

Sali	Smith (TX)	Walsh (NY)
Saxton	Stearns	Weldon (FL)
Scalise	Sullivan	Weller
Schmidt	Terry	Westmoreland
Sessions	Thornberry	Wilson (NM)
Shadegg	Tiahrt	Wilson (SC)
Shimkus	Turner	Wittman (VA)
Shuster	Upton	Wolf
Simpson	Walberg	Young (AK)
Smith (NE)	Walden (OR)	Young (FL)

## NOT VOTING—10

Bishop (UT)	Cubin	LaHood
Boswell	Hinojosa	Ortiz
Brown-Waite,	Hulshof	Rush
Ginny	Jones (OH)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1444

Messrs. SHUSTER, SAXTON and DAVIS of Virginia changed their vote from “yea” to “nay.”

Mr. WHITFIELD of Kentucky and Ms. CORRINE BROWN of Florida changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. JONES of Ohio. Mr. Speaker, on roll-call No. 527, I inadvertently missed this vote. I was delayed getting to the floor. Had I been present, I would have voted “yea.”

## NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1344 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3999.

□ 1444

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes, with Mrs. CHRISTENSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 23, 2008, amendment No. 11 printed in part B of House Report 110-760 by the gentleman from Minnesota (Mr. OBERSTAR) had been disposed of.

## AMENDMENT NO. 10 OFFERED BY MR. CHILDERS

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHILDERS:

At the end of section 5, add the following:

(d) COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.—None of the funds appropriated pursuant to subsection (a) may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, answered “present” 6, not voting 16, as follows:

[Roll No. 528]

## AYES—416

Abercrombie	Chandler	Gallegly
Ackerman	Childers	Garrett (NJ)
Aderholt	Christensen	Gerlach
Akin	Clay	Giffords
Alexander	Cleaver	Gilchrest
Allen	Clyburn	Gillibrand
Altmire	Coble	Gingrey
Andrews	Cohen	Gohmert
Arcuri	Cole (OK)	Gonzalez
Baca	Conaway	Goode
Bachmann	Conyers	Goodlatte
Bachus	Cooper	Gordon
Baird	Costa	Granger
Baldwin	Costello	Graves
Barrett (SC)	Courtney	Green, Al
Barrow	Cramer	Green, Gene
Bartlett (MD)	Crenshaw	Gutierrez
Barton (TX)	Crowley	Hall (NY)
Bean	Cuellar	Hall (TX)
Becerra	Culberson	Hare
Berkley	Cummings	Harman
Berman	Davis (AL)	Hastings (FL)
Berry	Davis (CA)	Hastings (WA)
Biggert	Davis (IL)	Hayes
Bilbray	Davis (KY)	Heller
Bilirakis	Davis, David	Hensarling
Bishop (GA)	Davis, Lincoln	Herger
Bishop (NY)	Davis, Tom	Herseth Sandlin
Blackburn	Deal (GA)	Higgins
Blumenauer	DeFazio	Hill
Blunt	DeGette	Hinchey
Boehner	Delahunt	Hirono
Bonner	Dent	Hobson
Bono Mack	Diaz-Balart, L.	Hodes
Boozman	Diaz-Balart, M.	Hoekstra
Bordallo	Dicks	Holden
Boren	Dingell	Holt
Boucher	Doggett	Hoolley
Boustany	Donnelly	Hoyer
Boyd (FL)	Doolittle	Hunter
Boyd (KS)	Doyle	Inglis (SC)
Brady (PA)	Drake	Inslee
Brady (TX)	Dreier	Israel
Braley (IA)	Duncan	Issa
Brown (GA)	Edwards (TX)	Jackson (IL)
Brown (SC)	Ehlers	Jackson-Lee
Brown, Corrine	Ellsworth	(TX)
Buchanan	Emanuel	Jefferson
Burgess	Emerson	Johnson (GA)
Burton (IN)	Engel	Johnson (IL)
Butterfield	English (PA)	Johnson, E. B.
Buyer	Eshoo	Jones (NC)
Calvert	Etheridge	Jones (OH)
Camp (MI)	Everett	Jordan
Campbell (CA)	Fallin	Kagen
Cannon	Farr	Kanjorski
Cantor	Fattah	Kaptur
Capito	Feeney	Keller
Capps	Ferguson	Kennedy
Capuano	Filner	Kildee
Cardoza	Flake	Kilpatrick
Carnahan	Forbes	Kind
Carney	Fortenberry	King (IA)
Carson	Fossella	King (NY)
Carter	Foster	Kingston
Castle	Fox	Kirk
Castor	Frank (MA)	Klein (FL)
Cazayoux	Franks (AZ)	Kline (MN)
Chabot	Frelinghuysen	Knollenberg

Kucinich	Napolitano	Shadegg
Kuhl (NY)	Neal (MA)	Shays
Lamborn	Neugebauer	Shea-Porter
Lampson	Norton	Sherman
Langevin	Nunes	Shimkus
Larsen (WA)	Oberstar	Shuler
Larson (CT)	Obey	Shuster
Latham	Oliver	Simpson
LaTourette	Pallone	Sires
Latta	Pascrell	Skelton
Lee	Pastor	Smith (NE)
Levin	Paul	Smith (NJ)
Lewis (CA)	Payne	Smith (TX)
Lewis (GA)	Pearce	Smith (WA)
Lewis (KY)	Pence	Snyder
Linder	Perlmutter	Solis
Lipinski	Peterson (MN)	Souder
LoBiondo	Peterson (PA)	Space
Loeback	Petri	Speier
Lofgren, Zoe	Pickering	Spratt
Lowey	Pitts	Stark
Lucas	Platts	Stearns
Lungren, Daniel	Poe	Stupak
E.	Pomeroy	Sullivan
Lynch	Porter	Tancred
Mack	Price (GA)	Tanner
Mahoney (FL)	Price (NC)	Tauscher
Maloney (NY)	Pryce (OH)	Taylor
Manzullo	Putnam	Terry
Marchant	Radanovich	Thompson (CA)
Markey	Rahall	Thompson (MS)
Marshall	Ramstad	Thornberry
Matheson	Rangel	Tiahrt
Matsui	Regula	Tiberi
McCarthy (CA)	Rehberg	Tierney
McCarthy (NY)	Reichert	Tsongas
McCaul (TX)	Renzi	Turner
McCollum (MN)	Reyes	Udall (CO)
McCotter	Reynolds	Udall (NM)
McCrery	Richardson	Upton
McDermott	Rodriguez	Van Hollen
McGovern	Rogers (AL)	Velázquez
McHenry	Rogers (KY)	Visclosky
McHugh	Rogers (MI)	Walberg
McIntyre	Rohrabacher	Walsh (OR)
McKeon	Ros-Lehtinen	Walsh (NY)
McMorris	Roskam	Walz (MN)
Rodgers	Ross	Wamp
McNerney	Rothman	Wasserman
McNulty	Roybal-Allard	Watt
Meek (FL)	Royce	Watson
Meeks (NY)	Ruppersberger	Weiner
Melancon	Ryan (OH)	Welch (VT)
Mica	Ryan (WI)	Weldon (FL)
Michaud	Salazar	Weller
Miller (FL)	Sali	Westmoreland
Miller (MI)	Sánchez, Linda	Wexler
Miller (NC)	T.	Whitfield (KY)
Miller, Gary	Sanchez, Loretta	Wilson (NM)
Miller, George	Sarbanes	Wilson (OH)
Mitchell	Saxton	Wilson (SC)
Mollohan	Scalise	Wittman (VA)
Moore (KS)	Schakowsky	Wolf
Moran (KS)	Schiff	Woolsey
Moran (VA)	Schmidt	Wu
Murphy (CT)	Schwartz	Yarmuth
Murphy, Patrick	Scott (GA)	Young (FL)
Murphy, Tim	Scott (VA)	
Murtha	Sensenbrenner	
Musgrave	Serrano	
Myrick	Sessions	
Nadler	Sestak	

## NOES—1

Moore (WI)

## ANSWERED “PRESENT”—6

Clarke	Ellison	Honda
Edwards (MD)	Grijalva	Towns

## NOT VOTING—16

Bishop (UT)	Faleomavaega	Ortiz
Boswell	Fortuño	Rush
Brown-Waite,	Hinojosa	Slaughter
Ginny	Hulshof	Sutton
Cubin	Johnson, Sam	Young (AK)
DeLauro	LaHood	

□ 1503

Mr. CRENSHAW changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Madam Chairman, on rollcall No. 528, had I been present I would have voted "aye."

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCHIFF) having assumed the chair, Mrs. CHRISTENSEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes, pursuant to House Resolution 1344, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. POE

Mr. POE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. POE. In its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Poe moves to recommit the bill H.R. 3999 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendment:

**SEC. 7. REMOVAL OF CERTAIN STRUCTURALLY DEFICIENT BRIDGES ON FEDERAL-AID HIGHWAYS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, a structurally deficient bridge on a Federal-aid highway with a Federal Highway Administration bridge sufficiency rating of 5 or less that has also been designated as an unreasonable obstruction to navigation under section 4 of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (33 U.S.C. 494; popularly known as the "General Bridge Act of 1906") shall be removed once a new bridge or other facility is opened that will carry the vehicular traffic that was once carried by the structurally deficient bridge.

(b) PENALTIES.—Notwithstanding any other provision of law, upon issuance of an appropriate order by the Secretary of Transportation, the owner or operator of a structurally deficient bridge that has not been re-

moved in violation of subsection (a) shall be subject to penalties under section 5(b) of the Act referred to in subsection (a) (33 U.S.C. 495(b)).

(c) STRUCTURALLY DEFICIENT BRIDGE DEFINED.—In this section, the term "structurally deficient bridge" means a bridge that has—

(1) significant load-carrying elements that are in poor or worse condition due to deterioration or damage, or both;

(2) a load capacity that is significantly below current truckloads and that requires replacement; or

(3) a waterway opening causing frequent flooding of the bridge deck and approaches resulting in significant traffic interruptions.

Mr. POE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MCGOVERN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I want to thank first of all the chairman of the committee for his work on this bill and his vast knowledge of transportation issues, not just with bridges but every other issue regarding transportation and how he is able to give us that history lesson every time the committee meets, either in English or Spanish. He can do both of those.

Today there is a reasonably good system in place for removing old bridges when they need to be replaced with new bridges, but it is in the circumventing of that system that causes problems. Old bridges that have been replaced, if not removed, could cause nationwide problems for shipbuilders, ship operators, port authorities, terminal operators and even barge operators.

Under current law, bridges have to come down or be repaired when they pose an unreasonable obstruction to navigation. This is carried out through bridge permit requirements, providing that an old bridge must be torn down when the new bridge is built and the old bridge no longer serves a transportation function.

One example of where this process is not followed is the Brightman Street Bridge case. This bridge is 101 years old. New construction started 10 years ago, but yet the new bridge has still not been built, and now there are plans to keep the old bridge in place even after the new bridge is constructed.

There has been a constant increase in the size of ships on our waterways throughout history. This makes bridges built in the past an obstruction and danger to navigation. For instance, the width between the bridge and the pier on the new Brightman Street bridge are much longer than on the current bridge. And unless old bridges like this are removed, they will still be navigation problems upriver.

We need to understand that some of the worst, most severely deteriorated

bridges in the country are not only hazardous to vehicular traffic and people traveling on top of the bridge, but also to maritime and perhaps rail traffic that are below them. There are bridges deemed by the Coast Guard to be navigational hazards, and when States build a replacement bridge, the hazards ought to be removed.

There are roughly 60 bridges with a sufficiency rating of 5 or less, or what I call 95 percent deficient that are over navigable waters according to 2007 numbers.

The purpose of this motion to recommit is to be proactive, Mr. Speaker, and strengthen current policy that when a permit is issued to build a new bridge it also includes a provision or requirement for removal of the old bridge. If an exception to this rule is allowed to continue, it could lead to similar bridges being kept nationwide for limited transportation purposes. But the sole purpose of using these old bridges is to really block upstream development, specifically blocking energy development upstream that has already been approved.

Keeping an old bridge when a replacement has been constructed has less to do with the condition of the bridge and more to do with the existence of an unnecessary barrier to navigation. This makes the dangers of an old bridge worse for the maritime industry.

At this time, Mr. Speaker, I yield to the gentleman from New Mexico.

(Mr. PEARCE asked and was given permission to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Texas for bringing this important subject up. It is indeed ironic that we are considering today a bridge safety bill and the very stimulus of the bill was a bridge that was approximately 40 years old, and now then we have this motion to recommit that directs attention to this bridge which is over 100 years old.

The Massachusetts Highway Department recognized five significant problems with this particular bridge, the one that is in question under this motion to recommit; first of all, that it was structurally deficient; secondly, that the narrow horizontal clearance of the draw span opening is only 98 feet; thirdly, that the location of the channel opening on its side rather than the center; and then fourth, the vertical clearance through the draw span is only 27 feet above the mean water level; and fifth, there are of course traffic congestion problems at the Route 6, 138 and 103 intersection in Somerset.

The provision that was put in to keep this bridge in place was placed in the bill in order to allow emergency traffic and pedestrian traffic. Now, the emergency traffic, the large vehicles, the fire trucks, have already been prohibited from going across this because it's unsafe, and though still we're going to

keep the bridge here, and we have to understand that with the prices of energy today, that this block has very little to do with the bridge itself but instead is to do with the fact that our energy policies have been hijacked by a small group of extremists who refuse, at any point, to have more energy brought into this country, either by our own resources or by external resources. And that is the end result of what is going on with this bridge.

So the motion to recommit simply says that the bridges that are unsafe as measured by a distinct standard that is available, would be actually torn down. The U.S. Coast Guard said that we need to tear the bridge down. The Massachusetts Highway Department said it's unsafe and would not like to use it. It's going to cost the taxpayers \$1.5 million to keep it open.

Let's pass this motion to recommit. Let's do the right thing and get more energy into this country.

□ 1515

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. I first want to address the underlying bill. There is a great deal of misinformation coming from some State Departments of Transportation. Curiously, those who have done the most transferring money out of their bridge account for other purposes, then come back and complain that they don't have enough money to repair deficient bridges.

The language in this legislation, by determination of the Congressional Budget Office, is not a mandate. There is no intergovernmental or private sector mandates, as defined in the Unfunded Mandates Reform Act, first.

Secondly, the bill requires States to inspect structurally deficient bridges and fractured critical bridges annually. And to do that work, they can use money out of their bridge account to pay for bridge inspectors and to undertake the inspections. There is no limitation. The only limitation is if you have a structurally fractured critical bridge in your bridge inventory, fix it first before you transfer money for some other purpose.

Now this pending motion to recommit was rejected in our committee when we initially considered it in another piece of legislation. It is really special interest legislation because the company that would operate the LNG facility would be a principal beneficiary.

To explain the specifics of that intricacy, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

With respect to the gentlemen from Texas and New Mexico, they don't know what they are talking about. I

mean, this is ridiculous. We are talking about a bridge in Fall River, Massachusetts. This is a bridge that is owned by the Commonwealth of Massachusetts. It is not owned by the Federal Government; it is owned by the Commonwealth of Massachusetts. The Commonwealth of Massachusetts and the city of Fall River and the people of that community have decided that they want to preserve this bridge. Why, one of the reasons why is for an evacuation route. And another reason why is they want to turn it into a biking path and a walking path to help revitalize the waterfront in Fall River and Somerset.

The community is almost unanimous in their support for this effort. There is no controversy in Fall River. There is no controversy in Massachusetts about this.

And as far as the debate about LNG, this is the least of the problems for a potential LNG facility in the middle of Fall River. The Coast Guard has said it is an unacceptable risk. The U.S. Navy has said it is a mistake. The Secretary of Commerce has said it is a bad idea. This has nothing to do with LNG. This has everything to do with whether or not we are going to allow some people on that side of the aisle to attack the hardworking families of Fall River who last week they verbally assaulted because they said they were not entitled to any kind of environmental benefit. This week they want to take away a bridge that the Commonwealth of Massachusetts owns that the people of Fall River want to protect.

Massachusetts, by the way, in terms of LNG, is doing more than almost every other State in this country. We have two up and running and another being licensed. So this has nothing to do with energy. This has nothing to do with LNG. This has everything to do with whether or not the people of Fall River, the hardworking people of Fall River, deserve to determine what to do with a little measly bridge that they want to preserve to help revitalize their waterfront.

So enough of this nonsense; vote down this motion.

Mr. OBERSTAR. I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. You have heard about the merits; let me talk about the personal politics.

I just ran over here from a hearing that I called at the request of the Republicans on the Financial Services Committee because I was trying to accommodate them.

To have this brought up attacking our district as an ambush with no notice, with no discussion when we are trying to do business, when I spent all week trying to work with this administration, and I know all the people on that side didn't like it. I am about to go to conference on the flood insurance bill, and a number of Members on both sides of the aisle have come to me and said we have this issue and that issue. I have promised to give every consideration.

To have this kind of a political attack on an important issue to our district with no notice in the midst of our trying to conduct other business is not worthy of the traditions of this House. And I would be glad to discuss this at other times.

But I would just advise that if this is the precedent that we are setting, that we no longer decide that a Member knows best what is in his or her district, I will be glad to learn that today.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

#### RECORDED VOTE

Mr. POE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 151, noes 268, answered “present” 5, not voting 10, as follows:

[Roll No. 529]

#### AYES—151

Akin	Fortenberry	Pearce
Alexander	Fox	Pence
Bachmann	Franks (AZ)	Peterson (PA)
Bachus	Gallely	Petri
Barrett (SC)	Garrett (NJ)	Pitts
Bartlett (MD)	Gingrey	Poe
Barton (TX)	Gohmert	Price (GA)
Bilbray	Goode	Putnam
Bilirakis	Goodlatte	Radanovich
Blackburn	Granger	Regula
Blunt	Graves	Rehberg
Boehner	Hall (TX)	Reichert
Bono Mack	Hastings (WA)	Renzi
Boozman	Hayes	Reynolds
Boustany	Hensarling	Rogers (KY)
Brady (TX)	Herger	Rogers (MI)
Broun (GA)	Hoekstra	Roskam
Brown (SC)	Hunter	Royce
Buchanan	Inglis (SC)	Ryan (WI)
Burgess	Issa	Sali
Burton (IN)	Johnson (IL)	Saxton
Buyer	Johnson, Sam	Scalise
Calvert	Jordan	Schmidt
Camp (MI)	Keller	Sensenbrenner
Campbell (CA)	King (IA)	Sessions
Cantor	Kingston	Shadegg
Capito	Kline (MN)	Shimkus
Carter	Knollenberg	Shuster
Castle	Kuhl (NY)	Smith (NE)
Chabot	Lamborn	Souder
Coble	Latham	Stearns
Cole (OK)	Latta	Sullivan
Conaway	Lewis (CA)	Tancredo
Crenshaw	Lewis (KY)	Terry
Culberson	Linder	Thornberry
Davis (KY)	Lucas	Tiahrt
Davis, David	Mack	Tiberi
Deal (GA)	Marchant	Turner
Dent	McCaul (TX)	Upton
Diaz-Balart, L.	McCrery	Walberg
Diaz-Balart, M.	McHenry	Walden (OR)
Doolittle	McHugh	Walsh (NY)
Drake	McKeon	Wamp
Dreier	McMorris	Weldon (FL)
Duncan	Rodgers	Westmoreland
Ehlers	Mica	Wilson (NM)
English (PA)	Miller (FL)	Wilson (SC)
Fallin	Miller (MI)	Wolf
Feeney	Musgrave	Young (AK)
Flake	Myrick	Young (FL)
Forbes	Neugebauer	

## NOES—268

Abercrombie Gutierrez Nunes Bishop (UT) Cannon LaHood  
Ackerman Hall (NY) Oberstar Boswell Cubin Ortiz  
Allen Hare Obey Brown-Waite, Hinojosa Rush  
Altmire Harman Oliver  
Andrews Hastings (FL) Pallone  
Arcuri Heller Pascarell  
Baca Hereth Sandlin Pastor  
Baird Higgins Paul  
Baldwin Hill Payne  
Barrow Hinchey Perlmutter  
Bean Hirono Peterson (MN)  
Becerra Hobson Pickering  
Berkley Hodes Platts  
Berman Holden Pomeroy  
Berry Holt Porter  
Biggert Honda Price (NC)  
Bishop (GA) Hooley Pryce (OH)  
Bishop (NY) Hoyer Rahall  
Blumenauer Inslee Ramstad  
Boren Israel Rangel  
Boucher Jackson (IL) Reyes  
Boyd (FL) Jackson-Lee Richardson  
Boyda (KS) (TX) Rodriguez  
Brady (PA) Jefferson Rohrabacher  
Braley (IA) Johnson (GA) Ros-Lehtinen  
Brown, Corrine Johnson, E. B. Ross  
Butterfield Jones (NC) Rothman  
Capps Jones (OH) Roybal-Allard  
Capuano Kagen Ruppertsberger  
Cardoza Kanjorski Ryan (OH)  
Carnahan Kaptur Salazar  
Carney Kennedy Sánchez, Linda  
Carson Kildee T.  
Castor Kilpatrick Sanchez, Loretta  
Cazayoux Kind Sarbanes  
Chandler King (NY) Schakowsky  
Childers Kirk Schiff  
Clarke Klein (FL) Schwartz  
Clay Kucinich Scott (GA)  
Cleaver Lampson Scott (VA)  
Clyburn Langevin Serrano  
Cohen Larsen (WA) Sestak  
Conyers Larson (CT) Shays  
Cooper LaTourette Shea-Porter  
Costa Lee Sherman  
Costello Levin Shuler  
Courtney Lewis (GA) Simpson  
Cramer Lipinski Sires  
Crowley LoBiondo Skelton  
Cueellar Loeb sack Slaughter  
Cummins Lofgren, Zoe Smith (NJ)  
Davis (AL) Lowey Smith (TX)  
Davis (CA) Lungren, Daniel Smith (WA)  
Davis (IL) E. Snyder  
Davis, Lincoln Lynch Solis  
Davis, Tom Mahoney (FL) Space  
DeFazio Maloney (NY) Speier  
DeGette Manzullo Spratt  
Delahunt Markey Stark  
DeLauro Marshall Stupak  
Dicks Matheson Sutton  
Dingell Matsui Tanner  
Doggett McCarthy (CA) Tauscher  
Donnelly McCarthy (NY) Taylor  
Doyle McCollum (MN) Thompson (CA)  
Edwards (MD) McCotter Thompson (MS)  
Edwards (TX) McDermott Tierney  
Ellison McGovern Towns  
Ellsworth McIntyre Tsongas  
Emanuel McNetney Udall (CO)  
Emerson McNulty Udall (NM)  
Engel Meek (FL) Van Hollen  
Eshoo Meeks (NY) Velázquez  
Etheridge Melancon Vislosky  
Farr Michaud Walz (MN)  
Fattah Miller (NC) Wasserman  
Ferguson Miller, Gary Schultz  
Filner Mitchell Waters  
Fossella Mollohan Watson  
Foster Moore (KS) Watt  
Frank (MA) Moore (WI) Waxman  
Frelinghuysen Moran (KS) Weiner  
Gerlach Moran (VA) Welch (VT)  
Giffords Murphy (CT) Wexler  
Gilchrist Murphy, Patrick Whitfield (KY)  
Gillibrand Murphy, Tim Wilson (OH)  
Gonzalez Murtha Wittman (VA)  
Gordon Nadler Woolsey  
Green, Al Naplitano Wu  
Green, Gene Neal (MA) Yarmuth  
Grijalva

## ANSWERED "PRESENT"—5

Aderholt Everett Weller  
Bonner Rogers (AL)

## NOT VOTING—10

Bishop (UT) Cannon LaHood  
Boswell Cubin Ortiz  
Brown-Waite, Hinojosa Rush  
Ginny Hulshof

MOMENT OF SILENCE OBSERVED IN MEMORY OF  
OFFICER JACOB J. CHESTNUT AND DETECTIVE  
JOHN M. GIBSON

The SPEAKER pro tempore (Mr. ELLSWORTH) (during the vote). Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all present please rise for a moment of silence.

□ 1542

Messrs. PASTOR, RAMSTAD, Mrs. GILLIBRAND, Mrs. CAPPS, Messrs. FERGUSON, KING of New York, MANZULLO and RANGEL changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SCHIFF). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 55, not voting 12, as follows:

[Roll No. 530]

## YEAS—367

Abercrombie Butterfield DeGette  
Ackerman Buyer Delahunt  
Akin Calvert DeLauro  
Alexander Camp (MI) Dent  
Allen Cantor Diaz-Balart, L.  
Altmire Capito Diaz-Balart, M.  
Arcuri Capps Dicks  
Baca Capuano Dingell  
Bachmann Cardoza Doggett  
Bachus Carnahan Donnelly  
Baird Carney Doyle  
Baldwin Carson Drake  
Barrett (SC) Carter Dreier  
Barrow Castle Duncan  
Bartlett (MD) Castor Edwards (MD)  
Barton (TX) Cazayoux Edwards (TX)  
Bean Chabot Ehlers  
Becerra Chandler Ellison  
Berkley Childers Ellsworth  
Berry Clarke Emanuel  
Berman Clay Emerson  
Biggert Cleaver Engel  
Bilirakis Clyburn English (PA)  
Bishop (GA) Cohen Eshoo  
Cole (OK) Etheridge  
Bishop (NY) Conaway Fallin  
Blackburn Conyers Farr  
Blumenauer Cooper Fattah  
Blunt Costa Ferguson  
Bono Mack Costello Filner  
Boozman Courtney Forbes  
Boren Cramer Fortenberry  
Boucher Crowley Fossella  
Boustany Cueellar Foster  
Boyd (FL) Cummings Frank (MA)  
Boyda (KS) Davis (AL) Frelinghuysen  
Brady (PA) Davis (CA) Gallegly  
Brady (TX) Davis (IL) Gerlach  
Braley (IA) Davis (KY) Giffords  
Brown, Corrine Davis, David Gilchrist  
Buchanan Davis, Lincoln Gillibrand  
Burgess Davis, Tom Gohmert  
Burton (IN) DeFazio Gonzalez

Goode Marshall Sánchez, Linda  
Goodlatte Marshall T.  
Gordon Matheson Sanchez, Loretta  
Granger Matsui Sarbanes  
Graves McCarthy (CA) Saxton  
Green, Al McCarthy (NY) Scalise  
Green, Gene McCaul (TX) Schakowsky  
Grijalva McCollum (MN) Schiff  
Gutierrez McCotter Schmidt  
Hall (NY) McCrery Schwartz  
Hall (TX) McDermott Scott (GA)  
Hare McGovern Scott (VA)  
Harman McHugh Serrano  
Hastings (FL) McIntyre Sestak  
Hastings (WA) McKeon Shays  
Hayes McMorris Shea-Porter  
Herger Rodgers Sherman  
Hereth Sandlin McNetney Shimkus  
Higgins McNulty Shuler  
Hill Meek (FL) Shuster  
Hinchey Meeks (NY) Simpson  
Hirono Melancon Sires  
Hobson Michaud Skelton  
Hodes Miller (MI) Slaughter  
Holden Miller (NC) Smith (NJ)  
Holt Miller, Gary Smith (TX)  
Honda Miller, George Smith (WA)  
Hooley Mitchell Snyder  
Hunter Mollohan Solis  
Inglis (SC) Moore (KS) Souder  
Inslee Moore (WI) Space  
Israel Moran (VA) Speier  
Issa Murphy (CT) Spratt  
Jackson (IL) Murphy, Patrick Stark  
Jackson-Lee Murphy, Tim Stupak  
(TX) Murtha Sullivan  
Jefferson Musgrave Sutton  
Johnson (GA) Myrick Tanner  
Johnson (IL) Nadler Tauscher  
Johnson, E. B. Napolitano Taylor  
Jones (NC) Neal (MA) Terry  
Jones (OH) Nunes Thompson (CA)  
Kagen Oberstar Thompson (MS)  
Kanjorski Obey Tiberi  
Kaptur Oliver Tierney  
Keller Pallone Towns  
Kennedy Pascarell Tsongas  
Kildee Pastor Turner  
Kilpatrick Payne Udall (CO)  
Kind Pearce Udall (NM)  
King (NY) Perlmutter Upton  
Kirk Peterson (MN) Van Hollen  
Klein (FL) Velázquez  
Kline (MN) Peterson (PA)  
Knollenberg Petri Visclosky  
Kucinich Pitts Walberg  
Kuhl (NY) Platts Walden (OR)  
Lampson Pomeroy Walsh (NY)  
Langevin Porter Walz (MN)  
Larsen (WA) Price (NC) Wamp  
Larson (CT) Pryce (OH) Wasserman  
Latham Radanovich Schultz  
LaTourette Rahall Waters  
Lee Ramstad Watson  
Levin Rangel Watt  
Lewis (CA) Regula Waxman  
Lewis (GA) Rehberg Weiner  
Lewis (KY) Reichert Welch (VT)  
Linder Renzi Weller  
Lipinski Reyes Westmoreland  
LoBiondo Richardson Wexler  
Loeb sack Rodriguez Whitfield (KY)  
Lofgren, Zoe Rogers (KY) Wilson (NM)  
Lowey Rogers (MI) Wilson (OH)  
Lucas Ros-Lehtinen Wilson (SC)  
Lungren, Daniel Roskam Wittman (VA)  
E. Ross Wolf  
Lynch Rothman Woolsey  
Mahoney (FL) Roybal-Allard Wu  
Maloney (NY) Ruppertsberger Yarmuth  
Manzullo Ryan (OH) Young (AK)  
Salazar Salazar Young (FL)

## NAYS—55

Aderholt Garrett (NJ) Moran (KS)  
Bilbray Gingrey Neugebauer  
Bonner Heller Paul  
Broun (GA) Hensarling Pence  
Brown (SC) Hoekstra Pickering  
Campbell (CA) Johnson, Sam Poe  
Coble Jordan Price (GA)  
Crenshaw King (IA) Putnam  
Culberson Kingston Reynolds  
Deal (GA) Lamborn Rogers (AL)  
Doolittle Latta Rohrabacher  
Everett Mack Royce  
Feeney Marchant Ryan (WI)  
Flake McHenry Sali  
Foxy Mica Sensenbrenner  
Franks (AZ) Miller (FL) Sessions

Shadegg  
Smith (NE)  
Stearns

Tancredo  
Thornberry  
Tiahrt

Weldon (FL)

#### NOT VOTING—12

Bishop (UT)  
Boehner  
Boswell  
Brown-Waite,  
Ginny

Cannon  
Cubin  
Hinojosa  
Hoyer  
Hulshof

LaHood  
Ortiz  
Rush

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

□ 1553

Mr. WELDON of Florida and Mr. HOEKSTRA changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3999, NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 3999, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

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

Mr. BERMAN. Mr. Speaker, pursuant to House Resolution 1362, I call from the Speaker's table the 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, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate 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, 1/5 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