indian country; and

(ii) the State of Alaska (including political subdivisions of that State) for carrying out the Village Public Safety Officer Program and law enforcement activities on Alaska Native land (as defined in section 3 of Public Law 103-399 (25 U.S.C. 3902));

(2) the Secretary of the Interior shall—

(A) deposit 15.5 percent in the public safety and justice account of the Bureau of Indian Affairs for use by the Office of Justice Services of the Bureau in providing law enforcement or detention services, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) use 50 percent to implement requirements of Indian water settlement agreements that are approved by Congress (or the legislation to implement such an agreement) under which the United States shall plan, design, rehabilitate, or

construct, or provide financial assistance for the planning, design, rehabilitation, or construction of, water supply or delivery infrastructure that will serve an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 12.5 percent to provide, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).—

(A) contract health services;

(B) construction, rehabilitation, and replacement of Indian health facilities; and

(C) domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have refrained from thanking the people who need to be thanked on the incredible work that was done to get us to the point of such overwhelming passage on this legislation. I tell my colleagues that there are no more votes, so I want to make clear we are not holding anybody up here, but I want to take about 5 minutes to talk about the work done by our staffs and some of our predecessors in this body to produce the result we have today.

And I might add, way ahead of time Senator LUGAR's staff and my staff have been coordinating this every step of the way with the House. So hopefully—God willing and the creek not rising—we are going to be able to produce something for the President's desk within a matter of days so that we are not going to have to go to conference.

There are a lot of people to thank, but let me start saying that this was a long time in coming.

The first bit of thanks, and I want to reiterate it again, goes to President Bush. I have been extremely critical of President Bush's foreign policy. I have been extremely critical of what I believe the damage his foreign policy has done to our image and/or standing in the world. But I must say the President of the United States has led us to this incredible moment, where this is the single largest effort on the part of any country in the history of the world to go out and literally save and extend the lives of tens of millions of people. This is a gigantic accomplishment. So first the credit should go to President Bush. Because, in fact, without his making it clear and at the very end of this process, making it clear—I am told to some of his Republican colleagues—how important this was, not merely to him but to the United States, this would have never happened. That is an unusual position for me to be in, but

credit should go where it is due, and credit is due to President Bush and his administration and the many people who have worked both in the White House and in the various Departments in order to get to this moment.

I also want to thank an extraordinary combination of people. It is presumptuous of me to say this, but the chemistry between the minority and majority staffs on the Foreign Relations Committee is extraordinary. I have had the great privilege of working with my colleague Senator LUGAR for a long time. We have been working together for over 30 years. To the best of my knowledge, there has never been a harsh word, a raised voice, a single solitary slight that ever has gone across the aisle between the Senator and me. There is no one in this body whose judgment on foreign policy I respect as much as this Senator. There is no one in the Congress, and quite frankly there is no one else in the country, whose judgment on matters relating to our national security and foreign policy I respect more, and I thank him. I thank him for his friendship and I also thank him in this specific case for his leadership and that of his staff.

I wish to express my personal appreciation to Shannon Smith. Shannon Smith was new to my staff. She came up on the Hill at a time where she was able to be the catalyst, along with a few other people I will name, to produce the result we have today. I can say to Shannon I am absolutely confident—absolutely confident—that if you do nothing else in your professional life than what you put together with Senator LUGAR's staff today, you will have had a significant life, because very few people ever get put in a position where they arrive at a moment in history where they literally can change the path of people's lives in other parts of the world.

I know that sounds like hyperbole, but it is literally true. Few people get that opportunity. So you should relish it. You deserve it.

I also thank Brian McKeon of my staff, who has been with me since he was a kid out of Notre Dame. I guess it is now 20-some years, with a brief interlude where he went off to law school and clerked for the Federal Court and then came back as our legal counsel. I don't know anybody who knows his way around this body better than Brian does, and I don't know anybody who doesn't respect him. He is an incredible asset to have on this committee. And I should also credit Sherman Patrick, Steve Feldstein and Julie Baker on the staff of the Committee.

I would be remiss if I didn't say that it is hard on the Foreign Relations Committee—it is kind of like when Senator LUGAR and I first got here. There was a unified staff. I mean literally when I came here, Senator Fulbright was the chairman and there was a unified staff. The chairman hired everybody, but he didn't hire anybody without the consultation and agree-

ment of the minority. We have essentially arrived at the same place without having to go through that process.

There is Shellie Bressler, who has traveled the world with Shannon, went to those places. I am not being solicitous, Shellie, when I say you should understand that you made history. You helped make history.

People wonder whether we underpay the staff here. I say to the American people all the time, and the people of Delaware, and I mean it sincerely, the single best buy they get in everything they purchase is the incredible talent of the staff who work in this Congress and in the Federal Government. These people could go out and be making three and four times what they are now, but they are incredibly bright and dedicated, and Shellie, I am telling you, you will be able to tell your children and grandchildren and your great-grandchildren that you made something consequential happen.

I can say the same about Paul Foldi, who works for Senator LUGAR. But I want to remind Senator LUGAR, he used to work for me. He is a Delaware guy. Paul was actually foolish enough to help me when I tried the folly of attempting to get the nomination for President. I don't want to ruin his reputation. He has gone right since then. He is now working for a solid Republican. But Paul has been incredible. And Dan Diller has been as well.

I have managed many bills in my career, and have had some few successes, so I apologize, because I usually don't take this much time to talk about the staff, but this has been a staff-driven success and they deserve the attention and the recognition.

I also thank, in the Office of Legislative Counsel, Matt McGhie and Kevin Davis, whom I have not spoken to, but the staff has spoken to constantly and who worked tirelessly to prepare many drafts of this bill and numerous amendments that have been developed over the past several months.

In the other body, I also thank Peter Yeo and David Abramowitz and Pearl Alice-Marsh on the staff of Chairman BERMAN, as well as Chairman BERMAN. We are indebted to the House committee for striking the initial compromise that got us to this point, and we built on the House bill. We have consulted them regularly—I would guess many times a day, when I say regularly, in the last few weeks—in the hope that they will be able to approve the Senate-passed bill, which is my expectation.

Finally, in the administration, several people have devoted many hours, and maybe a lot more than that, moving this bill forward. In the Office of the Global AIDS Coordinator, great credit goes to Ambassador Mark Dybul, a very talented public servant, who testified before our committee, and who has spent a lot of time with our staffs and helped design and implement the PEPFAR program and made several contributions to the compromises de-

veloped over the past few months to get us to the 80-plus vote. I am embarrassed to say I don't remember the actual count, but I think it was over 80 people who voted for this.

I thank, and his staff particularly, Myron Meche, and Tom Walsh, who contributed a great deal to this moment. Also, at the White House, Deb Fiddelke and David Boyer of the Office of Legislative Affairs have been critical in this process.

Most of all, I want to thank in absentia the two people after whom this bill is named. Tom Lantos was a friend of all of us, but he was a particular friend of mine. Tom Lantos was a very successful businessman, an economics professor teaching at San Francisco State University, advising a number of banks, as well as two major unions on their financial investments. I met him when I was a young Senator, and I asked him on a lark whether he would come and be my foreign policy and economic adviser, and he came and worked for me. He came and worked for me—although, knowing Tom, he never worked for anybody.

But Tom Lantos, with his great Hungarian charm—everyone says Ireland has a Blarney Stone. I am absolutely confident the Blarney Stone is only a chip of the stone that is somewhere buried in Lake Balaton, in Hungary.

Tom became a close friend. Annette and his entire family are close personal friends still. Tom's daughter came to work with me as well, an 18-year-old graduate of Yale Law School, who graduated from Yale with honors at age 18.

He was an incredible man who, after a terrible tragedy in Guyana, where the San Francisco Congressman was shot dead, went home, ran for that seat with my encouragement, and ultimately became the chairman of the House Foreign Affairs Committee.

And Henry Hyde, with whom I had many disagreements philosophically but was always a gentleman, became a great friend of both Senator LUGAR and myself. This is the Lantos-Hyde legislation. It is named after them.

I know some of my colleagues will sort of wonder whether I am going overboard, but I also want to thank, in absentia—and I will thank him through Dot Helms—Jesse Helms. Jesse Helms had a conversion on the way to Damascus on AIDS. Jesse Helms started as a very hard edged guy, mirroring the attitudes of some of the most fundamentalist folks out there talking about AIDS, that it was a scourge because of a lot of things that I will not go into. This is a man who not only became convinced of the necessity of this legislation, he became a disciple of pushing this legislation.

Here in the Senate, and I will end with this, I don't know how we can talk about the success here without recognizing on the Republican side Senator BROWBACK, a very conservative Member of the Senate who worked very hard.

I do not think this would have happened without DICK DURBIN being on the floor of the Senate almost every day for the past 5 or 6 years, pounding away, talking—I do not mean literally, but it seemed like almost every day for the last 5 years—about the moral responsibility we had as a nation to deal with this problem because we could—because we could—because we had the capacity.

Senator LUGAR has already mentioned—again, I apologize going on for so long, but these people deserve credit—JOHN KERRY. This has been a passion of JOHN KERRY's for the last 10 years. JOHN KERRY, when this was not at all popular, was not at all sort of the flavor of the day, JOHN KERRY was banging away at the need for us to attend to this problem. I think he is owed a debt of gratitude for his persistence and consistency.

Also, the former majority leader, Dr. Frist, a doctor who came from Tennessee, and he got deeply involved in this process and his credibility in this process and a great transplant surgeon sort of transcended the politics of this issue. He deserves great credit.

One of the guys who maybe was—every once in a while there is sort of a spark that ignites the kindling and gets it all going. I always kid him, but Richard Holbrooke—and I say affectionately, who drives me crazy sometimes—but Richard Holbrooke and Senator FEINGOLD were on a trip to Africa. Senator FEINGOLD, who has been passionate about this issue, was chairman of the African Affairs Subcommittee—or he may have been ranking member at that time. In fairness, I cannot remember which it was. Senator Holbrooke going through a torturous confirmation process with the help of Senator LUGAR and myself—was finally confirmed and did a great job there.

He picked up the phone in classic Holbrooke fashion and called Senator FEINGOLD and said: We are going to Africa. They went to, I think—I would stand corrected by Senator FEINGOLD, but I believe it was 12 countries in 14 days. They didn't go for this purpose, but in the process they visited clinics and the rest and they saw the depth, breadth, and consequence of this problem. Richard Holbrooke, according to RUSS FEINGOLD, called Kofi Annan on the plane and said: Kofi, we need a Security Council meeting on AIDS.

And Kofi Annan said: I am told we don't have health care Security Council meetings.

They had it, and that was also a major moment. So I thank Senator FEINGOLD as well.

I could go on. There are others I am sure I left out, but in my years in the Senate, they were some of the people who delivered us this moment.

Last, and I will not say any more because I am going to yield to Senator WYDEN to ask a unanimous consent—but, again, nothing works in this place unless it is bipartisan. No one has the credibility that is more recognized to

produce those kinds of bipartisan results than my colleague, Senator LUGAR, who deserves incredible credit for this bill.

I am told by staff Senator WYDEN wishes to ask unanimous consent about an issue.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. If the Senator will yield, I just thank the Senator for his wonderful comments about so many very dear friends, both of ours and of the Senate.

I thanked a few people earlier on, but I really thank the Senator for his comprehensive views. I think it was well worth both the time, as well as the thoughtfulness of his remarks. They will be remembered by our staffs and by our friends.

I will not make further comments because I know other Senators are wanting to transact business, and we appreciate their patience.

Mr. BIDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

CAROLINE PRYCE WALKER CONQUER CHILDHOOD CANCER ACT OF 2007

Mr. WYDEN. Mr. President, on behalf of Senator JACK REED and myself, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1553, the Caroline Pryce Walker Conquered Childhood Cancer Act, which was received from the House, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, and I ask the indulgence of the Senator from Oregon for just a moment?

Caroline Pryce Walker was known to me. I attended her funeral. Her mother is a dear friend of mine in the House. So there are personal connections with my position on this bill.

This body, as well as the House, less than a year ago, reformed NIH. We did some very important things. One of the things we did was take out of the hands of politicians the direction that gives us the best opportunity to cure cancer. We put it back in the hands of peer-reviewed scientific study, which we know will accomplish much more than when we put our hands on it.

There are problems with this bill. One is that it has a registry at the CDC. There are already two registries now at NEH. There is no way to fix that, so the American taxpayer is going to get to pay for two.

The second thing is, as we direct \$30 million to this outside of what they are already doing, that means \$30 million isn't going to be available for childhood or juvenile rheumatoid arthritis, isn't going to be available for juvenile

diabetes—where there might be greater hopes of saving more children and making greater impact.

I have great reservations when we start making the decisions on where the scientific inquiry ought to go and it is not connected at all with real science or peer-reviewed science. However, there are changes in this bill and DEBORAH PRYCE has been a great contributor to the body in the House. I have held her in my arms as she has cried over this lost young child and, with reservation, I will not object to this bill. But I must say we are going down the wrong path. We are penny-wise and pound-foolish because we want to do what is emotionally pleasing but scientifically stupid. We are going in this direction.

I am going to allow this. I will not object. I will not object on this bill so this bill will be a great last accomplishment for DEBORAH PRYCE. It will be a fitting tribute to her daughter and all the other children. But I will tell you, we will get less, not more, by doing this in terms of the research and the benefit for the children who have childhood cancer in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before he leaves the floor—and I know we have colleagues who are waiting. I will not speak long—I want to express my appreciation to the Senator from Oklahoma for the judgment he has made in letting Senator REED's bill pass tonight. I know the Senator from Oklahoma cares very deeply about the health care of our young people. He and I served on the health subcommittee in the other body. We can have debates about the merits of specific ways to address health issues. I share the view of the Senator from Oklahoma with respect to making sure there is not a meddling by politicians in scientific matters. But tonight, on this legislation, legislation that has passed the other body 416 to 0, the judgment that has been made by the Senator from Oklahoma is in the interests of all of the youngsters of our country who are suffering so greatly, and their families.

Like the Senator from Oklahoma, I have sat with them as well, with constituents. I just want to express my appreciation that the Conquer Childhood Cancer Act introduced by my colleague, Senator REED, is going to pass tonight. This legislation would provide critical resources for the treatment, prevention, and cure of childhood cancer.

We had a victim of childhood cancer in my home State, Jenessa Boey Byers. She passed away from cancer last December, and she was only 8. She battled cancer, not once but twice. She beat her cancer back into remission. She lost that second battle with cancer, but it never really beat her.

I will remember always, going to see her in the hospital. What she said to me is that she was a warrior in the

fight against cancer and that she was going to stand up for all of the other youngsters. She was a well-known advocate. She asked me to support Senator REED's legislation, and I am very proud to do it. In fact, she said to me at one point:

If you sponsor my legislation, you will be my hero.

The fact is, the real heroes of this legislation are these youngsters who have suffered, and suffered so greatly. So the decision made by the Senator from Oklahoma tonight is one that is going to benefit so many families in our country.

I want to pay particular tribute to Senator REED. He could not be here for the unanimous consent, but Senator REED has prosecuted this cause for months and months, working with the other body, working here with colleagues. So full credit for this cause goes to Senator JACK REED who is helping so many of our youngsters afflicted by cancer.

The PRESIDING OFFICER. Without objection, it is so ordered. The request is agreed to.

The bill (H.R. 1553) was ordered to be read a third time, was read the third time, and passed.

Mr. WYDEN. I wish to make one other quick comment. I know colleagues are waiting. I wanted to make this comment with respect to health care, because two of my allies in this health care cause, Senators LANDRIEU and CRAPO, are on the floor. There is special significance about the two of them being here tonight for these additional comments on health. What we have seen again in the last few days is one of the worst positions in our country to be in, to be in your late 50s and laid off from work without health care. If you are laid off in your late 50s, let's say you are laid off at 56, 57, like a lot of these workers we have been reading about in the Midwest who had big layoffs in GM, for example, you go out into a broken individual insurance market. What the distinguished Senator from Louisiana, Ms. LANDRIEU, and the distinguished Senator from Idaho, Mr. CRAPO, and I are trying to do—we are part of a group of 16 in the Senate, 8 on the Democratic side, 8 on the Republican side—is to help all those people in their late 50s who are being laid off.

In fact, under our legislation, the Healthy Americans Act, those people would not go out into a broken individual insurance market. If you are 57, 58, for example, and you are laid off in Louisiana or Idaho, under our legislation today, you can get discriminated against if you have a preexisting condition. What our group has been trying to do, with the leadership of Senators LANDRIEU and CRAPO, is say that is not part of the individual market of the future. You can't be discriminated against under our legislation. So right away we are giving some hope to those older workers who are laid off.

The second thing we do in our group is, we give that laid-off worker who is

56, 57 years old some real tax relief, like she would have gotten through her employer if she still had her job. The irony is, if you are laid off, for example, and you are 57, 58 in the State of Louisiana, if you have some high flying CEO, they have an employer health package, and they get a write-off. But you don't get a write-off if you are a laid-off worker in your late 50s. What we do in our legislation is help those people as well.

I will be talking more about what it is like in this country to be in your late 50s, years away from being able to get Medicare, and going out into the broken individual insurance market. I would have talked a bit longer, but colleagues have been waiting. I thought it was particularly appropriate to bring this up tonight because Senators LANDRIEU and CRAPO have joined Senator BENNETT and me in this group of 16 whom I believe tonight, when Americans have read those articles about the GM retirees getting clobbered and losing their coverage, they ought to know there is a bipartisan group of us here in the Senate that is committed to giving those people a fair shake and committed to giving them new hope. They would have, under our legislation, under what Senators LANDRIEU and CRAPO and I are working on, a legal guarantee to high quality, affordable coverage, unlike some of those retirees from GM. They would have a safety net.

This has been an important night in health care. First because Senator REED's legislation to help youngsters afflicted with cancer has passed, and it honors the memory of one of my constituents from Oregon and, second, I thought it was particularly appropriate with Senators LANDRIEU and CRAPO here tonight, with millions of Americans who are in their late 50s worried that they are going to lose their health coverage, to know a group of us on a bipartisan basis have legislation that would provide real relief, a legal guarantee to high quality, affordable coverage when they lose their job through no fault of their own.

I thank my colleagues, Senators LANDRIEU and CRAPO, with particular thanks to Senator REED, for passage of his legislation to help youngsters afflicted with cancer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that following my remarks, Senator LANDRIEU be recognized.

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

Mr. CRAPO. Mr. President, before he leaves the floor, I thank the Senator from Oregon for his kind remarks. More than that, I thank him for his leadership. Health care, as all Americans know, is one of the most significant issues we face today. Senator WYDEN has been outstanding and relentless in his efforts to build bipar-

tisan support for comprehensive reform of our health care system. We have a lot of different ideas in the Senate about how to reform health care. Frankly, one of the reasons we have such a sort of a patchwork system of health care is because each side in this debate wins a battle here and there and gets a piece of their idea into the solution. When we are done, the patchwork system we have probably is not as good as any one of the pure systems that many people advocate for. But we have to work together in a collaborative fashion and build consensus for true health care reform. I thank the Senator for his leadership in that regard.

ENERGY CRISIS

Mr. CRAPO. Mr. President, I want to speak on an issue which is as important to Americans as health care. In fact, it may be, today, more on their minds and may be a more critical issue. That is our national energy policy, particularly the increasingly high price of gasoline and petroleum.

About 2 weeks ago I asked my constituents in Idaho to contact me by e-mail and to tell me what the high price of gas meant in their lives. What was it doing? Was it another inconvenience or what was happening in their individual lives because of these high prices; secondly, to tell me what they thought Congress ought to do about it, what the solutions should be. Overnight I had almost 600 responses. The total now has risen to over 1,200 responses. The people in Idaho tell a story I am sure could be told by millions of people across this country about what the high price of gas means. It is not just an inconvenience; it is not just fewer trips to the restaurant or to the movies; it is impacting people's lives across the board in monumental ways that could, if we don't fix it, change the quality of life and the American dream. I am reading every one of these e-mails. I read stories from my constituents about those who end up at the end of the week with just about \$40 or \$50 left in their budget, and they haven't yet bought their food. They need to buy another tankful of gas so they can get to work and keep their job. That is the decision they have to make. They buy the gas because they have to keep their job. They try to figure out how to do with less food.

I have stories coming in from individuals who cannot any longer purchase their medicine. Their choice is food, medicine, or fuel. Now they are going without the medicines they need.

I read one this morning from a lady who needs to travel to a certain medical facility for medical treatment. She no longer has the ability to make these trips because she does not have enough money to pay for the gas. So she has had to try to make arrangements with her doctor to make some educated guesses about her health care, because she cannot get to the medical facility for the treatments she needs and the

analysis she needs to receive clear answers for her health care.

I get information from those who run businesses who talk about the fact that they are going to have to lay off employees. The list goes on and on and on. As they talk to me about what they think we should do, they have all the same commonsense ideas people across America are also coming forth with. We here in the Senate, I hope, are going to be debating a robust, full agenda of ideas about how to deal with this crisis. We will have a tremendous amount of ideas coming forward from Idaho. I told my constituents that I would get their ideas and their positions put into this debate. I am putting every one of those e-mails into the CONGRESSIONAL RECORD. I am going to talk about those e-mails and the responses and the ideas of my Idaho constituents in the debate as we move forward.

Another thing that is coming through loudly and clearly in the messages from my constituency is, they believe that the problem we face is largely a result of Congress's failure to enact a rational, meaningful energy policy for this country. Our failure to act is recognized. I believe they are right. I jokingly said in an interview today, when someone said, Congress is responsible for this, I said: It is kind of a national pastime to blame Congress for just about everything. But this time they have it right. This time Congress could have acted years ago, and we would be in a better position.

There is much we can do and need to do. We have an opportunity to do it. The American people, I hope, are watching. I hope they are weighing in heavily with their Senators and Congressmen to make sure that we act and that we don't sidestep the issue.

I think we will have an opportunity to act in the near future. The majority leader has put a bill on the floor that we hope will be coming forward soon that I believe should be a vehicle for a robust debate on energy policy. Unfortunately, this bill deals with only one issue, that of speculation in the futures markets. I want to talk about that for a minute. But my hope is we will have an open amendment process and that ideas about other pieces of the solution can be dealt with. Frankly, there is much more than simply the futures market to look at, as we seek to resolve our problems with the rising price of oil. In fact, it may be that futures market issues are in the lower category of potential results.

Our Federal Reserve Board chairman talked to us yesterday at the Banking Committee about this and said:

Another concern that has been raised is that financial speculation has added markedly to upward pressures on oil prices. Certainly, investor interest in oil and other commodities has increased substantially of late. However, if financial speculation were pushing oil prices above the levels consistent with the fundamentals of supply and demand, we would expect inventories of crude and petroleum products to increase as supply

rose and demand fell. But in fact, available data on oil inventories show notable declines over the past year.

He continues:

This is not to say that useful steps could not have been taken to improve the transparency and functioning of our futures markets, only that such steps are unlikely to substantially affect the prices of oil or other commodities in the longer term.

One of the concerns I have is that if Congress, once again, looks for a quick fix, says, hey, there is one problem here, there is too much speculation, we will stop that speculation in the futures market, and then we will have solved the oil crisis, then Congress will have once again failed to act in a responsible fashion. We need a rational energy policy.

I like to analogize that to how we would deal with our own investment portfolio. When they invest their own resources, Americans are constantly advised not to invest everything in one asset. Yet the United States has done that in our energy policy. We are far too dependent on petroleum as our source of energy, and we are far too dependent on foreign sources of that petroleum, as we have refused to develop and produce our own resources. We need to have a much more diverse energy policy and a more diverse energy portfolio, where we look at renewable fuels and alternative fuels, nuclear power. Yes, we will have to have a significant amount of petroleum for the future. We will still have a great need for petroleum, even as we seek to diversify. But there are a lot we can do. Add to that what often is called the fifth source of energy, which is conservation, where we can be more efficient and much more effective in reducing our utilization of energy. Every barrel of oil not used, every kilowatt of electricity not used, is equivalent to one that is produced. We have to become aggressive in looking at these kinds of solutions.

Now, I understand the public is frustrated with the \$4-plus price of gas. I understand how appealing and seductive it is to say we can solve this problem if we just address those energy speculators. I actually wish that were possible. But so far, most of the experts are saying that is not the source of the real problem. The underlying problem is one of supply and demand.

Now, there are things, as I said, we can do on the issue of the speculation in the futures markets. There are proposals to work on that, not the least of which is that we need to give the CFTC the authority to conduct the oversight of our futures markets to know what is happening and make recommendations to Congress about what changes, if any, should be made.

One of the first things we can do is to move through this Senate the confirmations of three members of the CFTC who still languish on our docket: Walt Lukken, Bart Chilton, and Scott O'Malia. They need to be moved promptly. If we are going to address

the oversight of our futures markets, we need to put the cops on the beat and we need to not only put the members of the CFTC in place, confirm them, but we need to give them the resources for 100 new staff members that we have identified we need so they can aggressively and effectively look at and oversee the futures markets. That type of activity is appropriate.

But there are those who are proposing we do things to our futures markets that can cause great damage, and I am concerned the bill before us will do just that. The bill will not lower energy prices as it now sits because it attempts to address high oil prices but does so in a way that could actually increase volatility and make it harder for American companies to manage higher costs, and those costs will then have to be passed on to consumers.

It also will make it more difficult for companies, such as commercial producers, to hedge against higher prices. It imposes severe restrictions on investors and professional market participants. This means they would not be able to purchase the risk of higher prices from commercial producers who want to pass that risk on through derivative products.

Let me give an example. Let's say there is an oil producer who wants to build a new drilling rig and needs to finance that construction with a bank loan. Let's say this producer needs a \$5 billion loan to engage in this new production that could help us. Any lender will insist that this producer lock in the price of its oil for at least 3, probably 5, years to make sure the producer has the cash flow to repay the loan. The oil producer goes to swaps dealers to look for the price of its oil and to hedge its loan for the next 3 years.

If we do not have an effective and smoothly running futures market, then that producer will not be able to effectively hedge the loan and will not be able to essentially obtain the contracts necessary to assure the bank that the producer can deliver on the loan. If the loan is not made, the investment is not made, and the production does not occur.

Those are the kinds of things that could happen if we improperly undo the smooth functioning of an effective futures market in this country.

The bill will also substantially limit the ability of pensions and other investors to protect themselves from higher prices and declining stock prices. It will allow the CFTC to break private contracts, something that I believe is going to be very detrimental in the marketplace.

But the bottom line, as I see it—and I will probably come back to the floor tomorrow to speak in more detail, as we have evaluated this bill more carefully—the bottom line is, even if the futures markets are the reason the price of oil is going up, the United States, simply by banning or regulating futures contracts in the United States, cannot change the conduct of investment in futures globally.

Petroleum is a global product. Petroleum futures are marketed globally. If we tell individuals or companies or entities they cannot invest in futures or their investment in futures will be subject to extremely high regulatory restrictions in the United States, they can simply go to Dubai, they can go to London, they can go elsewhere and invest in futures where there are exchanges that are willing and able and anxious for their business to come. These requirements in the current bill do not exist in these other markets, such as in the United Kingdom, which is actively seeking the jobs and tax revenue that come from the financial services companies that work with these industries. The bill will help accelerate the relocation of the derivatives business from the United States to London.

There are many other things we need to talk about. Yes, there are things related to the speculation in the futures markets that we can and need to do, but we have to be very careful.

As I said at the outset, I hope the debate we have in the Senate is not just about the futures markets. It has to be about the oil prices and what needs to be done in this country to deal with them. For example, the vast amount of the U.S. oil reserves, which are huge, are locked away from production. There will be proposals that need to get a vote on this Senate floor that we open that production. The first example I will give is the Outer Continental Shelf.

It seems to me we need to be as aggressive as possible in opening our production in the Outer Continental Shelf. The information I have is that 14 billion barrels on the Atlantic and Pacific shelves are available. If we were able to access that, that would be more than all of the U.S. imports from the Persian Gulf countries over the last 15 years.

There will be proposals to go into the oil shale areas in Colorado, Utah, and Wyoming. I understand more are being identified in North Dakota and Montana. The oil shale areas have more than three times the oil reserves of Saudi Arabia. Yet the United States will not allow us to access them. And we pay Saudi Arabia to bring us its oil and increase our balance of payment problems.

We need to look at conservation, where we work on plug-in electric cars and trucks, and move to a situation in which we get much more efficient in our country with regard to our energy. If we could increase the efficiency of our buildings and our transportation system, I understand, globally, we could probably reduce by one-third the energy consumption.

There are ideas that abound like these that we must debate on the floor of the Senate. As we get this opportunity, I am confident the American people, with the common sense my Idaho constituents are showing, can weigh in and help Congress understand,

help this Senate understand the kinds of moves we must take. We must be bold. We must be comprehensive. We must look at the supply issues. We must look at the demand issues. And we must look at the market issues. But we must act.

I will conclude, Mr. President, with just that reminder from my constituents because, as I said before, as I read these e-mails, one thing that comes through unbelievably clearly to me is that the American people get it. My Idaho constituents get it. They know we can have a better energy policy, and they know that energy policy is achievable. They want Congress not to just take a baby step, not to duck the issue, or not to just take one little piece of the solution that might work a little bit; they want us to move forward with legislation that will address production of our own supplies and resources, expansion into new R&D technology, conservation, efficiency, renewable and alternative fuels, nuclear power, and many other areas. We have to do it fast. We have to do it now.

So my call tonight is an urgent plea to my colleagues, first and foremost, to get the issue of energy on the floor of this Senate, and then secondly to have a full and open and robust debate over all the ideas our colleagues can bring forward and to craft a bill that can then become a gem but more importantly can become a very rational, effective national energy policy for our country. If we do that, we will do one of the most important things we could possibly do with our time in the Senate in the next few weeks.

With that, Mr. President, I thank you and yield back any time I may have remaining.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

I am so happy to be able to speak for the next 10 or 15 minutes. It is important for me to do that. I said I would come to the floor every day we are in session until we leave—whether it is in the morning that I get that opportunity or in the afternoon or before going home at night—every day until we leave in August to speak about this issue, because I agree 100 percent with my colleague from Idaho and I want to associate myself with all of his remarks, from the first paragraph, through the middle, until the end, because he is absolutely correct in his assessment of a couple issues: one, the anger, frustration, and pain our constituents are feeling at this moment; the truth he spoke about the fact that this is Congress's fault; the fact that he said the American people get it and understand it. They don't just get it in Idaho, I say to the Senator, they get it in Louisiana. What a shame it will be for us to leave in August or September or October or ever until we get this done.

There is a moment of opportunity. There is a window. That window has

been created, unfortunately, by extraordinarily high and historic prices that are forcing the attention on this issue. When we force attention, the pressure comes to bear to really make some headway. When prices are too low, there will occasionally be—or when they are low; they can never, maybe, be too low. But when they are lower, there is interest. But it is fleeting. Or maybe the prices are low, and we have a little bit of a rush for some environmental legislation. We deal with it, and we move on to other things.

But there is no moving on to anything else right now in America because this energy price—this energy price—is unsettling to this economy in ways that I don't have to explain tonight, and my time is limited. I will leave that up to others. But I agree with my colleague from Idaho and associate myself with his remarks.

HEALTH CARE

Mr. President, also, briefly, before I get back to energy, I wish to thank my colleague from Oregon who spoke so kindly about the two of us and our efforts on health care because it is another issue that has to be addressed but without the urgency, in my view, that the energy issue has to be addressed.

I am very proud to be working with him and 15 other of our colleagues in a bipartisan effort to bring down the cost of health care in a new and innovative approach. I am looking forward to working on that once we solve the energy dilemma here.

COSPONSORSHIP OF S. 911

Mr. President, I ask unanimous consent to be added as a cosponsor of the Caroline Pryce Walker Conquer Childhood Cancer Act, S. 911, sponsored by my good friend, the Senator from Rhode Island, Mr. REED. I would like to be added as a cosponsor and want to thank Senator COBURN for lifting the hold on that bill so we can actually get it passed.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered. The Senator will be added as a cosponsor.

Ms. LANDRIEU. Thank you, Mr. President.

ENERGY

Ms. LANDRIEU. Mr. President, let me add a few thoughts in the next 10 or so minutes tonight about this energy debate.

The Senator from Idaho just said we must increase production domestically, and he is absolutely right. It is so hard for me to understand how this Congress can continue to ask OPEC to increase production, ask our enemies to increase production, and we continue to refuse to increase production in our own country year after year, time after time, whether onshore or offshore.

Now, I would know a little bit about this issue because I helped to lead, with the actual Presiding Officer tonight,

and many colleagues, one of the most successful efforts to open at least a portion of our area that was under moratoria. We opened, just 2 years ago, 8.3 million acres, which was a tremendous victory. I am very proud of the Senators for doing that, and the House Members. It was a 10-year effort. We passed that bill here by a substantial margin, but it passed by one—one vote in the House of Representatives. It took 10 years, and we just barely won. All we opened in that bill was a sliver—if you all can see this map of North America—was literally a sliver of land. I am going to have this map blown up so we can see it better. I hope the camera can see this right here.

I wish to repeat this, because I know it is hard for people looking to believe it, but for 10 years, by 1 vote in the House of Representatives, we opened 8.3 million acres right out underneath Alabama and Mississippi, about 70 miles southeast of Venice, LA. That 8.3 million acres is being prepared now to drill. It literally took an act of Congress that took us 10 years. At that rate, the price of oil could go up, perhaps double or triple or quadruple. I don't know. This is a big country. We can see how big it is here. There is oil in many different places in this country, and it is time that we strategically open some other places to drill.

We should be careful. We should be deliberate. We do not have to open everything. So let me say to my Republican colleagues—not the Senator from Idaho, my friend, who did a beautiful job just now—but others on the Republican side who want to open everything right now: That is a foolish and unnecessary step, and it will do nothing but confuse the situation. It is like saying we are going to launch a space program right now. We have not created the rocket, and we don't have all the details, and we are going to go to every planet right now. It is that foolish. I wish to say directly to the President of the United States if that is your starting point, it is not a starting place for me, and I am as pro-drilling as you can get on the floor of the Senate, because it confuses the issue and it throws up red herrings and it leads the country into a false frenzy.

We don't have to lift the moratoria everywhere, and I am not going to vote for lifting the moratoria everywhere, but we can strategically lift congressional moratoria, or provide some kind of local option for States. I am kind of open on this. I have come at it many different ways, including considering some local options for some limited numbers of States where we actually think there might be oil and gas to drill.

Now, we do know there is a lot of oil and gas, because this purple spot right here represents the drilling that the States of Texas and Louisiana and parts of Mississippi and Alabama have been doing for generations, billions and billions of barrels of oil and gas that we were able to get out safely, se-

curely, having less spills. And this is something that I want too, less spills than what is in the natural seepage of oil.

I know this is going to be impossible for some people listening to this to actually believe it is true, so I am going to give the reference. It is the National Academy of Sciences. This is not MARY LANDRIEU's propaganda poster or Republican propaganda poster or Democrat. This is from the National Academy of Sciences. Now, they have National Academies of Science in England. I think they have them in Germany. Maybe you could go ask them, but you can also ask our American National Academy of Sciences. This is what they say: Natural seeps of oil—just natural, coming out of the formations—represent 63 percent. Cars and boats and other sources—which we are trying to clean up, but we are not doing a real great job of it but we have made some progress—are 32 percent of all the spills in the oceans. Petroleum transportation, which means the big tankers, the *Exxon Valdez*, the tankers that sometimes run into the bridges in San Francisco Bay because they won't put in a pipeline, so they have tankers that come in. I keep explaining it would be better not to have the tankers, but they want the tankers there in that San Francisco Bay. They keep running into bridges. They keep spilling. So we have 4 percent of the spillage from the tankers.

Now, look here: drilling and extraction. Drilling and extraction, this little green sliver, is 1 percent. Why is this? This is because we have gotten so good and clean and strong, the technology has improved so substantially since the 1940s and 1950s, that it is not true that this jeopardizes the oceans or the beaches. I will say to be completely honest that when there is a spill, it can look pretty bad and it does and it happens, but this is life, and there are risks associated with everything we do, but the risk is so minimal to the benefit of this Nation.

I will tell you what the great benefit for me is: that we can stop funding both sides of the war on terror against ourselves, because that is what we are doing right now today. We are taking the people's hard-earned money and supporting a war at the tune of \$348 million a day, and then we are paying our enemies to buy missiles and weapons to kill our own soldiers that we are sending over there. That is actually happening today because we are afraid. We are afraid that 1 little percent might seep into some water that we couldn't quickly go gather up and push to the side.

This is why America is angry, because America does not like to be wimpy. That is one thing about our country. We don't like it, because we are not a wimpy country. We are a smart country. We are a strong country. We are a bold country. This Congress has the American people feeling as if we are wimps.

We don't again have to lift the moratoria everywhere. I am going to tell the Republican leadership they are barking up the wrong tree here, because you don't have to go to every planet, but we have to pick one or two. We just have to pick one or two planets we are going to go to. We should let our scientists pick them. We should figure out what is the fastest, best way to get some additional oil.

China has already figured this out, because they are going to be drilling closer to our coast than we are. Let me repeat. There are leases right here off the coast of Cuba and they are leasing this land to China as I speak. So China will be drilling closer to the coast than we allow our own companies to drill, and that is why the American people are angry.

How we open a little bit more of Florida to protect what we need, I am going to leave that to my colleagues. I have some ideas, but there are others who probably have better ideas, but there is a possibility here. I think there is a lot of possibility in Alaska, and thank goodness that both TED STEVENS, the senior Senator from Alaska, and the junior Senator from Alaska, LISA MURKOWSKI, understand this and they know it. If we listen to them, they can help lead us to a way where we can get a great deal more oil out of Alaska. Now, it is going to take, because it is far away—Alaska is not part of the 48, as you can see here. There are distances that have to be crossed, pipelines that have to be laid, transportation infrastructure that can get this oil to where we need it.

Let me tell you where we need the oil. We need the oil in the Northeast. If we don't get them some before this winter, there are going to be people in the Northeast who cannot afford to heat their homes this winter. These prices have never been this high. It is a long way from here to there. The industry can do that, but it takes them a while. It would be a lot easier to get the oil right here, but politically, that seems to be a problem. So we could move it from the gulf to there; we could move it from Alaska to there, but it is going to take some time. We can also get more oil here.

The other part I should not forget to mention is you have different kinds of oil. There is sweet and it is light, and then there is heavy oil and harder to refine, and the refineries are having a hard time because Congress gives them no direction virtually whatsoever. They don't sometimes know what refineries to build, and I don't blame them, because we are so schizophrenic about it. So we now have refineries that only can refine a certain type of oil, and they take these big gambles, because Congress any day could wake up and say: Oh, we just decided we don't want that kind of oil. I have to learn a little bit more to talk more about it, but the general gist of it is that not only do you have to go get more oil from some places, we have to

make sure the refineries are there to be able to produce, but we can.

Now, that is enough on oil and gas, because for the next 5 minutes I wish to talk about not just producing more oil, which we obviously can, but we also have to conserve. I have to say that I have not been the best person on this issue, so I am going to apologize now, and then we are going to move—I am going to move on to say I will be happy to vote for even things that I wouldn't have considered in the past because I feel as though it is very important. We have to move our automobiles off of gasoline. We have to move them to fuels that we can produce, we can grow such as sugarcane, such as biofuels, cellulosic ethanol, and it can't just come from corn. We know we can do this because there are automobiles on the street today, there are just not enough of them because the mandate is not strong enough, and when you talk about demand, that is where the demand is. It is in fuels for our automobiles. There are electricity problems. There are power generation problems. However, the real stranglehold that our enemies have over us now, and OPEC has over us, is in the fuel sector.

So we have to do two things: We have to produce more fuel and we have to consume less. I hope our bipartisan energy bill will include some stronger mandates for our automobiles in some way that allows people to drive a big automobile if they want, but it can't consume a lot of gasoline. It can consume a lot of sugarcane, fuel made from sugarcane, or a lot of fuel made from something other than the corn itself, because that will drive up the price, but the technology is here and we can do it.

The bottom line is we don't have to be wimps anymore. We can be what America always has been in every generation: bold, strong, decisive. We can protect our people from losing their homes, their jobs, and their businesses, and their ranches, which the Presiding Officer would know something about since he comes from a family of ranchers, because that is what is happening right now. People are losing the American dream while we sit and twiddle our thumbs talking about everything else that doesn't have anything to do with the price of gasoline. Let me back up. That is an overstatement. Speculation does have something to do with it, but not the fundamentals. So let's get on with speculation; try to get speculation out of the market and then talk about some other things.

I am not going to put up any more posters tonight. I think that is enough for the night, but again, this is going to be a combination of expanding production, perhaps—I know there is an issue in the Presiding Officer's home State of oil shale. I am looking at him smiling because we will have this debate. I am learning a lot about that. There is a lot I don't know about the oil shale, which he does know about. I

think there is some potential there. How we go about it, we will have to see. But I do know that there is a lot of oil and a lot of gas from traditional sources, but we have to let them find it, expedite the leases we already have, and make sure the infrastructure is there in this country to produce, and then move as rapidly as we can to new freedom fuels of the future, particularly in the areas of our automobiles.

I know the people of Louisiana are anxious for this debate. We are proud of the production we do. We are very happy that Congress gave us now a percentage of the oil and gas off of our shore, 37.5 percent that we are going to use wisely to secure our coasts and to build some additional infrastructure in our State. I know not every State has the same attitude that Texas and Louisiana and Mississippi have, and I don't expect that.

I don't expect that. That is too much to expect. We just have a tradition of it. We are happy to do it. But on the other hand, it is not fair for some States and some places to say they don't want to produce anything, and then expect the States of Wyoming and New Mexico on shore, and Louisiana and Texas to do all the production in this country. There are other places that can produce, and we most certainly need to do it. We owe it not just to our constituents today, but we owe it to future generations of this country to break the back of OPEC, put us on a path of independence, get these prices lower, and clean up our environment at the same time.

You can get to the place sometimes—well, the Presiding Officer has played baseball—when the bases are lined up and the lights in the stadium are on, it is a perfect time to hit it out of the ballpark. If we can get the right batter up, with the right pitch, we can hit this out of the ballpark.

We can do for the American people what they expect, which is to move beyond our comfort zone, from what we are used to, and do something that may actually make a difference in their lives.

Thank you so much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. LANDRIEU). Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

Mr. SALAZAR. Madam President, I think it is very appropriate for the Members of this Chamber today to be talking to an issue which is near and

dear and extremely important to the people of America, and that is how much we are paying for gas and the importance of energy independence for our Nation. It is an issue I know the Presiding Officer has worked on very long and hard, including her efforts in writing the 2005 Energy Policy Act, as well as her efforts in opening lease sale 181 on the gulf coast.

I know how heartfelt the Presiding Officer also feels, as a Senator from Louisiana, in terms of having the domestic production that comes out of the gulf coast being a significant part of the portfolio that fills the supply lines for the United States of America. So I am hopeful that as we turn the page from the legislation we were on today to move forward and try to address the high price of gas in America, we look at the issue before us with open eyes and try to figure out ways of getting to the real answers and solutions to the problem of the energy crisis we face in America today.

I think it is important as we do so to constantly remind ourselves of what is at stake today and what makes 2008 different, perhaps, from where we were in the 1970s. We all know then it was President Richard Nixon who came before the Nation and said: OPEC has been formed and, therefore, we as a nation need to move forward to energy independence.

Then, not too many years later, we had President Jimmy Carter saying we needed to embrace energy independence, with the moral imperative of war.

In those days, in the 1970s, we were importing about 30 percent of our oil from foreign countries. What happened through the 1980s and what happened through the 1990s and the beginning of the 2000s? America slept. America slept. The result was, in March of last year we were importing 67 percent of our oil from foreign countries.

As the Presiding Officer, in her role as a Senator from Louisiana, so eloquently stated, we have become hostage to those interests of the globe that have the world's oil reserves, and we in the United States end up funding both sides of the war on terror. It is important that we break our addiction to foreign oil and that we take on the national security issues of the United States in a bold and aggressive way and that we do that immediately.

I believe what changed from the 1970s to today is the issues that drive us, and first and foremost is national security. We need to make sure we are not held at the end of a noose by the OPEC countries and held by those countries that hold most of the global reserves of oil.

Secondly, we need to be cognizant of the fact that global warming is a reality. The days of the debate are over. Science tells us that we have to do something about global warming to make sure we protect our planet.

Third, if we do this right and embrace a new energy future for America, we can create a host of economic opportunities for the United States. In

my State of Colorado, I have seen what has happened since 2004 when we passed a renewable portfolio standard, and we have gone from a point where we had almost no alternative energy, where we were not harnessing the power of the wind—we had almost zero energy being produced from the wind—to the point today where we are producing over 1,000 megawatts of power from wind. That is about the equivalent of the power generated from three coal-fired powerplants.

We were nowhere in terms of biofuels and ethanol. Yet because of policies we have passed in this Congress, today we have ethanol plants that have sprouted up across the eastern plains, giving a new potential and meaning for that part of rural America which has been so forgotten. So there are economic opportunities that also drive this agenda that we are on.

I hope as we enter into this debate tomorrow, and perhaps in the week ahead, we join together to try to set America free. When I look at how we are going to do that, in terms of our overdependence on foreign oil, it seems to me there are a number of things that we can do to get rid of that overdependence on foreign oil and, at the same time, make sure we are trying to do everything we can within our power to provide some relief to the consumers of America, to the American citizens who are suffering every day when they fill up their cars at the pump. The farmers, who are filling up their John Deere tractors, are having to pay \$1,000 every time they fill up the tractor or the combine; or the trucker, who is having to spend over \$1,000—in fact, \$5,000 for the big semitrucks—every time they have to fill their truck with diesel.

I hope we embrace this and that we can be smart about it. I would offer four concepts, in general. First, I think there is a way in which we can produce more oil. We can do it in many areas, including from the Alaska petroleum reserve. There are a number of other places where we can embrace the production of more oil for America.

Secondly, we need to stay the course in terms of pushing forward an aggressive agenda on alternative fuels. More can be done, including how we incentivize the production of biofuels.

Third is that we continue to look forward to ways of using what we have more efficiently through conservation measures that we know can stretch out our supplies in a much more significant way, where we have not done what we should have been doing in the last 30 years.

Fourth is research and the development of new technology. We now know the hybrid plug-ins and the new batteries that are being developed can help us create a national fleet that can be much more productive in terms of how we ultimately use this very scarce resource that we call petroleum and gasoline.

So I hope we can, in fact, come together in a bipartisan fashion to put

together a package that will make sense. I will make a quick comment about oil shale.

Oil shale is a very important resource for our Nation. It is a resource that we understand in Colorado has been there for a long time, since the 1920s when it was predicted that oil shale essentially was going to be the panacea to all of the oil needs of the entire world. I recognize that most of the trillion or so barrels of oil that have been calculated to exist in the reserves of oil shale are actually beneath the lands of my State, beneath the lands of the western slope, one of the most beautiful places and congressional districts in the entire United States of America.

So I believe we are already on a pathway to try to develop the technology to make sure that oil shale provides an opportunity for America in the future. That is why the research and development leases, which the Department of Interior issued under the authority we have provided to them, have been issued. That is why companies have invested to figure out whether the technology is there to be able to develop oil from the shale in place. That is why they are looking at what the requirements are going to be in terms of electricity that will be required in order to be able to heat the oil shale in place. That is why they are trying to figure out if this technology works, how much water it will take to develop this oil from the shale.

So I think we have developed a thoughtful way forward, and I am hopeful we can support the thoughtful way forward that we have already developed. A few months ago, in the Energy Committee, the Assistant Secretary testified before the committee. I had questions that I directed to him about oil shale, where he thinks it might be going. He said to me in the line of questioning that, at the end of the day, there is no way we will be producing oil from shale until, the earliest, 2015. That was his testimony, 2015.

I have a letter I have talked about before on the floor of the Senate from Chevron that also said the same thing—that it is a long way off. So I hope as we move forward on the debate about our energy future, we can be bold and aggressive and that we can provide relief as soon as we can to the citizens of America who are hurting so much, and that we can also take the long-term view in terms of what we need to do to set America free.

As we look at the potential solutions, we need to look at them in a realistic way in terms of the technology we have available to us and the limitations that we also face as Americans.

I thank the Chair for serving as the Presiding Officer and allowing me to make these comments.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate extend morning business, with Senators permitted to speak for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. WARNER. Madam President, I have advised the Senate leadership that I will be necessarily absent from the Senate for the balance of this week. Today, were I able to be present for the vote on final passage of S. 2731, the President's Emergency Plan for AIDS Relief, PEPFAR, I would have voted in favor of the bill.

GERALDINE TABOR HALL

Mr. BYRD. Mr. President, I was saddened to learn that Mrs. Geraldine Tabor Hall has passed away.

Gerry, as her friends called her, was the wife of Judge K.K. Hall, or K.K. as his friends called him. She was a retired registered nurse, a great West Virginian, and a very dear friend. My beloved wife Erma and I spent many an evening with the Halls. We would often stay with Gerry and Judge Hall when we were in Charleston, and always found her to be a most gracious and generous hostess.

Over the years, Gerry and Erma became particularly close. They enjoyed each other's company immensely. Maybe it was because they had so much in common.

Both Gerry and Erma were as elegant as they were "down home," and both were perfect partners to their husbands.

Both had a lot to put up with in their husbands, busy public servants whose careers required a great deal from their wives. They were both patient, deeply kind, and tremendously devoted to the State of West Virginia. Neither ever sought the limelight, but each accepted a certain amount of standing in it.

Both Gerry and Erma were supremely good listeners. Judge K.K. Hall could be quite a character. He had a grand sense of humor, and Gerry was always sure to laugh at his stories. And when I delivered a speech or performed with a good string band back home, Erma listened attentively and nodded along. Both women had heard it all time and again, but there they were, always with their warm smiles, hearty laughs, and steady applause, as if it were the first time.

Like Erma, Mrs. Hall was a most gracious host. During my long and bitter 1982 Senate election, I recall how often she would answer the door late at night to find myself and my able assistant during that campaign, Jim Huggins, standing on her porch, expecting to spend the night in the comfort and shelter of the Hall home. This often occurred without warning, and, not infrequently, very late at night. But Gerry

never complained, never portrayed the slightest annoyance. She not only provided us with a place to stay for the night, she cooked a solid breakfast for us in the morning, and then would send us on our way to our next campaign stop.

I will miss this lovely and gracious person. But I am sure that she and her devoted husband, K.K., are together now. And Erma is there. And K.K. is practicing a tale to tell when we are all reunited again. And Erma and Gerry will laugh and applaud as if they had never heard it before.

THE SCENT OF THE ROSES
(Thomas Moore)

Let fate do her worst,
There are relics of joy,
Bright dreams of the past
That she cannot destroy.
That come in the nighttime
Of sorrow and care,
And bring back the features
That joy used to wear.
Long, long be my heart
With such memories filled,
Like the vase in which roses
Have once been distilled;
You may break, you may shatter
The vase, if you will,
But the scent of the roses
Will hang 'round it still.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 312(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 312(b) SENATE DISCRETIONARY SPENDING LIMITS

In millions of dollars		Initial allocation/ limit	Adjustment	Revised allocation/ limit
FY 2009 Discretionary Budget Authority		1,011,718	968	1,012,686
FY 2009 Outlays		1,106,112	892	1,107,004

REMEMBERING SENATOR JESSE
HELMS

Mr. INOUE. Madam President, I was saddened by the news of the death of our former colleague, Jesse Helms of North Carolina.

He was a man of strong convictions, even if it meant being in opposition of his own party. He fought for what he believed, and he stood by his word. It was a privilege to work with Senator Helms, even though we disagreed on policy matters, we were able to do what we could for the love of our country.

Madam President, I ask my colleagues to join me in paying tribute to this magnificent Senator and a great American, and a true patriot. He will be missed.

Mr. SHELBY. Madam President, I rise today to pay tribute to my honorable colleague, Senator Jesse Helms. North Carolina's longest serving popularly elected Senator, Jesse was a good friend and a true conservative. I join the entire Nation in mourning his passing.

Jesse was born in Monroe, NC on October 18, 1921. He attended Wingate University and Wake Forest University and had a successful career in newspapers, first as a sports reporter for The Raleigh Times and later as the paper's city news editor. He also served as a recruiter for the U.S. Navy during World War II and worked in radio and television.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Madam President, section 312(c) of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 312(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2009 for four program integrity initiatives. The initiatives are: continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

The Senate Appropriations Committee reported S. 3230, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, on July 8, 2008. That bill contains provisions that fulfill the conditions of section 312(c) for adjustments related to continuing disability reviews and supplemental security income redeterminations, health care fraud and abuse

control, and unemployment insurance improper payment reviews.

In addition, the Senate Appropriations Committee reported S. 3260, the Financial Services and General Government Appropriations Act, 2009, on July 14, 2008. That bill contains provisions that fulfill the conditions of section 312(c) for Internal Revenue Service tax enforcement.

As a result, for fiscal year 2009, I am revising both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays. The amount of the adjustment is \$968 million in budget authority and \$892 million in outlays. The revised discretionary limits and allocations for discretionary budget authority and outlays are the appropriate levels to be used for enforcement during consideration of the fiscal year 2009 appropriations bills.

I ask unanimous consent that the following revisions to S. Con. Res. 70 be printed in the RECORD.

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

In the 1950s, Helms began to pursue his interest in politics, working on Willis Smith's U.S. Senate campaign and later in his Senate office. Helms also worked on Senator Richard Russell's Presidential campaign and I. Beverly Lake, Sr.'s gubernatorial campaign. After these efforts, Jesse went back to journalism serving as the Capitol Broadcasting Company's executive vice president, vice chairman of the board and assistant chief executive officer. From these positions, Jesse gained local celebrity as a conservative commentator on the Raleigh-based television station.

His notoriety in the area led to a 4-year position on the Raleigh City Council. Jesse remained at the Capitol Broadcasting Company until 1972, when he became the first Republican elected to the Senate from North Carolina in the 20th century. Jesse served North Carolina well as a chairman of both the Agriculture and Foreign Relations Committees. While in the Senate, Jesse was a conservative leader who worked tirelessly for small government, sound foreign policy and strong communities.

After serving five terms in the U.S. Senate, Jesse retired and returned to North Carolina, where he wrote and published his memoir, *Here's Where I Stand*. He also continued his work with the Jesse Helms Center, a nonprofit organization started in 1987 to promote the principles Jesse felt so strongly

about—democracy, free enterprise and strong values.

In my time with Jesse in the Senate, I knew him to be honest, hardworking and committed to the people of North Carolina and this Nation. It is fitting that he passed away on Independence Day, as Jesse was certainly an independent man who loved this country and the values for which it stands.

Jesse is loved and will be missed by his wife of 66 years, Dorothy; his son Charles; his two daughters, Jane and Nancy; and seven grandchildren. He was an inspiration to many and will be remembered for his dedication and many contributions to North Carolina and this Nation. I ask the entire Senate to join me in recognizing and honoring the life of Jesse Helms.

IDAHOANS SPEAK OUT ON HIGH
ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that

will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today.

I ask unanimous consent to have the following letters printed in the RECORD.

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

Thanks for this opportunity. In short:

- (1) Increase domestic oil production
- (2) Expand nuclear energy
- (3) Reduce the speed limit to 65 mi./hr. This alone saves me 15% on my car fuel consumption and is an immediate reduction in oil usage.
- (4) Do not use our food supply to produce alcohol for additive to the gasoline. It reduces the gas mileage, is harmful to some of the engine parts and has a large effect on the supply and cost of our food. The site did research on this about 20 years ago, and built a plant around Aberdeen, which to my understanding, was not successful. At least it did not stay in operation very long.

I have other ideas on energy policies and savings if you would like to discuss them.

FERROL, *Idaho Falls.*

Senator Crapo, Thank you for the opportunity to share our concerns over the dependence of foreign oil issues that we currently face.

My business partner and I own a small construction company in Meridian. We do new residential construction as well as re-modeling in Meridian, Boise, Nampa, Mountain Home, Horseshoe Bend, Star and other Ada, Canyon, Boise and Elmore county towns. As you mentioned in your letter there is great distance between towns here in the great state of Idaho. Our traveling cost, as well as incurring the fee increases by our sub-contractors and suppliers is moving so high—so fast that a bid to perform work which is normally good for 30 days actually is out of date the next week!

We are normally not very political guys, but we have actually been affected to the point that we have started a website along with a petition to Congress to authorize drilling here in America www.DrillforAmericanoil.com went online officially last week (June 13, 2008).

We truly appreciate your efforts on our behalf regarding this matter and hope that we can work together as a community and nation to resolve this crisis.

Respectfully,

ED and ED, *Meridian.*

We, our families, have been unable to get together to enjoy ourselves because of the high prices of fuel. I do not understand why we have to pay the same price for fuel as all other countries when we have all of the necessary reserves and fuel available here in this country. Everyone keeps telling us that we have save for future generations, I say baloney to that as let us take care of ourselves first and then if anything is left over, give to the future.

Nuclear energy is safe now that we better understand how to use it. Wind power is fine except when the wind is not blowing or solar power when the sun shines. With solar, it won't produce much on a sunny day and nothing for wind power, so we have to buy a lot of very expensive batteries and some means to keep them charged when we do not have the wind or sun. What then?

VERN.

To Whom It May Concern: The cost of fuel today is really beginning to hurt the Idaho consumer. On the national level, most of us here in Idaho are on the poverty level or at least very close to it, and those of us who are retired it is just double hurt.

Most of the people who live in my small community are retired and/or very elderly, and this fuel rip-off is very damaging to us. The elderly are forced to keep their temperatures so low in the winter, and still cannot afford \$4+ for our heating oil, so we sit around with blankets in winter.

The fuel costs are very hard to handle up here in Nezperce, primarily because we are forced to drive long distances to do our shopping. Another problem is fuel costs are even higher in these small communities than it is in larger towns, so we get a double hit with the cost of fuel.

For eight years, conservatives had control of Congress and Senate and they did nothing for the conservative voters. There are many voters that tell me they think they will stay home this November because, quite frankly, they feel it does no good to vote for people who will not help us. We have let a few loud far-left people control the future for all of us, not letting us do in new exploration, or any new fuel ideas etc. The effect of fuel prices is passing off to everything we buy, and everything we do.

I could go on forever but to no gain; so, to whom it may concern, if we do not do something soon, all we will do is make all our enemies rich, and bring this nation to its knees.

JOHN, *Nezperce.*

Like everyone else in Idaho and around the country, our family is feeling the pinch of higher gas prices, but unlike with price hikes of the past, we, along with our neighbors, are making changes in our driving habits that we hope will, over time, drive down those prices. And that is a good thing. Conservation will do more to make us energy independent than drilling in the last pristine places like ANWR ever will. And, of course, the less fossil fuel we burn, the more we help stave off the effects of climate change.

Of course, our family does not like having to dig so deeply into our monthly budget to pay for gas at the pump, but it is our hope that the pinch at the pump will be the motivator that catapults our country to the forefront of alternative energy production. If we can put a man on the moon, we can be the innovators who lead the world toward a clean fuel future. Let us pledge our country's attention, innovation and resources to fund research and development in wind, solar, wave and biomass energy. Nuclear energy, though enticing in some ways, is just a different type of "dirty fuel" and creates national security concerns as well. It is like settling for a single when we know we can hit a home run.

Thank you,

SARA and DAN, *Ketchum.*

We live in a large, rural state where things are not close together and there is limited public transportation. My husband works for the Idaho National Laboratory contractor, Battelle, Inc., in Idaho Falls, which is about 50 miles away. The INL does not provide transportation for workers that do not travel to the "site" out in the desert. So he drives 100 miles a day to work. He does carpool with three others, but the increase in gas prices has really cut into our budget. We spend approximately \$60/week between the two of us. I also work full-time, and we have two children who attend daycare so we need two vehicles.

Our car is 14 years old, and our family is rapidly outgrowing it. We would love to buy

a new car, but cannot afford to at this time. We are extremely frustrated with the terrible fuel efficiency that larger "family" cars get. Our little Toyota Corolla gets 30+ mpg, and we cannot find anything close to that in larger sedans. Why would we want to buy a new car that only gets 17-20 mpg? We are extremely frustrated that we see news reports about hybrids, hydrogen cars, ethanol cars, etc., but no real push to mass produce any of them. Why is not Congress mandating this move? If we can mandate digital TV, why cannot we mandate non-gasoline vehicles and/or ways to improve the efficiency of existing vehicles? Gas prices have affected every aspect of our lives, every bill we get has a notice that it is going up due to increased fuel costs, every grocery item costs more, when does it end? Let us end our dependence on foreign oil and help our environment while we are at it!

HEATHER, *Pocatello.*

Senator Crapo: Rising fuel costs (gasoline) have caused us to cancel driving trips to Seattle from Coeur d'Alene (\$150 fuel cost for one round trip) and a trip to Redding, California, (fuel cost estimate for 750-mile round trip = \$150-\$160). That is over \$300 for fuel to take our usual trips to see our relatives and take a vacation. I cannot imagine the total effect on the economy of driving trips not taken, airline tickets not purchased and hotel bills not incurred multiplied by millions of Americans in just 2008 alone.

Hey, Legislators: Let's get going on taking some ACTION to develop our own petroleum resources and escape our dependence on foreign sources!

WILLIAM, *Dalton Gardens.*

Because I am a single woman of 58 and live on a fixed income of about \$1,000, I have had to cut back on a lot of things. I live in Franklin County, and I see a liver specialist in Salt Lake City, Utah. Since the gas prices have gotten so outrageous, I have had to cancel my last appointment with my doctor. I have since called him and told him since the gas prices are outrageous; I cannot afford the expense to drive down there for my follow-ups. We have agreed that I will continue taking my tests at Logan Regional and, if my tests show a drastic change, then we will make an appointment, which I hope I can afford the cost. I am on strong doses of steroids and other medications that my specialist has to monitor me as well.

I do not go anywhere except to the grocery store, pharmacy, and church and collect my mail. When I have to drive to Logan to take my medical tests, I accumulate what errands I have for that day. I cannot afford to visit my children where one lives in Syracuse, Utah, and the other in Smithfield, Utah. I cannot afford cable, a newspaper, a cell phone or anything.

I hope this helps.

JOYCE, *Franklin.*

I own a staffing service and many of our employees can no longer afford the cost of gas to drive to work. Most of these workers drive older, less efficient gas mileage cars. These workers just squeaked by when gas was at \$2.00 per gallon. Now with gas at \$4.00, they cannot afford the extra cost. To make ends meet many are forced to borrow money, if they can, from the "stop and rob payday loan" outfits; or quit their jobs entirely.

Many American Families are being forced to go into debt just to put gas into their cars. These high gas prices cannot be sustained and cannot be tolerated, as they are

forcing extreme hardships on American families, especially on low wage earners. These high gas prices are single handedly impoverishing many, many Americans and many in congress have vowed to do nothing about it.

If you agree with me and you are tired of congress acting totally inept in this matter, and in letting us down "big-time" by not taking the bold decisive steps needed to get us out of this "out of control" gas crisis—please sign this petition "Drill Here, Drill Now, Pay Less."

Our message to Congress—Its time to stop talking and start acting.

TONY.

Two years ago, my family and I moved from Sugar City where I grew up, four miles north to a home site where my wife was raised. It is a wonderful location, and we love living there. However, the cost of energy has dramatically affected our lifestyle. Our vehicle fuel consumption has tripled, and our propane expense has more than doubled. Some of the price fluctuation used to be seasonal, but I do not believe the seasonal supplies and demands have much to do with it anymore. As a 43-year-old American living in rural Idaho, I have come to realize how dependent we have become on foreign energy sources, and on personal vehicles for transportation. We can plan better and drive less. We can resolve to drive more fuel-efficient vehicles. We can determine to reduce our food consumption and live more frugally. All of these things we have done, but when it comes right down to it, these changes have not made a drop in the bucket difference. There is no way the average middle-class American can keep up with this over the long run. Rising energy prices will prove to be the single most troublesome factor in our economy. New energy technologies are so bogged down and tied up in committees and environmental quagmires that no action seems to ever take place. In the meantime, the Chinese and other foreign countries are teaching us how to drill for oil right off our own shores in the Gulf of Mexico. Alaska seems to be off limits, which is a joke. Coal-to-oil technologies have not been taken seriously. We have made some progress with wind turbine development, but again, wind energy can help certain regions of our country, but is still a drop in the bucket in relation to our energy consumption. I am disgusted that we did not seriously pursue nuclear energy as a legitimate alternative to fossil fuel 40 years ago. Technology is not the problem; we have that. The problem is it takes so long to tool up for nuclear energy that we will be lucky if our grandchildren can benefit from this tremendously efficient and clean alternative, even if it gains traction over the next couple of years. That is one thing the French have definitely showed us up on. To me, nuclear power is the long term answer to our energy problem—please support it any way you can.

One last comment on nuclear power—I was talking to a friend just the other day whose father worked for many years at the INEL. His father told him that we really blew it when we started developing nuclear power by keeping the process such a secret. Start with secrecy, add a few mishaps like Three Mile Island, stir it all together and you have a recipe for paranoia and public distrust. What a shame! We have to get over our fear of nuclear power.

I love this country. I have increased my earning potential tremendously and have so many freedoms that I am truly grateful for. But I am very concerned that if we do get very serious about this energy problem right now, my real standard of living, even in the greatest county in the world, will decline. I am not anti-environment; I believe that we

can protect the environment in a reasonable manner without shutting off access to our God-given natural resources. We are the stewards of our planet, but I believe it was made for our use, not for us to be subject to it. I have a real problem with the extremely radical vocal minority shutting down all of our options. We have got to get smart and inject a large dose of common sense into this energy equation.

Thank You

TIM, St. Anthony.

Hi, I agree with some of what you are proposing but let us stop making futile arguments here! The only way that I will support more domestic production is if you come up with a plan for more efficiency and conservation along with higher building standards. Our state is hooked on cheap fuels, and it only leads to waste, so I am fine with high energy costs because it will lessen our carbon impact on the earth and we will get more creative. Cheap fuel is a thing of the past, and if we do not use the energy that we do have to prepare for the future, I will never support you and will resent your ignorance. Let us see a solid plan backed up with solid implementation!

JIM, McCall.

Dear Senator Crapo, [I would like to know if the] question of oil speculators [is being addressed]. Speculators are the ones primarily driving up the prices and not so much the oil companies or the oil producing nations. We did address refineries, and exploration and drilling. Clearly the American people and, indeed, citizens of other nations are suffering because of these speculators. It is rather like my grandparents told me about the stock market crash of 1929 when margin buying endangered the entire financial structure of the world. Can Congress force the commodities speculators to put down more than the 5% they now use for their speculations? It would seem that if they had to put up 50% or better, they would be a little more cautious in their "gambling".

Thank you for your time.

Sincerely,

ROCHELLE.

Both my wife and I are retired government employees on fixed incomes so we watch our P's and Q's very closely. In spite of our cautious spending practices we have found ourselves unwilling victims of the gas crunch.

Here is how we got caught. Our son graduated from college, owing substantially for money loaned to get through four years of very expensive educational expenses. He has sought out and found employment but not enough to pay back his accumulated debt. His monthly income is not at all what he had expected he might be able to get as a college graduate. Currently my son continues to work and at the same time looks for a better paying position . . . Here is where the gas prices come into play: He is living/working in Eugene, Oregon, and attempting to move into a higher-paying position in Portland, Oregon. He has been traveling back and forth to interview for jobs. One trip up and back in his older model vehicle costs him about \$60 in gas. On his salary, he cannot afford to make the trip in search of better employment. He is in fact a prisoner of the gas prices unable to travel to further himself financially.

As a consequence, he has had to get extensions on his federal educational loan (not a good thing for the government), which continues to charge him interest for the unpaid balance. He is really stuck.

We are also stuck because there was an additional \$8,000 loan obtained that was not through the federal government, which can-

not be put on hold and must be paid now. So, here we are putting out about \$200 per month to cover his debt, money we could really use as retired persons.

The short of it is he is in a bind and we are in a bind. Gas prices have handicapped him and imposed unnecessary expenses on us. I think everybody is coming up short here including the federal government.

JIM and LOLA.

Dear Sen. Crapo, From \$20 to \$48 to fill up my car tank. I think that says it all.

Polling data indicates that the majority of people want us to drill for our own oil. I want us to drill for our own oil.

I believe that the only reason the Arabs said they would increase the amount of oil that they produce is because they became concerned that we might actually begin drilling our own, and they wouldn't want that.

Please, Senator Crapo, we are so tired of living under the EPA's thumb. I urge you and Senator Craig to do whatever it takes so that our oil companies can start producing again.

Sincerely,

JUDY, Burley.

ADDITIONAL STATEMENTS

HONORING R.C. NORTH PLUMBING & HEATING INC.

• Ms. SNOWE. Madam President, at a time when people from my home State of Maine and throughout the Nation are struggling to cope with an unrelenting climb in energy prices, I rise today to recognize a small business that sells innovative, technological solutions to families and enterprises in Southern and Central Maine. R.C. North Plumbing & Heating Inc. of Naples provides energy-efficient heating and cooling equipment and expertise, which, in turn, enables Mainers to save money and decrease their energy consumption.

R.C. North Plumbing & Heating Inc., though less than 5 years old, offers years of technical experience in residential heating, cooling, and plumbing, which helps its customers remain confident that their heating and cooling systems are operating at maximum efficiency, thereby saving water, energy, and ultimately money. Furthermore, many of the products that R.C. North sells and installs are designated ENERGY STAR products by the U.S. Environmental Protection Agency and the U.S. Department of Energy because of their energy efficiency.

In addition to providing traditional heating and plumbing services, R.C. North has a burgeoning solar division that offers customers technologies to convert the Sun's power into a safe and reliable energy source for heating water. Additionally, R.C. North participates in the Maine Solar Energy Rebate Program, founded in 2005, to encourage the growth of solar energy in Maine by providing rebates to individuals who purchase solar energy systems. The firm is also certified by the Maine Public Utilities Commission as an installer of solar thermal heating systems.

Featured on OurMaine Homes, a local television program highlighting local businesses in the construction and home maintenance industry, R.C. North has received praise from fellow contractors and customers alike. The business is also an active member of the State of Maine Plumbing Heating Cooling Contractors Association and is engaged in the community as a member of the Sebago Lakes Region Chamber of Commerce.

Last month, Senator KERRY and I held a hearing in the Senate Committee on Small Business and Entrepreneurship that focused on the devastating impacts that the rising price of home heating oil is having on homes and small businesses. During that hearing, what has long been apparent was reiterated for all to hear—namely, that without a proactive approach to stem this crisis and achieve real results, the unmistakable tsunami that is heading for Maine as winter approaches will be far worse than we have seen. The American people have come to recognize this fact, and companies such as R.C. North Plumbing & Heating have filled the demand that Americans have for energy-efficient heating and cooling systems. The company's foresight and persistence in leading Maine's development of solar heating is commendable. I thank everyone at R.C. North for their dedication, and wish them success in continuing to broaden Maine's exposure to energy efficiency as well as alternative forms of energy.●

RECOGNIZING JON GARREY

● Mr. THUNE. Madam President, today I recognize Jon Garrey, an intern in my Sioux Falls, SD office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Jon is a graduate of West Central High School in Hartford, SD. Currently he is attending Grinnell College, where he plans to major in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jon for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING HEATH-HEADLEY AMERICAN LEGION AUXILIARY POST NO. 0199

● Mr. THUNE. Madam President, today I recognize the Heath-Headley American Legion Auxiliary Post No. 0199 for their Veteran's Day program entitled "Honoring Those Who Served". This event took place on November 9, 2007, at the Henry School Gymnasium with the help of the school's students and staff.

The day's events were held to honor all veterans who have served their country. Local veterans were invited by the auxiliary which publicized the

event, registered guests, decorated the school, helped serve lunch, and organized the event with school personnel.

The Kampeska Marine Corps League presented and retired the colors. The Henry School Band, directed by Mrs. Deanna Martens, played patriotic music. Students sang "Proud of Our Veterans" and gave a "Living Flag" presentation. Superintendent Brian Sieh welcomed all and presented the guest speaker, Army National Guard Chaplain Joseph Holzhauser, who addressed the crowd on the topic, "Why All The Fighting?"

Voice of Democracy winner, student Shantel Gassman, presented her winning essay and was awarded a plaque and a scholarship from Watertown Veterans of Foreign Wars Commander Duwayne Mack. Students Matthew Harms and Owen Redinger gave a proper flag folding demonstration and presented the flag to the guest speaker.

The Henry High School choir sang "God Bless America" and students Randy Owen and Sarah Montgomery played echo taps. A flag retirement ceremony followed the program under the direction of Marine veteran Joel Montgomery.

The school technology committee took pictures of all veterans and gave prints to each as a thank you. The pictures were taken in front of a mural that senior students and auxiliary member Jane Green created. It depicts the American eagle with wings made of over 200 stars, each naming a local veteran.

Auxiliary members who helped with the activities include Donna Clyde, unit president; Veta Aker, unit treasurer; Jean Lian, unit chaplain; Wanda Clyde, membership chairman; Christy Clyde, junior auxiliary member; Jane Green, unit member and school coordinator for the program. Violet Wicks, district III president, was the auxiliary's guest for the day.

It gives me great pleasure to rise with the Heath-Headley American Legion Auxiliary Post No. 0199 and Henry School to thank our veterans for their dedication and service to our country.●

125TH ANNIVERSARY OF SULLY COUNTY AND ONIDA, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I rise to recognize Sully County and the town of Onida, SD. They will commemorate the 125th anniversary of their founding with celebrations August 7–10, 2008.

Sully County and Onida were founded in 1883. Onida was named after Oneida, NY, with the intentional misspelling. Sully County was named after the builder of Fort Sully, General Alfred Sully. Since their beginning 125 years ago, the communities of Onida and Agar have continued to serve as strong examples of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Sully County on

this milestone anniversary and wish them continued prosperity in the years to come.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY AND RELATED MEASURES DEALING WITH THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2008.

Today, Liberia continues its peaceful transition to a democratic order under the administration of President Ellen Johnson-Sirleaf. The Government of Liberia has implemented reforms that have allowed for the removal of international sanctions on Liberian timber and diamonds, and Liberia is participating in the Kimberley Process Certification Scheme and the Extractive Industries Transparency Initiative to ensure that its natural resources are used to benefit the people and country of Liberia, rather than to fuel conflict. Charles Taylor is standing trial in The Hague by the Special Court for Sierra Leone. However, stability in Liberia is still fragile.

The regulations implementing Executive Order 13348 clarify that the subject of this national emergency has been and remains limited to the former Liberian regime of Charles Taylor and specified other persons and not the country, citizens, Government, or Central Bank of Liberia.

The actions and policies of former Liberian President Charles Taylor and other persons—in particular their unlawful depletion of Liberian resources, their trafficking in illegal arms, and their formation of irregular militia—continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose an unusual and extraordinary threat to the foreign policy of the United States, and for these reasons, I have determined that it is necessary to

continue the national emergency with respect to the former Liberian regime of Charles Taylor.

GEORGE W. BUSH.
THE WHITE HOUSE, July 16, 2008.

TRANSMITTING THE AGREEMENT BETWEEN THE UNITED STATES AND POLAND ON SOCIAL SECURITY, CONSISTING OF A PRINCIPAL AGREEMENT AND AN ADMINISTRATIVE AGREEMENT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1), I transmit herewith the Social Security Act, Agreement Between the United States of America and Poland on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed in Warsaw on April 2, 2008.

The United States-Poland Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Poland Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Poland Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, July 16, 2008.

MESSAGE FROM THE HOUSE

At 5:33 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 496. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3032. An act to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

H.R. 6296. An act to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

H.R. 6455. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 299. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

H. Con. Res. 385. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3268. A bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6455. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3270. An original bill to reauthorize the National Aeronautics and Space Administration, and for other purposes (Rept. No. 110-422).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2009" (Rept. No. 110-423).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3248. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3269. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 3270. An original bill to reauthorize the National Aeronautics and Space Administration, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. INHOFE:

S. 3271. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 3272. A bill to make emergency supplemental appropriations for the National Institutes of Health for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL):

S. 3273. A bill to promote the international deployment of clean technology, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. INOUE, Mr. STEVENS, Mr. PRYOR, Mr. SMITH, and Mr. WYDEN):

S. 3274. A bill to reauthorize the 21st Century Nanotechnology Research and Development Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3275. A bill to establish a pilot program to preserve affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 3276. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act) and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. SANDERS, Mr. LAUTENBERG, Mr. JOHNSON, Mr. BINGAMAN, and Mr. CASEY):

S. 3277. A bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget; to the Committee on the Budget.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. GRASSLEY):

S. Res. 614. A resolution designating the month of August 2008 as "National Medicine Abuse Awareness Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 686

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 686, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1232

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1246

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1246, a bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1603

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr.

LUGAR) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1846

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 2433

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2507

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2507, a bill to address the digital television transition in border states.

S. 2579

At the request of Mr. INOUE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 3038

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3069

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3069, a bill to designate certain land as wilderness in the State of California, and for other purposes.

S. 3083

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3083, a bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policy-making should be strengthened, and for other purposes.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3156

At the request of Mr. WICKER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3156, a bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S. 3238

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3238, a bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and

products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

S. 3239

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3239, a bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes.

S. 3266

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3266, a bill to require Congress and Federal departments and agencies to reduce the annual consumption of gasoline of the Federal Government.

S. 3268

At the request of Mr. REID, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 3268, *supra*.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5076

At the request of Mr. THUNE, the names of the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. DORGAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 5076 proposed to S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

AMENDMENT NO. 5081

At the request of Mr. GREGG, the name of the Senator from Tennessee

(Mr. CORKER) was added as a cosponsor of amendment No. 5081 proposed to S. 2731, a bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3269. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I am pleased to join today with my colleague from Maine, Senator SNOWE, to introduce the Nanotechnology Innovation and Prize Competition Act.

As Co-Chair of the Congressional Nanotechnology Caucus, and former Chair of the Subcommittee on Science, Technology, and Innovation, I have worked long and hard to advance U.S. competitiveness in nanotechnology. Nanotech is a rapidly developing field that offers a wide range of benefits to the country. It can create jobs, expand the economy, and strengthen America's position as a global leader in technological innovation.

Nanotechnology will redefine the global economy and revolutionize it with an amazing array of technological innovation. There is virtually no industry that will not be impacted by the advances we know are possible with nanotechnology. But to unlock the full benefits of nanotechnology's capabilities, the Federal Government must do more to partner with our Nation's innovative entrepreneurs, engineers, and scientists. To that end, I am proposing, along with Senator SNOWE, legislation that will create an X-Prize competition in nanotechnology.

Many people have heard of the X-Prize, a recent and high-profile example of a prize competition like the one Senator SNOWE and I are proposing today. The X-Prize was established in 1996 and set up a \$10 million prize fund for the first team who could make civilian space flight a reality. The award was successfully claimed just 8 years later. But that wasn't the only achievement the X-Prize accomplished. During that span of time, the \$10 million prize stimulated over \$100 million in research and development by the competitors.

Successful prize competitions are not limited to the X-Prize. We have seen the value of these kinds of competitions before. One of the most famous was the Orteig prize, which was to be awarded to the first person to fly non-stop across the Atlantic Ocean. Claimed, of course, by Charles Lindberg in 1927, the Orteig prize stimulated private investment 16 times greater than the amount of the prize. Imagine what kind of explosion in in-

vestment and innovation we could achieve in nanotechnology with the competition we're proposing today.

By establishing this nanotechnology prize competition, the Federal Government will promote public-private cooperation to accelerate investment in key areas and help solve critical problems. The very first prize competition was, in fact, a Government-sponsored competition that produced a revolutionary technological breakthrough. In 1714, the British Parliament established a prize for determining a ship's longitude at sea. At the time, the inability to accurately determine longitude was causing many ships to become lost. Solving this critical problem by creating a competition to find the answer paved the way to British naval superiority.

Today, other Government-sponsored prize competitions are driving technological breakthroughs and successes. For example, the DARPA Grand Challenge and Urban Challenge have stimulated tremendous advances in remotely-controlled vehicle technology.

The Nanotechnology Innovation and Prize Competition Act is a vital tool to help ensure that public and private resources will be utilized in a coordinated way and will be devoted to solving the complex and pressing problems that America faces today. This bill will also spur technological investment and create jobs here at home. Through this prize competition, the Government will be able to leverage its resources and focus the intellectual and economic capacity of our Nation's best and brightest entrepreneurs on finding the big answers we need in the smallest of technologies—nanotechnology.

The Nanotechnology Innovation and Prize Competition Act creates four priority areas for the establishment of prize competitions: green nanotechnology, alternative energy applications, improvements in human health, and the commercialization of consumer products. In each of these areas, nanotechnology holds the promise of tremendous breakthroughs if the necessary resources are devoted. This competition will make sure we get started as soon as possible on finding those breakthroughs. We all know that the competitive spirit is one of the strengths of our country. This bill will ignite that spirit in nanotech.

Again, I thank my colleague from Maine for her help and cooperation in introducing this bill. I also want to thank the Woodrow Wilson Center and the X-Prize Foundation for their work in helping to develop this bill. I look forward to working with the Commerce Committee, other members of the Congressional Nanotechnology Caucus, the administration and the entire nanotech community to pass the nanotechnology reauthorization bill.

I urge all my colleagues to support innovation and promote entrepreneurial competition by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanotechnology Innovation and Prize Competition Act of 2008".

SEC. 2. NANOTECHNOLOGY AWARD PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Commerce shall establish a program to award prizes to eligible persons described in subsection (b) for achievement in 1 or more of the following applications of nanotechnology:

(1) Improvement of the environment, consistent with the Twelve Principles of Green Chemistry of the Environmental Protection Agency.

(2) Development of alternative energy that has the potential to lessen the dependence of the United States on fossil fuels.

(3) Improvement of human health, consistent with regulations promulgated by the Food and Drug Administration of the Department of Health and Human Services.

(4) Development of consumer products.

(b) ELIGIBLE PERSON.—An eligible person described in this subsection is—

(1) an individual who is—

(A) a citizen or legal resident of the United States; or

(B) a member of a group that includes citizens or legal residents of the United States; or

(2) an entity that is incorporated and maintains its primary place of business in the United States.

(c) ESTABLISHMENT OF BOARD.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a board to administer the program established under subsection (a).

(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the President, of whom—

(A) not less than 1 shall—

(i) be a representative of the interests of academic, business, and nonprofit organizations; and

(ii) have expertise in—

(I) the field of nanotechnology; or

(II) administering award competitions; and

(B) not less than 1 shall be from each of—

(i) the Department of Energy;

(ii) the Environmental Protection Agency;

(iii) the Food and Drug Administration of the Department of Health and Human Services;

(iv) the National Institutes of Health of the Department of Health and Human Services;

(v) the National Institute for Occupational Safety and Health of the Department of Health and Human Services;

(vi) the National Institute of Standards and Technology of the Department of Commerce; and

(vii) the National Science Foundation.

(d) AWARDS.—The board established under subsection (c) shall make awards under the program established under subsection (a) as follows:

(1) FINANCIAL PRIZE.—The board may hold a financial award competition and award a financial award in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.

(2) RECOGNITION PRIZE.—The board may recognize an eligible person for superlative achievement in 1 or more nanotechnology applications described in subsection (a). The award shall not include any financial remuneration.

(e) ADMINISTRATION.—

(1) CONTRACTING.—The board established under subsection (c) may contract with a private organization to administer a financial award competition described in subsection (d)(1).

(2) SOLICITATION OF FUNDS.—A member of the board or any administering organization with which the board has a contract under paragraph (1) may solicit funds from a private person to be used for a financial award under subsection (d)(1).

(3) LIMITATION ON PARTICIPATION OF DONORS.—The board may allow a donor who is a private person described in paragraph (2) to participate in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.

(4) NO ADVANTAGE FOR DONATION.—A donor who is a private person described in paragraph (2) shall not be entitled to any special consideration or advantage with respect to participation in a financial award competition under subsection (d)(1).

(f) INTELLECTUAL PROPERTY.—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in any competition under subsection (d)(1).

(g) LIABILITY.—The board established under subsection (c) may require a competitor in a financial award competition under subsection (d)(1) to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(h) ANNUAL REPORT.—Each year, the board established under subsection (c) shall submit to Congress a report on the program established under subsection (a).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums for the program established under subsection (a) as follows:

(1) For administration of prize competitions under subsection (d), \$750,000 for each fiscal year.

(2) For the awarding of a financial prize award under subsection (d)(1), in addition to any amounts received under subsection (e)(2), \$2,000,000 for each fiscal year.

By Mr. INHOFE:

S. 3271. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, today I introduce a bill that addresses a problem faced by a number of farmers in my State of Oklahoma and around the country when they drive their goods across State lines. Even though these farmers' trucks are within the weight limits set by their home States and the States to which they are traveling, they are triggering an arbitrary Federal weight regulation when they cross State lines in their farm vehicles. As a result, they are being ticketed and generally inconvenienced.

This issue has caused quite a stir in Oklahoma, and many are proposing solutions to address the problem. For example, two of my Oklahoma colleagues

in the House of Representatives introduced a bill last year that proposes one solution. The president of the Oklahoma Farm Bureau, Mike Spradling, discussed a number of options when he testified last week on this issue in front of the House Committee on Transportation and Infrastructure. I met today with Ray Wulf, president of the American Farmers and Ranchers Association, and his colleagues who also expressed ideas on how best to resolve this problem.

Today, I am furthering the debate with a solution that is both commonsense and achievable.

The Federal Motor Carrier Safety Administration defines a commercial motor vehicle, CMV, as a vehicle which has a gross vehicle weight rating or a gross combination weight rating of at least 10,001 pounds. However, States are allowed to exempt vehicles up to 26,001 pounds from the CMV determination if they are engaged solely in intrastate commerce. Farmers can cross State lines within 150 miles of their farms if the States have a reciprocity agreement. However, not all States have these agreements.

Once a farmer drives his truck into a State with which his home State does not have a reciprocity agreement, the 10,001 pound definition for a commercial motor vehicle kicks in and the farmer is then responsible for all of requirements of an operator of a commercial motor carrier. This is the case even if the States from which and to which the farmer is traveling each have weight exemptions for farm vehicles.

To illustrate this situation, consider the following example. An Oklahoma farmer lives ten miles from the Kansas border. He loads up his trailer with grain in order to transport his crop to the nearest grain elevator, which is across the State border in Kansas. Both Oklahoma and Kansas allow trucks to weigh up to 26,001 pounds for intrastate commerce. However, the States do not have a reciprocity agreement.

This farmer's truck weighs 24,000 pounds. Therefore, as long as he complies with the laws concerning farm vehicles in the State of Oklahoma, he is able to drive within the State without meeting all of the requirements of a commercial motor carrier. Likewise, if he lived in Kansas, he would be able to drive within the State without meeting CMV requirements.

Unfortunately, as soon as this farmer drives across the border from Oklahoma into Kansas—and becomes subject to the Federal laws for interstate commerce—his truck is considered a commercial motor vehicle because it weighs more than 10,001 pounds.

When a truck is considered a commercial motor vehicle, the driver must comply with the Federal requirements of a professional truck driver. These requirements include possessing a commercial driver's license and medical examination certificate, having Department of Transportation markings on

the vehicle, documenting hours of service, and becoming subject to controlled substance and alcohol testing. While these requirements serve important purposes for long-haul truck drivers, they are unnecessary for farmers who carry these loads only a few times a year.

After hearing from many farmers in Oklahoma who are frustrated by this seemingly illogical Federal regulation, today I am proposing legislation to make it so the Federal commercial motor vehicle definition of 10,001 pounds does not automatically apply when a farm vehicle crosses State lines. Instead, my bill states that the weight definition for a commercial motor vehicle for agricultural purposes is the weight as defined by the State in which the vehicle is being operated.

Currently, 32 States define a commercial motor vehicle as weighing 26,001 pounds or more. Under my bill, farmers will be able to drive between those States, like Oklahoma and Kansas, without triggering the Federal CMV definition of 10,001 pounds for interstate commerce and getting ticketed for a weight violation.

The second section of my bill states that the Department of Transportation cannot withhold grant money from States that choose to raise their weight limits above 10,001 pounds up to 26,001 pounds. If my bill passes, States with lower weight definitions may desire to increase them. This section will erase the concern that they may lose grant funding from DOT.

This bill is an effort to relieve American farmers from undue burdens and regulations when they transport their crops or livestock from one place to another. I look forward to working with my colleagues in the Senate and House to provide relief to farmers on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF COMMERCIAL MOTOR VEHICLE.

Section 31101(1)(A) of title 49, United States Code, is amended to read as follows:

“(A)(i) except for vehicles described in clause (ii), has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds; or

“(ii) is primarily engaged in the transportation of agricultural commodities or farm supplies and has a gross vehicle weight rating or gross vehicle weight of at least the minimum weight of a commercial motor vehicle (as defined by the State in which it is being operated);”.

SEC. 2. PRESERVATION OF GRANTS FOR STATES THAT INCREASE THE MINIMUM WEIGHT FOR COMMERCIAL MOTOR VEHICLES.

Section 31102 of title 49, United States Code, is amended by adding at the end the following:

“(f) PRESERVATION OF GRANTS FOR STATES THAT INCREASE THE MINIMUM WEIGHT FOR COMMERCIAL MOTOR VEHICLES.—The Secretary may not withhold grant funding from a State under this section solely because the State authorizes drivers of vehicles engaged in the transportation of agricultural commodities or farm supplies that have a gross vehicle weight of more than 10,000 pounds and less than 26,001 pounds, to operate without complying with Federal regulations relating to commercial motor vehicles.”.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 3272. A bill to make emergency supplemental appropriations for the National Institutes of Health for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

Mr. SPECTER. Mr. President, the bill that Senator HARKIN and I are introducing today would provide an additional \$5.2 billion in fiscal year 2008 for the National Institutes of Health—\$1.2 billion for the National Cancer Institute and \$4 billion for other NIH institutes.

The increases that the Labor, Health and Human Services and Education Subcommittee has provided over the past 20–30 years have dramatically improved the survival rates for many diseases—deaths from coronary artery disease declined by 18 percent between 1994 and 2004, stroke deaths also fell by 24.2 percent during that same time period. The 5-year survival rates for Hodgkin's lymphoma have increased from 40 percent in the 1960s to more than 86 percent today. Survival rates for localized breast cancer have increased from 80 percent in the 1950s to 98 percent today. Over the past 25 years, survival rates for prostate cancer have increased from 69 percent to nearly 99 percent. So we are seeing real progress. But for many other maladies, the statistics are not so good.

The remarkable medical advances we have seen thus far did not happen overnight. It takes a sustained commitment of time, effort and money for research institutions to train and recruit scientists skilled in the latest research techniques, and to develop the costly infrastructure where research takes place. Over the past several years Senator HARKIN and I have worked hard to find ways to increase NIH funding. We have offered amendments to budget resolutions, encouraged our colleagues on the Appropriations Committee to increase the subcommittee's allocation, and undertook what some would call creative budgeting to make more resources available for NIH. As scientists, doctors, and patients can attest, these efforts have paid off; these funding increases have been instrumental in realizing the medical breakthroughs we are experiencing today.

The \$875,000,000 increase for NIH approved recently by the Appropriations Committee is a step in the right direction, but it falls far short of the billions needed to make up lost ground and revitalize medical research in this country. Regrettably, Federal funding

for NIH has steadily declined from the \$3.8 billion increase provided in 2003—when the 5-year doubling of NIH was completed—to only \$328 million in fiscal year 2008. Beginning in 2004—if we would have sustained increases of \$3.5 billion per year, plus inflation—we would have \$23 billion more in funding for today. The shortfall in the President's fiscal year 2009 budget due to inflationary costs alone is \$5.2 billion. This funding decline has disrupted the flow of research progress, not just for today, but for years to come. The problem is that an entire generation of research scientists is being discouraged from going into the field of medical research, due to a lack of NIH research grants. This breach in Federal support, if it continues, will further slow ongoing research and hamper the ability to fund new research opportunities for the future.

The legislation that Senator HARKIN and I are introducing today would provide an immediate infusion of new research dollars, and while it will only make up the \$5.2 billion inflationary costs—it is a good starting point. The \$1.2 billion contained in this bill for the National Cancer Institute is consistent with the Institute's professional judgment budget and the recent recommendations of the cancer research community.

On June 6, 2008, I wrote to Ms. Nancy Brinker, Founder of the Susan G. Komen Breast Cancer Foundation; Dr. Richard Schilsky, American Society of Clinical Oncology; Ms. Ellen Stovall, President and CEO, National Coalition for Cancer Survivorship; Dr. Raymond Dubois, President, American Association for Cancer Research; Mr. Lance Armstrong, Lance Armstrong Foundation; and Dr. Ellen Sigal, Chairperson, Friends of Cancer Research and asked for their estimate and timeline on conquering cancer. Their reply was \$335 billion or approximately \$22 billion a year over the next 15 years.

While that may seem like a staggering amount of money, it pales in comparison to the savings research breakthroughs would produce in terms of lower health care costs and caregiver expenses, savings to business and the nation's overall economy.

Senator HARKIN and I, along with Senator KENNEDY and HUTCHISON are looking for ways to provide not just the \$5.2 billion contained in the legislation that we are introducing today, but to provide the billions of dollars needed for treatment and cures.

The partnership that TOM HARKIN and I have had since 1989 is solid and together we will find a way to increase this nation's investment in biomedical research.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “NIH Emergency Supplemental Appropriations Act of 2008”.

SEC. 2. SUPPLEMENTAL APPROPRIATIONS.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2008, and for other purposes, namely:

(1) For an additional amount for the “Office of the Director, National Institutes of Health”, \$4,000,000,000 which shall be transferred to the Institutes and Centers of the National Institutes of Health to be used to support additional scientific research.

(2) For an additional amount for the National Cancer Institute, \$1,200,000,000 to be used to support additional scientific research.

SEC. 3. GENERAL PROVISIONS.

(a) **AVAILABILITY OF FUNDS.**—No part of the appropriation contained in this Act shall remain available for obligation beyond the current fiscal year.

(b) **EMERGENCY DESIGNATION.**—Amounts in this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL):

S. 3273. A bill to promote the international deployment of clean technology, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, with every new scientific report, the threat of global climate change becomes clearer. With every new economic report, the energy needs of developing countries continue to grow as millions of their citizens move out of poverty.

From the beginning of the Industrial Revolution, we here in the United States, along with the other industrial nations, grew our economies using cheap energy, building up the stock of greenhouse gases now in our atmosphere. But, today, even as we try to maintain economic growth with lower emissions, developing nations threaten to overwhelm any gains we can make in the fight against climate change.

No matter what we in the U.S. do about our own energy use, the developing world's demand for energy—in its cheapest form, from fossil fuels—will continue to rise. That would be a disaster. According to the International Energy Agency, by 2030 energy demand worldwide will increase by 55 percent, and nearly 80 percent of this rise will be in developing countries.

To address the threat of climate change, we must steer those countries onto a path of cleaner energy and cleaner development. It is in our national interest to reduce the environmental, economic, and national security threat of a changed global climate. But this is not just about avoiding

threats. This can be an opportunity for the U.S. to capture the markets of the future, the next generation of clean power technologies.

That is why I am joining today with Senators LUGAR, MENENDEZ, and HAGEL to introduce legislation to create an International Clean Technology Deployment Fund. This fund will be available to promote the international deployment of U.S. technology as a new component to our overall international economic development assistance. By supporting the market for that technology, it can help to stimulate research, investment, and job creation in industries with the potential for long-term growth. This can be a win for the planet and a win for our economy.

From its beginning in 1992, the United Nations Framework Convention on Climate Change has called for mechanisms whereby the developed, industrialized nations can provide the means for developing nations to reduce their greenhouse gas emissions. As recently as the last major meeting of the parties to that convention at Bali last December, that principle was reiterated as part of the Bali Action Plan.

In a similar vein, when President Bush submitted his budget earlier this year, he called for funding to support U.S. participation in a Clean Technology Fund, to be housed at the World Bank. That is one approach for which the resources our legislation authorizes could be used. Our allies, including Great Britain, and Japan, are among other donors interested in the establishment of that fund, whose goals are similar to those of the legislation we are introducing today.

The purpose of our legislation is, and I quote, “to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”

An important goal of our legislation is to add the consideration of climate change more consistently and systematically to our foreign assistance strategy. The majority of greenhouse gas emissions in the future will be coming from the developing countries of the world. The choice is simple—we can ignore the climate impact of our assistance programs, or we can move those programs into a comprehensive strategy of clean economic development.

In this legislation, we establish an International Clean Technology Deployment Fund, to support the export of U.S. clean energy technology and expertise to developing nations. The Fund will be administered by a Board composed of relevant executive branch officials. They are authorized to distribute money in a number of ways, provided certain triggers are met. These ways include through multilateral trust funds, bilateral initiatives,

existing U.S. programs such as USAID and technical assistance programs.

Funds can only go to eligible countries. A country, to be eligible, first must be a developing country. More importantly, it must take on its own climate change commitments, either through an international agreement to which the U.S. is a party, or by taking on what the Board certifies are sufficient binding national commitments. Additionally, every distribution of funding will require prior congressional notification.

Our bipartisan coalition, in consultation with many interested groups, worked to achieve a structure that will ensure that we have a range of options to help developing countries grow on a cleaner path, but still achieve real reductions in global greenhouse gas emissions.

The Bali Action Plan, which the U.S. agreed to last December, sets the goal of reaching a new global agreement by December 2009, when parties will meet in Copenhagen. This is an ambitious schedule, made more complicated by our election schedule here at home.

With the time so short, it is our hope that this bill will begin to address some part of the Bali Action Plan, which includes support for developing countries in addressing technology deployment, adaptation, and deforestation. Our legislation addresses just one part of that framework, but it is an important one.

It can put the developing countries on a path of clean, sustainable economic growth, protect us and our children from the economic and security threats of global climate change, and help us create the industries and jobs of the future.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 3276. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act) and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

Mr. GRASSLEY. Mr. President, the Smithsonian Institution is an important icon to many Americans. It houses treasures of our national history in its museums across the country. The Smithsonian Institution is not just a museum but also an educational institution and a research complex. It consists of 19 museums and galleries, 9 research facilities, and has 144 affiliated museums around the world. The Smithsonian manages this vast array of facilities and receives 70 percent of its funding directly from the federal government through congressional appropriations. There is no debate that the Smithsonian is an important part of our country.

However, over the last few years I have been critical of the management

of the Smithsonian Institution, beginning with story after story detailing the “Champagne lifestyle” the former Secretary of the Smithsonian enjoyed at institution expense. Through my oversight of the Smithsonian as a tax-exempt entity, and investigative reporting by the Washington Post, other egregious examples have emerged. These revelations have detailed the Smithsonian’s management failures and lax accountability over the spending of millions of institution dollars.

The former secretary spent millions of institution dollars on the redecoration of his office, housing allowances, and household expenses including chandelier cleaning and a new heater pump for his lap pool. He and his wife enjoyed first-class plane travel and top hotels.

Ultimately, Secretary Small resigned on March 26, 2007.

The deputy secretary and chief operating officer of the Smithsonian Institution, announced her resignation on June 18, 2007, after earning more than \$1.2 million in 6 years for outside duties, including highly compensated seats on corporate boards, and that she and other top executives were frequently absent from their Smithsonian duties.

An independent management report released in June 2007 concluded that Smithsonian leaders took extraordinary measures to keep secret top executives’ compensation, expense-account spending, ethical missteps, and management failures.

In August 2007, the Smithsonian replaced Gary M. Beer as chief executive of Smithsonian Business Ventures after an inspector general’s report found he had abused his institution-issued credit card and billed thousands of dollars in expenditures that were unauthorized or lacked evidence of a business purpose.

In December 2007, W. Richard West, Jr., who was the founding director of the National Museum of the American Indian, retired after disclosures that he spent extensive time away from the museum and spent more than \$250,000 in 4 years on trips to places including Paris, Venice, Singapore, and Indonesia.

In February 2008, Pilar O’Leary, the head of the Smithsonian Latino Center, resigned after an internal investigation found that she violated a variety of rules and ethics policies by abusing her expense account, trying to steer a contract to a friend and soliciting free tickets for fashion shows, concerts, and music award ceremonies. Ultimately, the Smithsonian Inspector General concluded that there were 14 violations of ethical and conflict of interest policies. The public did not learn of the reason for her resignation until April 15, 2008, when the Washington Post published a story after requesting under the Freedom of Information Act and ultimately receiving a heavily redacted copy of the Smithsonian Inspector General’s report on Ms. O’Leary.

When Ms. O’Leary’s resignation was announced to Smithsonian staff, the Smithsonian’s official e-mail did not mention ethical lapses and in fact praised her work.

Only upon the specter of public disclosure did the Smithsonian’s acting secretary say in a second e-mail to staff that O’Leary had “engaged in behavior that violated our Standards of Conduct and other Smithsonian policies between August 2005 and September 2007.”

The acting secretary at the time said such reports from the Inspector General were not always public, but Smithsonian officials determined O’Leary “held a position of such significant responsibility and public visibility that disclosure . . . was warranted.”

This raises a series of disturbing questions. What if a Post reporter had not somehow learned of the O’Leary report and formally asked the Smithsonian for a copy? Would the circumstances of Ms. O’Leary’s resignation ever have seen the light of day? Once the report was released in a redacted form, was it appropriately redacted or was it redacted beyond what is reasonable to protect the privacy of third parties? Does the Smithsonian withhold other potentially embarrassing reports? If the individual had not been the head of a Smithsonian agency, and had a lower stature, would the report ever have been disclosed in any form?

If the past is prologue, probably not. The Smithsonian points out that it is not subject to the Freedom of Information Act, FOIA.

Many people would naturally think that the Smithsonian is subject to FOIA and must comply with requests. I know that I believed it was, especially given that taxpayer funds make up 70 percent of its budget. However, because the creation of the Smithsonian was different than the creation of other Federal Government agencies, there is an open question as to what open government and good governance statutes apply to the Smithsonian. For example, the Smithsonian’s own website states, “The Smithsonian Institution is not an executive branch agency and is not required by statute to provide documents to the public.” However, the Smithsonian does state that it is guided by “internal policy, and by FOIA and other relevant law” when providing documents to the public. What this highly technical answer means is that the Smithsonian doesn’t believe it is required to respond under FOIA but it will as long as its interests are in line with the release.

The legal status of the Smithsonian is also an open question with the prevailing law finding that for purposes of the Privacy Act and FOIA, the Smithsonian is not a government “agency” subject to the requirements. Instead, the Smithsonian calls itself a “trust instrumentality of the United States.” However, the Smithsonian takes a different position when it is faced with a

lawsuit filed under the Federal Tort Claims Act and considers itself a “federal agency.” Taken together, these decisions have given the Smithsonian the best of both worlds—they are a government entity when information is sought that could embarrass them, but when they are sued, they get all the defenses of a government entity.

In light of the oversight findings and the many scandals that have raised questions about accountability and mismanagement at the Smithsonian, I’m introducing the Open and Transparent Smithsonian Act of 2008. This bill simply states that for the purposes of FOIA, the Privacy Act, and the Federal Advisory Committee Act, the Smithsonian shall be considered a Federal Government agency. This is a simple, straightforward way to bring transparency and accountability to the Smithsonian without expending additional Federal resources. This is especially important given that the Smithsonian received continual increases in congressional appropriations from fiscal years 1999–2008, now totaling \$682 million in taxpayer dollars for fiscal year 2008.

On July 1, Wayne Clough took over as only the 12th secretary in Smithsonian history. He comes at a critical juncture. Will the Smithsonian recover from a series of scandals and regain its sterling reputation? Or will it backslide into bad old habits that could lead to more scandals?

The new secretary deserves the best possible chance to succeed. One of the best tools Congress can give him is a clear, definitive statement through legislative action that the Freedom of Information Act does indeed apply to the Institution, and that the Smithsonian’s business is the people’s business.

In addition to adding the Smithsonian to FOIA and Privacy Act, section 3 of this bill includes another important transparency fix to the Privacy Act. Currently, the Privacy Act provides that disclosure of information by a government agency is limited unless an enumerated exception applies. One of the most widely used exceptions allows for the disclosure of information to “either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof.” However, the Department of Justice has interpreted this to only allow for disclosures to chairmen of committees, excluding information from ranking minority members.

In a December 2001 letter opinion, the Department of Justice concluded, “the Privacy Act prohibits the disclosure of Privacy Act-protected information to the ranking minority member.” The rationale for this decision was that longstanding executive branch practice on this question shows that “ranking minority members are not authorized to make committee requests.” This opinion clearly looks past the plain language of the statute that says that the exception applies to “either House

of Congress or to the extent of matter within its jurisdiction, any committee or subcommittee thereof." This interpretation clearly bypasses the inclusion of the word "or" and instead reads that Congress only intended it to apply to committee chairman. Conveniently, this opinion has been repeatedly used to block information requested from ranking members.

Section 3 of the bill corrects this erroneous interpretation by clearly adding in that chairman and ranking members may qualify for the exception under the Privacy Act. This provision is consistent with the intent of the Privacy Act exception and the goals of making the government more transparent and accountable under good governance statutes.

This bill is a simple, straightforward effort to make our Federal Government more accountable to the American taxpayers. Further, it will help ensure that Congress has the necessary access to documents from the executive branch so it can conduct its constitutionally required duty of oversight. I am pleased that Senator SPECTER has joined as an original cosponsor and urge my colleagues to support swift passage of this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 614—DESIGNATING THE MONTH OF AUGUST 2008 AS "NATIONAL MEDICINE ABUSE AWARENESS MONTH"

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 614

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly;

Whereas the abuse and recreational use of over-the-counter and prescription medicines can be extremely dangerous and produce serious side effects;

Whereas in a recently sampled month, 7,000,000 individuals aged 12 or older reported using prescription psychotherapeutic medicines for nonmedical purposes;

Whereas abuse of prescription medicines, including pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas recent studies indicate that 2,400,000 children, or 1 in 10 children aged 12 through 17, have intentionally abused cough medicine to get high from the ingredient dextromethorphan;

Whereas 4,500,000, or 1 in 5, young adults have used prescription medicines for nonmedical purposes;

Whereas according to research from the Partnership for a Drug-Free America, more than ⅓ of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using more traditional street drugs;

Whereas the lack of understanding by teens and parents of the potential harms of these powerful prescription drugs makes raising public awareness about the dangers of the misuse of such drugs more critical than ever;

Whereas misused prescription drugs are most often obtained through friends and relatives;

Whereas misused prescription drugs are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine abuse;

Whereas National Medicine Abuse Awareness Month promotes the messages that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and that taking over-the-counter and prescription medicines for recreational uses or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to become educated about prescription drug abuse and talk to teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the misuse of medicines;

Whereas some groups, including the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important steps by creating educational toolkits, including "A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts", which provides guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential dangers of abusing over-the-counter cough and cold medicines;

Whereas the Partnership for a Drug-Free America and community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to effectively communicate the facts about this dangerous trend with teens and to take necessary steps to safeguard prescription and over-the-counter medicines at home; and

Whereas educating the public about the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb the disturbing rise in medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2008 as "National Medicine Abuse Awareness Month"; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth about the potential dangers associated with medicine abuse.

Mr. BIDEN. Mr. President, I rise today to introduce a resolution marking August 2008 as National Medicine Abuse Awareness Month. The intentional misuse of prescription and over-the-counter drugs remains a serious problem in this country. This resolution builds on the progress we have made in raising teens' and parents' awareness of the issue, and it seeks to expand our educational efforts even further.

While recent studies indicate that overall use of illegal drugs has remained relatively stable and use among teens has declined since 2002, the misuse of so-called "legal" medications is a serious and growing problem. The figures speak for themselves: 1 in 5

teens has misused a prescription drug, and more people age 12 or older have recently started abusing prescription pain relievers than started smoking marijuana.

Abuse of over-the-counter cough and cold medicines is also alarming. While over-the-counter and prescription medicines are extremely safe and effective when used properly, the abuse and recreational use of these medicines can be lethal. A study by the Partnership for a Drug-Free America indicates that 1 in 10 young people aged 12 through 17, or 2.4 million kids, have intentionally abused cough medicine to get high off its active ingredient, Dextromethorphan, or DXM. In March, I chaired a hearing in the Judiciary Crime and Drugs Subcommittee where at Misty Fetko told the tragic story of her son Carl's overdose death from a combination of painkillers and over-the-counter cough and cold medicine. These tragedies continue and we have got to work to stop this abuse.

Educating teens and parents about the dangers of medicine abuse is an important component of solving this multifaceted problem. Too many teens think that prescription and over-the-counter medicines are safe anytime, in any dose, and even without a prescription or doctor supervision. They are gravely mistaken. Prescription drug abuse, without a valid prescription and close monitoring by a physician, can lead to dependency, overdose, and even death. Misuse of over-the-counter medicines can similarly cause harmful results.

Another reason driving this abuse is the fact that these drugs are cheap and easy to obtain. A bottle of cough syrup costs a few dollars at the local drug store and prescription drugs can often be found in unguarded medicine cabinets at home. A February 2007 report released by the office of National Drug Control Policy revealed that a shocking 47 percent of youth got their prescription drugs for free from a relative or friend. Parents are becoming their kids' drug dealers and don't even know it.

But we can turn these numbers around through robust education, awareness, and enforcement efforts—and that's just what National Medicine Abuse Awareness Month tries to accomplish by promoting the message that over-the-counter and prescription medicines must be taken only as labeled or prescribed, and that when used recreationally or in large doses they can have serious and life-threatening consequences. The resolution will help remind parents that access to drugs that are abused doesn't just happen in alleys and on the streets, but can often occur right in their medicine cabinets at home.

A number of groups have proactively worked to curb this abuse and I hope this resolution pushes their efforts even further. For example, the Consumer Health Care Products Association and the Community Anti-Drug Coalition of America have teamed up to

create educational toolkits, such as “A Dose of Prevention: Stopping Cough Medicine Abuse Before It Starts,” which include guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential harms of over-the-counter drug abuse. In addition, the Partnership for Drug-Free America and its community alliance and affiliate partners are undertaking a nationwide prevention campaign that uses research-based educational advertisements, public relations, news media and the Internet to inform parents about the prevalence of intentional abuse of medicines among teens. These campaigns empower parents to effectively communicate the facts of this dangerous trend to their children and to take necessary steps to safely store prescription and over-the-counter medicines in their homes.

I have long advocated robust prevention efforts as a key component to getting a handle on any substance abuse problem. As is the case with other substance abuse issues, prevention is just as important here and educating parents and teens about the realities of medicine abuse is critical. I hope this resolution encourages communities, companies, prevention organizations, parents and others to raise awareness about these dangers, talk to our kids, and keep advancing our efforts to prevent all types of substance abuse in this country.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5084. Mr. DORGAN (for himself, Mr. THUNE, Mr. JOHNSON, Mr. KYL, Mr. BINGAMAN, Ms. MURKOWSKI, and Mrs. CLINTON) proposed an amendment to amendment SA 5076 proposed by Mr. THUNE (for himself, Mr. KYL, Mr. JOHNSON, Mr. TESTER, and Mr. DOMENICI) to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

SA 5085. Mr. BIDEN (for Mr. GREGG) proposed an amendment to the bill S. 2731, *supra*.

SA 5086. Mr. BIDEN (for Mr. VITTER) proposed an amendment to the bill S. 2731, *supra*.

SA 5087. Mr. BIDEN (for Mr. SESSIONS) proposed an amendment to the bill S. 2731, *supra*.

TEXT OF AMENDMENTS

SA 5084. Mr. DORGAN (for himself, Mr. THUNE, Mr. JOHNSON, Mr. KYL, Mr. BINGAMAN, Ms. MURKOWSKI, and Mrs. CLINTON) proposed an amendment to amendment SA 5076 proposed by Mr. THUNE (for himself, Mr. KYL, Mr. JOHNSON, Mr. TESTER, and Mr. DOMENICI) to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 4, line 8, strike “and water” and insert “, water, and health care”.

On page 4, line 12, strike “25 percent” and insert “18.5 percent”.

On page 4, line 15, strike “2.5 percent” and insert “1.5 percent”.

On page 4, line 21, strike “1 percent” and insert “0.5 percent”.

On page 5, line 12, strike “20 percent” and insert “15.5 percent”.

On page 5, line 20, strike “45 percent” and insert “50 percent”.

On page 6, strike lines 7 through 17 and insert the following:

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 12.5 percent to provide, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)—

(A) contract health services;

(B) construction, rehabilitation, and replacement of Indian health facilities; and

(C) domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

SA 5085. Mr. BIDEN (for Mr. GREGG) proposed an amendment to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 77, line 2, strike “and”

On page 77, line 5, strike “.” and insert a semicolon.

On page 77, between lines 5 and 6, insert the following:

“(C) the inclusion of cost sharing assurances that meet the requirements under section 110; and

“(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 88, line 22, strike “.” and insert the following: “, including—

“(A) cost sharing assurances that meet the requirements under section 110; and

“(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 94, after line 25, add the following: “(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

“(i) cost sharing assurances that meet the requirements under section 110; and

“(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, and budget support by respective foreign governments.

SA 5086. Mr. BIDEN (for Mr. VITTER) proposed an amendment to the bill S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 60, strike line 2.

On page 60, line 12, strike the period at the end and insert the following: “; and

(K) has established procedures providing access by the Office of Inspector General of

the Department of State and Broadcasting Board of Governors, as cognizant Inspector General, and the Inspector General of the Health and Human Services and the Inspector General of the United States Agency for International Development, to Global Fund financial data, and other information relevant to United States contributions (as determined by the Inspector General in consultation with the Global AIDS Coordinator).

SA 5087. Mr. BIDEN (for Mr. SESSIONS) proposed an amendment to the bill S. 2731, to authorize appropriations for fiscal year’s 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 20, line 13, strike “and” and all that follows through “(C)” on line 14, and insert the following:

“(C) promoting universal precautions in formal and informal health care settings;

“(D) educating the public to recognize and to avoid risks to contract HIV through blood exposures during formal and informal health care and cosmetic services;

“(E) investigating suspected nosocomial infections to identify and stop further nosocomial transmission; and

“(F)

On page 28, line 13, insert “public education about risks to acquire HIV infection from blood exposures, promotion of universal precautions, investigation of suspected nosocomial infections” after “safe blood supply.”

On page 102, line 21, strike “and” and all that follows through “(xii)” on line 22, and insert the following:

“(xii) building capacity to identify, investigate, and stop nosocomial transmission of infectious diseases, including HIV and tuberculosis; and

“(xiii)”

On page 132, between lines 12 and 13, insert “public education about risks to acquire HIV infection from blood exposures, promoting universal precautions, investigating suspected nosocomial infections.”

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, July 23, 2008, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the status of existing Federal programs targeted at reducing gasoline demand in the near term and to discuss additional proposals for near term gasoline demand reductions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to RosemarieCalabro@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224-5360 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 2:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Childhood Obesity: The Declining Health of America's Next Generation—Part I" on Wednesday, July 16, 2008. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 10 a.m. to conduct a hearing entitled "The Global Nuclear Detection Architecture: Are We Building Domestic Defenses That Will Make the Nation Safer From Nuclear Terrorism?"

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 2:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "How the Administration's Failed Detainee Policies Have Hurt the Fight Against Terrorism: Putting the Fight Against Terrorism on Sound Legal Foundations" on Wednesday, July 16, 2008, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 10 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. BIDEN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, July 16, 2008 from 10:30 am–12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, July 16, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Nuclear Regulatory Commission's Licensing and Relicensing Processes for Nuclear Plants."

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, July 16, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 2 p.m. to conduct a hearing entitled, "A Domestic Crisis with Global Implications: Reviewing the Human Capital Crisis at the State Department."

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

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Jeffrey Phan, a fellow in my office, be permitted floor privileges today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that two law clerks from my staff—Rob Abraham and Ysmael Fonseca—and Jordan LaClair, an intern in my office, be granted floor privileges for the remainder of this work period.

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

HONORING THURGOOD MARSHALL

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 381, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 381) honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEAHY. Madam President, this month marks the 100th anniversary of the birth of Justice Thurgood Marshall, a legal giant who left an enduring imprint on the Nation. As an advocate, he challenged his country to live up to its promises of equal justice for all citizens. As a jurist, he served as our collective conscience and articulated our deepest convictions. Today we pay tribute to this American hero, and we recognize that our democracy is stronger because he lived.

Justice Marshall was the great grandson of a slave. He attended segregated schools in Baltimore. From these humble origins, he rose to become the first African American to be Solicitor General of the United States, to sit on the Second Circuit Court of Appeals, and to serve on the highest court in the land.

Justice Marshall, however, was more than a legal pioneer. He worked tirelessly to realize his vision of civil rights lawyers acting as social engineers who would change America for the better. He endured countless hardships and risked his life traveling through the South seeking to secure civil rights. Justice Marshall did so because of his abiding faith that racial injustice was incompatible with our highest ideals. He believed America could be more inclusive and our democracy more expansive than the Founders ever imagined.

Because of his audacious work and his indomitable spirit, our children and grandchildren are able to learn and live together. Minority candidates can—and have—run for public office, and we are part of living history as Senator BARACK OBAMA continues his campaign to become this country's first African-American President. The poor and the powerless cannot be compelled to confess to a crime while under duress. And all Americans enjoy strengthened privacy and first amendment protections. These are some of the many achievements of Justice Marshall.

Despite his enormous contributions, Justice Marshall's work to secure basic rights for all remains unfulfilled. Today, racial bias persists and human rights violations continue to challenge our commitment to equal justice. Equally disturbing, the current Supreme Court has begun closing the courthouse doors to those Americans

most in need of the Court's protection and rolling back decades of progress on civil rights.

I recall a 1992 Independence Day speech by Justice Marshall where he eloquently reminded us that guarding our precious rights requires constant vigilance. He said: "Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate."

As we honor this great man today, let our tribute be a renewed commitment to ensuring that our Federal courts are comprised of men and women who share Justice Marshall's commitment to protecting our fundamental freedoms and securing equal justice for all.

Mr. SALAZAR. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 381) was agreed to.

The preamble was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Section 154 of Public Law 108-199, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 110th Congress: The Honorable JUDD GREGG of New Hampshire.

Mr. SALAZAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDERS FOR THURSDAY, JULY 17, 2008

Mr. SALAZAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Thursday, July 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the

time for the two leaders be reserved for their use later in the day, and the majority leader be recognized for a motion to proceed; following the majority leader's motion, the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

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

PROGRAM

Mr. SALAZAR. Madam President, following the prayer and the pledge, it is the majority leader's intention to move to proceed to the consideration of S. 3268, the speculation bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SALAZAR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Thursday, July 17, 2008, at 10 a.m.