

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.

I don't think we should be surprised. I don't think we should be surprised at this at all. These are the same oil companies that are making record profits, billions and billions each year, as a direct result of increasing oil and gas prices. It is no surprise they are telling us: More drilling, give us more to drill, give us more to drill, and making empty promises of lowering gas prices when that simply is not true.

Given that there are two oil men in the White House today, I don't think any of us should be surprised. I don't think any of us should be surprised that millions of barrels of oil the oil companies pull from American soil today never enter the market. It is sold, by the way, not to the United States but to markets in China and overseas. So telling us this will lower our gas prices, to me, seems pretty out of touch when we know that if we were to come out here and allow them to drill more in the areas off our coast, having a huge impact on our fishing industries and our tourism industries and other important industries in the State today, that we would never see that oil even if we allowed them to drill it because it would be sold to markets overseas. There is no requirement that it would come here to the United States anyway.

Families in my home State of Washington and across this country are pretty sick and tired of paying higher and higher prices at the pump. It is certainly impacting the economy of every small business, every family, every community. Those people deserve real solutions. They deserve solutions that are going to offer stability and controlled prices. What we are hearing from the President today is just going to give them more of the same: empty promises and failed policies.

Over the past week or so, I have heard the Republicans saying: Find more, use less. That sounds pretty good to me, but I have a good solution to that. Have the companies find that "more oil" in the 68 million acres they currently hold by drilling today. Then let's invest in "using less" by passing the energy tax credits that Republicans have filibustered, by the way, time and time again on this floor. I think it is long past time that those new investments are made in renewable energy and fast-tracking alternative energy technology so we don't continually come out here and fall into this drill, drill, drill debate that sends empty promises to people who really are hurting today.

I think we should have a policy that really works. I think we ought to look for solutions on this floor in ways that provide real solutions. But just getting into a debate that sends empty promises and listening to a President in the White House say give the oil companies lots more to drill and sending an empty promise to my home State of Washington and across this Nation, to me, is pandering at its worst.

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

Mrs. MURRAY. I will be happy to yield.

Mr. BIDEN. First of all, I agree with everything the Senator just said. But if, in fact, if I am not mistaken, all of the reserves that are estimated to exist off of your shore and ours—in Delaware they want to drill as well—if all the reserves in the entire continental United States, the Gulf of Mexico, the Pacific Ocean, the Atlantic Ocean—if they all exist, and they all meet the expectation of the best, most probable high return, we still only represent 3 percent of the total world oil reserves.

My problem is my Republican colleagues who tout themselves as being big businessmen who understand how the business world works in the market economy, it always amazes me how they fail to remember how cartels work. The cartel called OPEC controls the vast majority of the oil resources. Not one of these wells would come on before 10 years—not one. That is according to our Department of Energy. Not one for 10 years.

When they come on, what makes anybody think that the outfit that controls 60 or 70 percent of the world's oil reserves isn't going to just pump 3 percent less? Does anybody think that OPEC, knowing that we had 3 percent of the world's oil reserves, is going to continue to pump at the rate they are pumping? I promise you they will reduce the amount of oil they pump just like they always did to 3, 4, 5, 7 percent less, guaranteeing that whatever the price was will be sustained.

What I do not understand is, I do not understand our friends, including the President, who was a businessman of sorts—I don't mean that; I am not being a wise guy—who was in the business world prior to this, doesn't understand how cartels work. Is there anywhere in the President's offshore drilling where he has gotten a commitment from OPEC that they will continue to pump at the rate they are pumping now? Are you aware of any such?

Mrs. MURRAY. The Senator from Delaware raises a good point. Of course he hasn't gotten that kind of commitment from the OPEC countries. Of course he has not. They are focused on a profit, as they are doing quite well today.

The Senator is right. If we were to go ahead and use this moment in our history when we have some big decisions to make to just say: Oh, we will drill more, there is absolutely no guarantee that OPEC will not control that supply.

Mr. BIDEN. If the Senator will continue to yield for a moment, the thing I want everybody to understand is, as a guy named Yergin, who chairs the Cambridge Research Group, who advises not all but most of the major world oil companies, explained to me once, he said: You know, oil is like filling your swimming pool. If you put a hose in your swimming pool and you

keep filling it and filling it, it takes a long time to raise an inch or two. It has virtually no impact on the total size cubic feet of your swimming pool or the amount of water in it. The second thing is, all the oil that goes into that swimming pool all goes into one big pool. It is all the same price.

If you notice, people pumping oil in Texas are not charging less than people pumping oil in Saudi Arabia. If you notice, people pumping oil in California are not charging less than people pumping oil in Venezuela. If you notice, when the OPEC price goes up "American" oilfields benefit.

I am not suggesting the American oilfields are in collusion with OPEC, but guess what. Americans think, if we pump our own oil, we will be independent. It "ain't" our own oil.

Mrs. MURRAY. I remind the Senator, if we were to do that, that oil would not come to America where our constituents would be able to use it.

Mr. BIDEN. The oil on the Senator's side of the country would not. One reason I voted against the Alaska pipeline is instead of going through Canada to the United States, it would go to Japan, figuratively speaking.

Mrs. MURRAY. So it goes there today.

Mr. BIDEN. I hope we start talking about basic facts. If everything we think we have under the ground that we control as the United States—on the Continental Shelf, off the Pacific Ocean, in ANWR—everything out there, we have 3 percent of the world's proven oil reserves. It doesn't give you much of a bargaining chip. It would be one thing if you say: You know, every bit of the oil we pump that we control goes to the United States, and we are only going to charge \$2 a barrel. Wouldn't that be great? Or \$10 or \$20 or \$30 or \$50. But I kind of notice, those guys down in Texas charge us exactly the same price as those guys wearing robes in Saudi Arabia charge us. Isn't that kind of funny? And if you only control 3 percent of the oil reserves and pump it all, all the folks we don't like so much who control 60 or 70 percent of the reserves, they just pump 3 percent less, and the price is the same. We cannot drill our way out of this.

I thank my friend from Washington for pointing this out.

I yield the floor.

Mrs. MURRAY. I thank my friend from Delaware for joining me. We have been listening to this debate now. The President weighed in from his podium this morning. Much as we would like to hand our constituents tomorrow morning a lower gas price, we in this Senate have to be realistic about today, tomorrow, and far into the future. Even the Energy Administration Agency has said the impact on wellhead prices from opening the Pacific, Atlantic, and gulf waters to drilling "is expected to be insignificant."

Let's not, here on the Senate floor, talk about empty promises to our constituents at a time when they are really hurting. Let's take this opportunity

and time to make long-term investments that put our country on a path to being less dependent on oil. Those are the right investments that we ought to be making. Yes, they are hard. Yes, they are difficult. Yes, they are challenging. It is not easy to come up with compromises on them when we are all from very different parts of the Nation. But let's not just sell a bill of goods to the Nation when we are hurting.

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

The PRESIDING OFFICER (Mr. TESTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Does the Senator yield morning business time?

Mr. BIDEN. Yes, we yield back the time in morning business.

The PRESIDING OFFICER. 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 legislative 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, and malaria, and for other purposes.

Pending:

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

DeMint amendment No. 5078, to limit the countries to which Federal financial assistance may be targeted under this Act.

DeMint amendment No. 5079 (to amendment No. 5078), to prevent certain uses of the Global Fund.

Mr. BIDEN. Mr. President, I see my friend from South Carolina is here. I ask unanimous consent there be no second-degree amendments in order to the DeMint amendment, No. 5077.

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

AMENDMENT NO. 5078

Mr. BIDEN. Mr. President, I am shortly going to move to table the DeMint amendment, No. 5078, relating to abortion. Senator DEMINT and I had a very brief conversation prior to this.

I ask unanimous consent there be 2 minutes equally divided for the Senator to make his position known.

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

Mr. BIDEN. I yield to my colleague from South Carolina.

Mr. DEMINT. Mr. President, the motion to table involves two amendments. It is important my colleagues understand what is involved. The current PEPFAR Program focuses on 15 countries with epidemics of AIDS and malaria. The current authorization allows them to work in 110 countries in which they are working now, but the focus has been part of making this program successful.

My amendment would limit the focus of the current PEPFAR bill on the Senate floor to the authorized countries in the first bill so the money is not spread all over the world to countries that do not need it as much as Africa and the others.

But the other amendment, and the reason this is being tabled, is it proposes that we do not allow PEPFAR funds to be used through the U.N. Global Fund for forced abortions and forced sterilization in China and other countries. The law of the land in this country is that our taxpayer dollars are not used for forced abortion. All this does is make sure the money in PEPFAR does not end up with programs like they have in China that force abortions.

I encourage my colleagues to vote no against tabling these amendments so we would be sure that PEPFAR funds are being used where and the way that they are intended to be used.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. The underlying amendment, first-degree amendment, which I am moving to table would limit U.S. assistance to certain countries. Right now PEPFAR is working in 120 countries, and to limit it to 15 I think is very counterproductive.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

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

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—70

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Gregg	Pryor
Bennett	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inouye	Salazar
Brownback	Johnson	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Shelby
Cardin	Kohl	Snowe
Carper	Landrieu	Specter
Casey	Leahy	Stabenow
Clinton	Levin	Stevens
Cochran	Lieberman	Sununu
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Conrad	Martinez	Warner
Dodd	McCaskill	Webb
Dole	Menendez	Whitehouse
Domenici	Mikulski	Wyden
Dorgan	Murkowski	
Durbin	Murphy	

NAYS—24

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bond	DeMint	McConnell
Bunning	Ensign	Sessions
Burr	Enzi	Smith
Chambliss	Graham	Thune
Coburn	Grassley	Vitter
Cornyn	Inhofe	Wicker

NOT VOTING—6

Alexander	Kennedy	McCain
Corker	Lautenberg	Obama

The motion was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

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

21ST CENTURY MANUFACTURING STRATEGY

Ms. STABENOW. Mr. President, I rise, in light of the news today by General Motors and certainly the ongoing news from American automakers and manufacturers, to express, again, concern about the fact that we have had no 21st century manufacturing policy for the last 8 years. As other countries are rushing to invest in new innovative technology, advanced battery technology, the next generation of vehicles, as Germany has announced the great battery alliance which will invest over \$650 million in advanced lithium ion batteries; South Korea, by 2010, will have spent \$700 million on advanced batteries and developing hybrid vehicles; China has invested over \$100 million in advanced battery research and development; over the next 5 years Japan will spend about \$230 million on advanced battery research and \$278 million a year on hydrogen research for zero-emission fuel cell vehicles; in this country, our President's budget last year called for \$22 million. We have