

I yield the floor.

The ACTING PRESIDENT pro tempore. The time under the control of the minority has expired.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for a few moments as in morning business on my amendment that will be voted on at 11.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

PEPFAR

Mr. DEMINT. Mr. President, I wish to take a few minutes to speak on the rather large foreign aid bill we are addressing this week in the Senate. I have already expressed my concern, and I will do it again.

As the Senator from Texas was just talking about, we have a serious energy problem in our country today. Americans are hurting, and it is probably not a very good time to be talking about sending billions of American dollars around the world, despite how good the cause may be. Nevertheless, we are going to be voting on various amendments related to what we call PEPFAR, which began as an aid to Africa bill, and that is one of the issues I wish to address this morning.

The PEPFAR Program that the President started in 2003, which I supported, took \$15 billion over 5 years and focused it on the AIDS epidemic in Africa. Other countries were allowed to participate. The primary focus was on AIDS and malaria. There has been some success, so the President would like to reauthorize that program.

Unfortunately, as it has worked its way through Congress, it has gone from a \$15 billion expenditure to a \$50 billion expenditure, sending more money overseas than we spend ourselves on research for AIDS in America or breast cancer or juvenile diabetes and the problems we have here. We are sending the money overseas.

This bill does not go according to its label anymore. This is no longer an aid to Africa bill. It expands across three more continents, including China and other countries that might be better off financially than we are at this point.

I proposed an amendment to limit the scope of the PEPFAR bill to its original intent, which included Africa and other authorized countries in the original bill, so that we can focus these dollars in a way that would allow them to work rather than allow them to create a global fund that spreads the money so thin that we are no longer effective in any area.

The vote at 11 also includes a very important amendment that is attached to the amendment to keep the focus on the countries in the original bill. This amendment would prohibit PEPFAR funds from going to organizations that are involved with forced abortions and forced sterilization in countries such as

China. Again, countries such as China don't need our money, particularly at a time when they are actually much better off financially than we are. American taxpayers should not be forced to send their money to organizations in China that force abortions.

We may have people who stand up and say this is not going to happen, but \$2 billion in the first year of this program is designated to the U.N. Global Fund. It is indicated that such sums that would be spent over the next 4 years would be allocated to it, which means it is likely that there is going to be \$10 billion over 5 years that goes to the U.N. Global Fund. All one has to do is go to the Global Fund Web site, go to China, and see that there is over \$70 million in grants that has gone to the organization in China that actually enforces the one-child policy, enforces the forced abortion policy in China. The law of the land here in this country is that we don't use taxpayer dollars for forced abortions anywhere in the world. Actually, the PEPFAR bill itself prohibits those funds. Yet there is a loophole in that as funds from PEPFAR go to the U.N. Global Fund, they will go to organizations such as we have in China that are involved in forced abortions.

Some of my colleagues will say this is unnecessary; it is already the law. If it is, I hope they will go along with this amendment and support it and not vote to table it this morning. This is a very real and serious problem. The U.N. Global Fund is very well known for supporting organizations in China and elsewhere that promote forced abortions and forced sterilization on women. This is not only an abortion issue; it is a human rights issue that we all need to stand up and support.

So as we head to 11 o'clock, I wish to remind my colleagues again, because sometimes we confuse so many things together here that people don't know what we are voting on. The majority leader has moved to table my amendment—the amendment that says we can't add three new continents to this bill—because he knows that attached to it is this amendment that would prohibit funds from being used for forced abortions. The whole reason for the big debacle we had here in the Senate last Friday where people were brought back late is because the majority leader would not allow me to offer this amendment that would prohibit taxpayer dollars from being used for forced abortions in China and other places in the world.

So this is a very important vote at 11 o'clock. My colleagues need to know that if they vote to table my amendment, they are voting to do two things. First, they are voting to divert funds from this Africa fund and other countries that were authorized in the first bill—the countries that are suffering from widespread epidemics—they will be voting to divert these funds to countries where there are very isolated problems. The money will ultimately

be spread around the world to organizations that waste this money instead of focusing it where we can really make a difference. Also, voting to table this amendment means you are supporting using PEPFAR funds, which are supposed to be for AIDS in Africa, you are supporting using those funds to promote forced abortions and forced sterilization in China and in other countries.

So I want my colleagues to be clear. I am not sure how the majority leader and others will present this motion to table, but the reason they are attempting to table it is because they want to stop the amendment that would not allow these funds to be used through the U.N. Global Fund to organizations in China that promote forced abortion. So I urge my colleagues to vote no—to vote no to table this amendment on these amendments so they can receive a fair vote in the Senate.

With that, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AERIAL REFUELING

Mrs. MURRAY. Madam President, I have come to the floor this morning to raise a very important concern. As all of my colleagues are aware, our Nation's aerial refueling tanker fleet is aging and badly in need of repair and replacement. We are in the process of selecting a new plane right now that can serve our military for 40 years or even more. Those tankers are the backbone of our global military. They are stationed today throughout the world, and they refuel aircraft from every branch of the Armed Forces. I think everyone would agree, especially in a time of war, that as we work to replace that fleet, there is nothing more important than buying the best planes for our men and women and for our taxpayers.

Last month, in its decision sustaining Boeing's protest of the competition, the Government Accountability Office found that the Air Force made significant errors when it evaluated the bids by Boeing and the European company Airbus. The GAO found that the competition was skewed toward Airbus even though Airbus failed to meet even basic requirements of that contract.

I was pleased last week when the Pentagon announced that it would rebid the contest and take over the selection process. I had hoped it would ensure that we finally hold a fair and transparent competition and get this contract right. But instead of a fair do-over, I am concerned that it appears

that the Pentagon may be planning to change the rules to benefit the already chosen winner—Airbus—by awarding greater benefits to a bigger plane. That would be shocking, given the significant number of flaws found by the GAO and how important this competition is to our servicemembers. Changing the rules of the game in overtime to benefit Airbus is not the kind of transparency the American taxpayer is looking for now in this process. So I wish to spend a few moments this morning explaining why this is the wrong decision for our servicemembers and for our taxpayers, and I wish to begin by reminding my colleagues of the GAO findings.

The GAO's decision was damning. It left no doubt that the Pentagon should start over and rebid the competition. The GAO found eight separate errors, and it described the competition as "unreasonable, improper, and misleading."

Among its findings was that the Air Force changed direction about which criteria were more important. It did not give Boeing credit for providing a more capable plane, according to the Air Force's description of what it wanted. Yet it gave Airbus extra credit for offering amenities it did not even ask for. And the Air Force accepted Airbus's proposal even though it could not meet two of the key contract requirements.

Airbus, first of all, refused to commit to providing long-term maintenance as specified in the RFP, even after the Air Force repeatedly asked for it. Secondly, the Air Force could not prove that Airbus could even refuel all of the military's aircraft, according to procedure.

Some of my colleagues have tried to downplay the GAO's ruling. They say the GAO upheld 8 points of protest, not 25, not 100, so the results were somehow less significant. I think they ought to go back and read the GAO's report one more time because the list speaks for itself. The GAO found fundamental problems, including that the Air Force could not even prove the Airbus plane could actually refuel all of our aircraft by the books, and it determined that but for those errors, Boeing could have won.

As Daniel Gordon, the Deputy General Counsel for the GAO said last week when he was asked about this issue before the House Armed Services Committee, he said:

We don't focus on this being seven out of 100. We focus on the seven that we found that caused us to sustain the protest.

I remind my colleagues about the GAO findings because after reading the decision, the next step should be obvious. The Pentagon should return to the original request for proposals and start this competition over. But instead, officials say they plan to change the criteria in order to benefit a larger airplane, and that is my first concern. When the right course for the Pentagon to take is so clear, I have to ask why in

the world would it change the rules now, unless the Defense Department is hoping to skew the competition in favor of Airbus yet again.

My colleagues will remember that compared to Boeing 767, Airbus's A330 plane is massive. Clearly giving greater benefit to a larger plane in the middle of the game would only help Airbus at Boeing's expense, and that would be blatantly unfair. Why should the Pentagon give extra credit only to Airbus? The Air Force itself found that the Boeing tanker was more survivable or better able to keep the warfighters safe. That is a clear advantage, and I think most Americans would agree that giving our air men and women the safest plane should count for more.

I don't just object because the Pentagon's new criteria could unfairly skew this new competition. I am also very concerned that the Pentagon has lost sight of why it needs these tankers. It appears to me that by changing the rules in favor of a larger tanker, the Defense Department is pushing the military further and further away from the goals it had when it started this whole replacement process.

I am not the only one who is raising this issue. Retired Air Force GEN John Handy, who is a former leader of the Transportation and Air Mobility Commands, pointed out in a recent article that the Air Force originally asked for a midsized tanker in its RFP because that is what the military needs to carry out its mission. The Air Force, by the way, already has a larger tanker, the KC-10, which has its own role in the Air Force.

Midsized tankers are the Air Force's multitaskers. They are designed to respond to needs all over the world at a moment's notice. They have to be able to use our current hangars, our ramps, and our runways, and they must be flexible enough to allow our warfighters to refuel aircraft during combat or to haul freight and passengers and return home safely.

General Handy is one of the many experts and observers who has questioned what the Air Force was thinking when it selected the larger Airbus tanker in the first competition because compared to the 767, the A330 simply could not do the job as well.

I, too, have asked repeatedly for the Defense Department to justify that decision, and I have yet to receive any clear-cut answers—not from the White House, not from the Pentagon, and not from the Air Force. But I think General Handy has identified one possible reason. As he put it:

Somewhere along this acquisition process, it is obvious to me that someone lost sight of the requirement.

Unfortunately, it is our servicemembers and our taxpayers who are going to end up paying the price.

The Defense Department's decision is not yet set in stone. It has not yet officially reopened this competition. The Pentagon still can make the decision to go back to the original RFP and run

a fair contest, and it can ensure that our servicemembers get the best tanker possible, one that will allow them to do their jobs and get home safely.

I come to the floor today to urge the Pentagon to rethink the decision to change the selection criteria. For the sake of our servicemembers, for the sake of our taxpayers, I hope they do the right thing—start this competition over using the original RFP, and get these planes into the field where they are desperately needed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, how much time remains on our side in morning business?

The PRESIDING OFFICER. There is 15½ minutes remaining.

OIL DRILLING

Mrs. MURRAY. Madam President, I have come to the floor this morning to comment on the press conference that President Bush had just moments ago where he renewed his call for more oil drilling, saying that more drilling is the answer to spiraling prices.

I have to tell you, unfortunately for all of us who are suffering from these out-of-control prices at the pump, what I hear is the President coming out and talking real tough but offering no solutions to the real crisis in front of us.

Americans are hurting today. In my home State of Washington, we are paying \$4.45 a gallon. But I cannot go home and tell my constituents that we are going to go drill off the coast of Washington State and lower their prices at the gas pump. That is not true. In fact, the President's own Department of Energy says to us that lifting the moratorium is not going to have an impact until 2030. Even then, in 2030, there is no guarantee that drilling more oil off the coast of my State or any other will solve this gas price problem in 2030.

The President says he wants to open more land for drilling to increase production. What he doesn't say is that the oil companies right now today hold 68 million acres of land, both onshore and offshore, that they could, if they wanted to, drill today.

Let me say that again. While the President wants to hand out more leases, he wants all of us to come out here and hand more leases to the oil companies, they are already sitting on 68 million acres of Federal land doing nothing to explore and produce oil on those leases. Why? Because if they put more oil out there today, prices will drop, and they are doing pretty darn good today.