

on that committee worked very hard, and I will tell you, to have it stopped, as so many things have been blocked around here—when I look at the total votes, Democrats did their job. We voted, every one of us, in unison to get this legislation moving forward. Yet, if you look at the total, on this vote last night there were eight Republicans who voted to move the bill forward.

When you consider what is at stake—I mean, we listened to the arguments from the other side, but when you talk about making sure physicians are treated fairly so they can treat older citizens in Pennsylvania, Ohio, and across the country; when you talk about reimbursement in the case of hospitals in northeastern Pennsylvania, where they are competing for skilled personnel, yet we are not going to move something forward that can help them on their wages so they can have the best possible care for older citizens—in my home area of northeastern Pennsylvania, we have the highest percentage of people over 65 of anyplace in the country. We need help with this wage index problem to recruit the best personnel.

When you talk about beneficiaries, these are very vulnerable low-income beneficiaries, some of whom do not just have to worry about their Medicare benefits, but they are standing in lines to get food from food pantries. The Presiding Officer has talked about this a lot over the last year. The price of everything in their lives has gone up—gasoline and food, they are worried about Medicare, they are worried about their children and their grandchildren. And we can't vote to move something forward? It is outrageous that we have this split where you get all these Democrats voting for it and only eight Republicans.

Finally, when it comes to pharmacies and rural providers, my goodness, if we can't move legislation forward to make sure the Federal Government pays pharmacies within 14 days, what are we doing? We can't get the votes to move forward.

People across America and families on Medicare are worried. They are worried about Medicare and how it is going to impact their lives. I want them to be aware of what happened here. Democrats voted in unison to move this forward, to make these changes to the Medicare Program. The other side did not. It is a very simple equation. I know we will vote on this again, and I hope our colleagues on the other side, when they consider what is at stake for rural America—for small towns across the country and for very vulnerable people—I hope they would take that into consideration and vote the right way for older citizens and for those families.

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

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. CASEY. I will withhold.

Mr. SESSIONS. Mr. President, may I be recognized?

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

RURAL HEALTH CARE AND WAGE INDEX PROBLEMS

Mr. SESSIONS. Mr. President, I thank the Senator from Pennsylvania for raising some important issues with regard to the way our Medicare system works—and Medicaid, too, for that matter. In many areas of the country at least half the health care that is provided goes through those programs. I would like to associate myself with what I understood to be one comment that he made about rural health care and wage index problems.

Hospitals in America are reimbursed at different rates. If you are a hospital in a smaller area, the Federal Government calculates how much you should be reimbursed based on what they call a wage index, and that wage index pays substantially less or results in a payment substantially less than is given to hospitals in urban areas for the very same procedure and the very same care.

We tried to make some progress, and did make some progress, a few years ago under the leadership of Senator GRASSLEY. He understood the issue. He believed it was adverse to some of the smaller communities in Iowa. We had some discussion about it. We made some progress, but it is still very dramatic.

Let's say the average is \$100 for a procedure; this is what a hospital would be paid. If your wage index is 80, then you would be paid \$80. If your wage index were 120, you would be paid \$120. If you have two hospitals, one of them with a higher wage index, it gets paid \$120, and a poorer, rural hospital would get paid \$80.

This has some ramifications that go beyond common sense in that the equipment that a rural hospital needs to utilize may be utilized less often, and therefore is more expensive per procedure, than one that will be utilized in a wealthier hospital in a wealthy area. I think this is a big issue.

In response to the concern about the bill, I understand there is a firm view of Members on this side, and the President, that the Medicare Advantage program not be eliminated in this bill. That is basically what has happened. We want to see many, if not all, the reforms in here, or most of these reforms, but there are one or two matters that this side of the aisle feels very strongly about. If we could work those out, I think we could pass that legislation in prompt order.

Some would say it has been blocked by those on this side, and some on this side say it has been blocked by the unwillingness to discuss the concerns that we have, and therefore it is blocked on the other side.

I see our distinguished majority leader.

I yield the floor.

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

THE PEPFAR REAUTHORIZATION

Mr. REID. Mr. President, in 2003, Congress responded to President Bush's call for action by creating the Global HIV/AIDS Program. The goal of that program was to confront the crisis which has killed more than 30 million Africans since 1982. Thousands are dying every day. About 5,000 are dying every day in Africa—every day, weekends, no holidays off. This strongly bipartisan effort to create this legislation has already helped tens of millions of Africans affected by HIV/AIDS. It has been 5 years since we passed that legislation, and now it is time to reauthorize the Global HIV/AIDS Program.

This program was started with bipartisan support, and that support remains today. The House of Representatives passed the reauthorization on a strong bipartisan vote. The Senate Foreign Relations Committee also passed the bill with broad bipartisan support. This legislation has the strong support of Senate Democrats, most of the Senate Republicans, and President Bush.

Unfortunately, as happens often, the legislation has been blocked by a small group of Republican Senators who have placed a hold on this legislation, preventing us from moving forward. That is why several months ago I asked Chairman BIDEN and Ranking Member LUGAR to negotiate a compromise. They worked tirelessly on this challenge. I thank them for their hard work. Also, Senator ENZI, the ranking member of the HELP Committee, in the absence of Senator KENNEDY, has worked very hard to get rid of some of the holds.

Given the importance of this legislation and the overwhelming amount of work we have to do in the Senate, I thought it would be appropriate to set a deadline to get something done, and that deadline was this week for the negotiations to be completed. First, it was Monday, then Tuesday, then Wednesday. Then yesterday I was told by Senator ENZI there was one more person to work it out with and we could clear it tomorrow. That is today—he told me that yesterday.

We thought an agreement had been reached, and we have a final text of the agreement. I thank everyone for their work and their leadership during these negotiations, for their hard work over the past few days to close the deal on the final issues.

Senators COBURN, ENZI, BURR—I indicated, and the White House—have all taken part. I certainly hope my colleagues on the other side will not block this bipartisan agreement.

President Bush will be attending the G-8 conference over the July recess and

should have this bill in hand to show the commitment of the United States on HIV/AIDS. As President Bush said in February of this year:

Congress needs to make sure that this HIV/AIDS plan, PEPFAR, gets reauthorized for a 5-year period of time. We don't want people guessing on the continent of Africa whether or not the generosity of the American people will continue.

Mr. President, we really must act now. I ask unanimous consent—

Mr. SESSIONS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator will refrain until the majority leader finishes his request.

UNANIMOUS CONSENT REQUEST—S. 2731

Mr. REID. Mr. President, Calendar No. 698, S. 2731—this legislation is named after Tom Lantos and Henry Hyde, with whom I had the good fortune of serving in the House of Representatives. They were both wonderful men. This is called the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Act.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 698, S. 2731, that the only amendment in order, other than the committee-reported substitute, be the Biden-Lugar substitute which is at the desk; that the substitute be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill and there be no further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. I object for a number of Senators who have not been a part of this negotiation and have some concerns.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am disappointed, to say the least, that again the Republicans objected to passing this bill. The White House made a number of calls this morning but obviously not enough. They are concerned that the President is going to be embarrassed when he goes to Europe and not be able to say that this legislation is going to be approved.

I now will offer a unanimous consent agreement, another one, which I think is reasonable based on the bipartisan agreement we have reached so far, which allows Senators on both sides to offer amendments. So I say to everyone, if people do not like this, let's bring this to the floor and have some amendments. That is what this is all about. The consent agreement will have the bill come to the floor at a time when both leaders agree—not just me.

A lot of things we do here say: The majority leader in consultation with the minority leader. That is not what we are saying today. It will take the consent of both leaders. I hope this will be something that is acceptable.

With this consent agreement, we are making the commitment to move the

bill to the floor but giving both Democrats and Republicans a voice in the process. This agreement is fair and allows for a substitute to represent the bipartisan agreement—and, as I said, this offer is more than fair. So here is my next unanimous consent request that I will propound.

I ask unanimous consent the Senate proceed to the consideration of Calendar No. 698, S. 2731, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the only amendments in order, other than the committee-reported substitute, be the following: Biden-Lugar managers' package substitute amendment, two amendments from each side that are germane to the Senate bill, committee-reported substitute and the Biden-Lugar substitute; with second-degree amendments in order to the four amendments that are germane to the amendments to which offered.

There will be two amendments on each side with second-degree amendments in order to the four amendments. As you multiply that, that is a lot of amendments. They have to be germane, would be the only stipulation.

General debate on the bill will be limited to 2 hours equally divided, controlled between the leaders or designees; debate time on any first-degree amendment be limited to 60 minutes equally divided and controlled in the usual form; and any second-degree amendments be limited to 30 minutes equally divided and controlled in the usual form; that upon disposition of all amendments, the use or yielding back of time, the substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Foreign Relations Committee then be discharged of H.R. 5501, the House companion, and that all after the enacting clause be stricken and the text of S. 2731, as amended, be inserted, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 5501, as amended; that the provisions of this agreement become effective only after each of the amendments covered under this agreement have been available for 24 hours for review and printed in the RECORD; and each leader notifies the legislative clerk that they have no objections, and places a statement in the RECORD; further, that S. 2731 then be returned to the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. Reserving the right to object, I think some Senators who have concerns about this are not here at this time. I am not at liberty, therefore, to agree to the plausible scenario for moving this bill forward that the majority leader proposed. I note the House has gone out of session, so without their consent the bill would not clear and become law in any case before we get back from our upcoming recess. But I would note that some fabulous progress has been made as a mat-

ter of policy in this bill. I feel far better about it from what I learned this morning—although that was the first time I heard about it—than I did previously.

For those reasons, I will object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am deeply disappointed. We are going to finish this bill sometime during the next work period, or certainly give it a real try.

Democrats have listened to the concerns of every Senator, especially a small group of Republicans standing in the way of international AIDS assistance. We have compromised, and we have negotiated for months.

The unanimous consent agreement that I have offered is more than fair and will bring forward a strong bipartisan bill. As I said, we will have to finish this when we get back in 10 days or so. We have to finish the housing bill, we have to do the work on FISA; that should take up the first week.

And, of course, we have other things to do. But this will be part of what we plan to do during the next work period. There are literally millions of people depending on us.

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

Mr. SESSIONS. Mr. President, a request for unanimous consent means that the bill passes the Senate without debate, as written. Each Senator should honestly evaluate that before they give their consent.

Senator COBURN was raising a number of concerns, and I think he has been satisfied in them.

Mr. REID. That is true.

Mr. SESSIONS. For example, one of the things he and I felt strongly about was the rule that more than half the funding should be used for medical care. That has a lot of science behind it. And AIDS groups in Africa pleaded with us. That was changed. That is now in there. So I was very pleased with that.

Another change also affirmed abstinence-only programs. Another reform Senator COLEMAN asked for and has received would prevent funding from going to more wealthy nations such as Russia, China and India than would have been available under the original bill.

It would now prevent substandard medicines from being used and would treat faith-based groups that are working hard in Africa now in a fair way. So some real progress has been made on this legislation. I would certainly be the first to acknowledge that.

I have not had a chance to fully look at all of it. But I do think President Bush and the majority leader and others who have worked on this have made the legislation better.

Mr. REID. We will certainly hope to make it good enough that we can get it out of the Senate. We have tried very hard to do that. It is an important piece of legislation.

This is something the President has wanted. He talks about it all the time. We have done our best for him, and we will keep everyone advised of our progress.

We are going to do our very best to finish this next work period. I am confident it may take a little bit of time that people do not want to spend, but we are going to have to do that because it is too important not to.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

RISING PRICE OF GASOLINE

Ms. CANTWELL. Mr. President, I rise this morning to talk about the ever-increasing problem and crisis we have in this country with the rising price of gasoline.

Many of my colleagues saw that yesterday oil futures hit \$140 a barrel; I think today it is up to \$141 a barrel. The stock market, I think, is responding to the anxieties that oil costs are causing to our economy and the future prospects of some people speculating it might even be going up to \$150 or \$200 a barrel. This is a problem for us and a problem that this body needs to address and needs to address quickly.

Many people at home are understanding—because at almost \$4.30, whatever people are paying for gasoline across the country, in Washington State we seem to pay a higher price than the Nation, on average—are starting to understand what the oil futures market is and how much speculation is happening.

But we can see today that on world consumption, there are about 86 million barrels of oil a day that are consumed. But what people might find surprising is that the volume of that oil traded back and forth on a daily basis is over 1 billion barrels per day.

So we produce 86 million, but yet we trade it over and over and over again. In fact, 14 times we trade and sell one barrel of this oil back and forth every day. Many of my colleagues and myself have concerns about the fact that much of this trading, at least this chunk of it, done on the Intercontinental Exchange is done in a dark market. So we do not know what kinds of positions people hold, we do not have the same requirements for excessive trading that we do on NYMEX and on the Chicago Mercantile Exchange.

So we have a lot of anxiety that there is a lot of trading going on in the dark that people do not understand and that this situation, while we are out on recess, could be exacerbated; that we could have a grave problem while we are seeing this continue to shoot up.

A few weeks ago, we had the price shoot up \$10 in 1 day. So my colleagues in the House responded to this, knowing it is an emergency situation. In fact, 402 House Members recognized this is an emergency situation, passed legislation yesterday that was brought to the floor, not a lot of discussion or

debate. There have been many hearings, but the decision was made, because we are leaving, to bring up this emergency declaration to say to the CFTC that they should use their emergency authority to make sure they are cracking down on any excessive speculation in all markets, including those that currently have loopholes, such as the Foreign Boards of Trade, such as ICE, those exempt electronic markets and any exempt swaps and bilateral energy trading.

That is what 402 of our House colleagues said, is that they believe it is an emergency and that the CFTC should use its emergency authority and use that authority to make sure that excessive speculation is investigated, that they demand that people reduce position limits, that they have overall stricter position limits, and that they be aggressive while we are gone on recess.

So while we are taking a holiday, there is no holiday for consumers from higher gas prices. But one thing we can do is make sure the chief agency in charge of policing these oil markets uses its emergency authority while we are gone to do everything they can to protect consumers.

I think this is important legislation. And the fact that 402 of our colleagues also agreed in the House of Representatives, led by Representative CHRIS VAN HOLLEN and Representative BART STUPAK, it is time we do the same thing.

As I said, they did not have a lot of time to discuss this, they were all in agreement that this is an emergency situation, and we should make sure the CFTC uses that emergency authority.

UNANIMOUS CONSENT REQUEST—H.R. 6377

I ask unanimous consent that the Senate proceed to the immediate consideration of this House bill, H.R. 6377, the Energy Markets Emergency Act, which was received from the House; the bill be read three times and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. Reserving the right to object. Would the Senator amend the unanimous consent request, that this legislation be the first order of business following disposition of the FISA legislation and that the first amendment in order be a McConnell amendment, which is the text of S. 3202, the Gas Price Reduction Act?

Ms. CANTWELL. I do not agree to the modification of my request.

Mr. SESSIONS. Mr. President, I object on behalf of the leaders on this side.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. CANTWELL. Mr. President, I am obviously disappointed that my colleague on the other side of the aisle is objecting to this request because this legislation passed by us could go to the President's desk, and we would be sending a very strong message today, that

while we are gone, this is a serious crisis, and we expect the Federal regulator, the policeman on the beat, to be doing their job while we are gone.

We have tried to say to this agency that they should be more aggressive. We have pushed them with letters; we have pushed them with oversight hearings. But now we have our colleagues in the House of Representatives saying: You shall use your emergency authority.

It is disappointing that even though 402 Members, a majority of Republicans and a majority of Democrats—I think only 19 people did not vote in favor of this particular measure—that over 400 Members thought this was such an emergency that we should take this action.

It is very unfortunate that while we are going on holiday, our consumers are not going to have a holiday from high gas prices and will not have the protections and the indication that we have said is critical to making sure oil markets are properly policed and that we do not continue to see this rising and huge increase in gas prices while we are gone.

I am very disappointed in the objection and will continue to fight this issue to make sure our consumers are protected by the Federal agencies that are supposed to be doing their job in protecting them from excessive speculation and manipulation.

I yield the floor, and 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. BROWNBACK. 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.

WAIVING SANCTIONS ON NORTH KOREA

Mr. BROWNBACK. Mr. President, I wish to speak to the body about an announcement made by the administration yesterday that is probably best captured on the front page of the Washington Times: “‘Axis of evil’ member to be scratched from list.” These are the announcements of the administration policy of what they are going to take that was announced yesterday regarding North Korea.

I believe the administration’s announcement yesterday about lifting sanctions on North Korea and removing it from the list of state sponsors of terrorism is shocking, is sad, and it belies the facts. I say “shocking” because of the extent to which we have allowed Kim Jung Il to manipulate the situations and the negotiations. I know some are calling this a victory, but I want us to just review what has taken place and the facts on the ground and the facts in North Korea and the facts for the North Korean people.