

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

RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:26 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

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

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey, Mr. MENENDEZ, will be recognized for 15 minutes.

Following his remarks, Senator DOMENICI will be recognized for 15 minutes.

Following his remarks, Senator KYL will be recognized to offer an amendment.

The Senator from New Jersey is recognized.

OIL PRICE MYTHS

Mr. MENENDEZ. Mr. President, we are all aware of the seriousness of the oil crisis. Gas prices are more than three times what they were when President Bush took office. High prices are forcing some businesses to cut back or close and forcing some families to choose between putting a gallon of gas in the tank and putting a gallon of milk on their kitchen table.

People are demanding honest solutions to our oil crisis. But President Bush, JOHN MCCAIN, and their allies on the other side of the aisle have only decided to perpetuate myths, which is what brings me to the floor.

They have told us offshore drilling will lower gas prices tomorrow. They have told us oil companies could produce more if we hand over even more Federal land and water to them. When people spoke about the dangers of drilling, they claimed no oil was spilled after Hurricane Katrina and that drilling off the shore of one State would not affect all the other States around it.

I am here to clear up these myths before it is too late and they take a life of their own.

Myth No. 1: Drilling immediately brings down gas prices. The biggest myth, a myth that has been repeated over and over on the floor of this Chamber, is that opening our shores to drilling will somehow lower the price of gasoline. Let's get one thing straight; drilling in the Outer Continental Shelf will do nothing to bring down gas prices—not now, not ever.

While President Bush is suggesting that drilling will bring down prices at

the pump, his own Energy Information Administration admits drilling will have no effect. The reason is the amount of oil involved is a drop in the bucket compared to what we use every day.

Let me put offshore production in perspective. Since April of this year, Americans have responded to extraordinarily high gas prices by using over 800,000 barrels of oil less than we did 1 year ago. That is the most significant and sudden drop in oil demand since the 1970s. Yet what have we seen since April? We have continued to see record gas prices.

In recent weeks, in response to record oil prices, Saudi Arabia has increased its production of oil by 500,000 barrels each and every day. What has been the effect on gas prices? They continue to go up.

So how does the Bush/McCain drilling plan compare to these recent events? If we open all our shores to oil production, the first drop of oil would not be seen for over a decade. Offshore oil production would peak in the year 2030 and only at 200,000 barrels a day. To put that number another way, the amount of gas we could get from offshore drilling is equivalent to a few tablespoons per car per day.

So let's look at the totality of this. If 800,000 barrels per day in reduced demand by Americans combined with an increase of 500,000 barrels per day of Saudi production—a total shift of 1.3 million barrels a day—doesn't lower gas prices, how does 200,000 in the year 2030 lower gas prices? If we have seen a shift of both a reduction in demand and an increase in that supply by 1.3 million barrels a day, and the price still goes up, how is it that 200,000 barrels in 2030 is going to do anything? It is a myth.

The second myth we hear is that if oil companies could only lease more Federal land and water, they would produce more oil. The fact of the matter is the oil industry has already leased 68 million acres of land, where they have not produced—for the most part—a single drop of oil. The oil companies clearly think there is oil there or else why would they be leasing the land? But they are not using it.

This chart is an example of where all that oil is located. I know our Republican colleagues have these little sayings, and they are going around with patches on their lapels saying "find more, use less." This is what they should be telling the oil companies: Find more and use less. In fact, they are not even pursuing that which they already have access to.

To get an idea of the scale involved, here is a map showing how much territory the oil companies control in the Gulf of Mexico. The red part of the map represents unused acres. It is a huge portion of the gulf region, going completely undeveloped, which they already have leases and access to.

Here is an even more impressive map—a map of how much of the West-

ern United States oil companies control. The black portion shows where companies are exploring and, again, the red is where they are. As you can see, the red far exceeds the black portion of the map. These oil companies control an enormous amount of land. When you add it all up, it is an area more than 12 times the size of my home State of New Jersey.

So why are oil companies asking us to hand over more land, when they have so much land that is already unused? It seems to me there is only one explanation: Oil companies aren't actually in a rush to drill in those areas, but they are in a rush to control as much Federal land as possible before their friends in the White House leave.

Let's talk about myth No. 3. In order to convince us to let this plan go through, big oil and their supporters want us to believe a third myth, which is that offshore drilling presents no threat to our environment and to the economies of States, such as New Jersey, where tourism is the second multi-billion dollar part of our economy.

Many of my colleagues from the Republican side of the aisle, including Senator MCCONNELL and Senator MCCAIN, have repeatedly denied that oil spills could happen. They have denied repeatedly that Hurricanes Katrina and Rita caused any oil to spill.

The picture I have here was taken not by me but by the U.S. Coast Guard. It shows what happened after the hurricanes: a massive oil spill that was set on fire to assist in the cleanup effort, as indicated in this photo.

I don't know what my colleagues on the other side of the aisle would consider "significant spillage," but I know if I saw this scene on the New Jersey shore, I would consider it a disaster.

In 2005, Hurricanes Katrina and Rita caused devastation on a massive scale. The EPA, the U.S. Minerals Management Service, the National Oceanic and Atmospheric Administration, and the Coast Guard all agree that the storms caused 700,000 gallons of oil to spill into the Gulf of Mexico and over 7 million gallons of oil to leak onshore from the infrastructure that supports offshore drilling.

When oil spills in those quantities take place, it is not isolated to a small area. Some suggest certain States may want to drill and other States may not want to drill off their coast, but the devastation spreads far and wide. When the Exxon Valdez ran aground in Alaska, the spill was 600 miles wide. The IXTOC I spill in the Gulf of Mexico traveled 600 miles. That is why the decision to drill cannot be left to a single State, because the State's actions affect all the other States in proximity to it.

An oil spill off the coast of Virginia could wash up as far away as Maine. It could devastate the coastline from South Carolina to New York.

In my home State of New Jersey, the shore generates tens of billions of dollars in revenue each year and supports about half a million jobs.

New Jersey families and businesses cannot afford the risk of a disaster on the scale of the Exxon Valdez crash or the spills after Hurricanes Katrina and Rita, with sticky crude washing up on our beaches, killing our wildlife, collapsing property values, and destroying our economy in the process.

Let's be honest. If there is drilling off our shore, it is not guaranteed that there would not be a major spill. These facts show that to be quite to the contrary. Disasters have happened before and they will happen again. The question is, Is the risk of a significant disaster worth the insignificant amount of oil that might come with the drilling? That answer is, clearly, no.

Now, to my colleagues on the other side of the aisle who say, drill more and ultimately conserve some, I say our need is to act more and talk less. Let's do something that really does something about gas prices.

If we are going to bring down gas prices, we need a better plan. First, we cannot wait until the year 2030 to get the type of relief we need in terms of offshore drilling. We need to lower gas prices now. The last time we opened lease 181 in the Gulf of Mexico, with huge amounts, ultimately, what happened? That was a year and a half, 2 years ago. Did prices go down after we opened that section of the gulf? No. They went up. We cannot wait.

The supply-and-demand equation for oil is basically the same as it was a year ago—that is what testimony before the Congress tells us by even the oil executives—and prices have skyrocketed.

We need to check the unchecked speculation on the oil trading markets, which has driven oil prices higher. We need to see to it that our commodities markets are functioning fairly, so prices come down from their artificial highs. Yes, we offer drilling. But let us drill on the 68 million acres the oil companies have already leased to bring down the price of oil, not just use it to pad their books and inflate the price of their stock.

Together with Senators FEINGOLD and DODD, I have introduced legislation that sends a simple message to oil companies about the Federal land they lease: Use it or lose it.

The bill mandates that oil companies either produce on or seek to develop their existing Federal leases or make way for someone who will. Most importantly, we need to break our dependence upon oil. Here is the bigger picture: We can only ever produce a fraction of the oil we use as a country.

The only way for us to protect ourselves from rising gas prices is to end our dependence on oil, and that means making immediate, substantial investments in renewable fuels and conservation.

We should all get behind legislation, which our colleagues are opposed to, to

expand tax credits for renewable energy producers. In order to boost vehicle efficiency, we should create stronger incentives for plug-in hybrids, support advanced battery research and research into cellulosic fuels.

It is time we fully funded mass transit at the level it deserves. We can do all this in the time President Bush would have us wait for minimal oil production along our coastlines.

Let's be clear. This coastline drilling plan is not a serious proposal to help American families today. It is exploitation of pain at the pump to give yet another handout to the oil companies.

It is long past time to stop repeating the myths that lie at the bottom of it. Instead of buying into this overhyped, oversold plan, if we work together, we have the ability and ingenuity as a country to secure our energy future once and for all.

It is that aspiration that we should, in fact, pursue. It is time we decide on a plan that looks out not just for the future of the oil companies but for our future as a nation. That is why our colleagues should join us in pushing the big oil companies to pursue drilling on the 68 million acres they have, ensure that they use billions in subsidies and tax breaks they have been given to invest in renewable energy and refineries, not stock buybacks to boost their pockets, tapping into the Strategic Petroleum Reserve to immediately increase oil supplies, and hopefully by doing so lower prices and stop the market manipulation that is taking place in the marketplace. Let's get the Commodity Futures Trading Commission to pursue this vigorously.

Finally, let's aspire to be something more than just today's crisis. Let's use the ingenuity of America to break our dependence not only on foreign oil but on domestic oil as well.

We can do all of these things. We are the people on the face of the Earth who are can-do. It is time for us to begin to deal with that rather than try to pursue a course of action that will do absolutely nothing about reducing gas prices, do absolutely nothing about breaking our dependency on foreign oil, absolutely nothing in terms of our domestic economy and security.

Those are the choices before the Senate, and I trust we will make the right ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I just caught some of the remarks of the distinguished Senator from New Jersey. I don't know whether I will be able to answer them today, but obviously, in the course of the next few days or weeks, I will answer every single one. Most are covered in what I will talk about today.

In the course of the United States of America and the use of crude oil and natural gas as part of the transportation base of our country for auto-

mobiles, trucks, and the like, and at the same time the natural gas that has been produced that is being used by our chemical industry, the heating and cooling of our houses, and all kinds of things, and now some for automobiles also, in the course of that, yesterday was a remarkable day. After 27 years of moratorium on offshore exploration imposed on a year-to-year basis by the Congress and 18 years placed by the President, the executive branch of Government, which is not year to year but as long as the President wants it, we had the President of the United States taking off that Executive order putting a moratorium on 85 percent of the offshore properties in the continental U.S. owned by every single American. We had the President take off the moratorium and challenge the Congress to do likewise because without lifting the moratorium, whether it is the executive branch or the legislative branch, we cannot explore for oil and gas that we own.

I regret to say that we have been so far off base in terms of deciding where we would spend our money to help determine our course, where we are going, that we have not spent the money to go out and find the inventory, to do an inventory of this huge offshore resource, including off the California shores, all the way around the Atlantic and Pacific where there must be billions of barrels of oil that are going to be developed over the years and literally trillions upon trillions of natural gas Btu's that are going to be discovered. We decided there was plenty of oil and gas in the world, so we could put a moratorium on because we were frightened of what would happen if there would be spills. We were scared of what would happen if oil might spill out of one of the pipelines.

I say to everyone, during this 27 years, more or less, of moratoria, there has been a part of the offshore that has been open. The part that has been opened is singularly marked by a huge production of crude oil and natural gas for the people of America, principally off the coast of Texas, Louisiana, and a little bit of Alabama and Mississippi. But it has yielded literally millions upon millions of barrels of crude oil for America and literally scores of natural gas, that little bit that is open.

How much is open, so we will have it straight? Mr. President, 15 percent, 1-5; 85 percent has a moratorium on it. We have not inventoried it because we didn't want to spend the money. It cost a little bit of money to inventory it. So we have a sloppily done estimate that says we have an awful lot of oil and natural gas on that 85 percent. It is estimated that there are somewhere between 17 billion and 18 billion barrels. This Senator thinks that is so low that if we were to do an inventory, I think it would be twice as much or more that the American people own and we are not doing anything with.

So, yes, indeed, it was a remarkable day when President Bush lifted that

moratorium and said to us: You do likewise. Specifically, the President was saying to us: Do something that will tell the world we are going to start producing and get that done in a way that will cause those who are in the fields of buying and selling oil and gas and producing it to understand that there is another new, huge reserve coming onboard in due course, some of it in a few years, some of it over the long haul, but that it is there and America is going to use it.

In response to the President, the majority leader of the Senate, who has been my friend for a long time, announced that he will introduce his own bill. I heard the Senator from New Jersey alluding to parts of it. Probably tomorrow, he said. His bill will focus principally on the idea that speculators are driving up the price of oil, even though speculators are only responding to the same supply-demand concerns that everyone else is. In fact, recently Warren Buffett, the great businessman, explained the spike in gas prices by saying:

It's not speculation, it's supply and demand. We don't have excess capacity in the world anymore and that's what you are seeing in oil and gas prices.

Guy Caruso, the Administrator of the Energy Information Agency, said speculation was not driving the increase in prices.

Just today, Federal Reserve Chairman Ben Bernanke said:

If financial speculation were pushing all prices above the level consistent with the fundamentals of supply and demand, we would expect inventories of crude oil and petroleum products to increase as supply rose and demand fell. But, in fact, available data on oil inventories shows notable declines over the past year.

These experts say that speculation is not the main reason for this surge.

What really struck me was the majority leader announced he would not allow amendments at all to his bill. Let me make sure we say this on the first day after the President raises the moratorium, and so the moratoria that are left are all dependent on Congress. Whenever Congress is ready, Congress can change them. And if Congress doesn't do something, those moratoria will all expire at the end of this fiscal year. That is the first day of October. They will expire. We will have to act to keep them on.

But here we have the majority leader announcing that he would not allow any amendments to his bill that we haven't seen yet—not a single one, said he. I can't believe the people of this country are going to buy that, that one man, instead of the Senate, one man in his capacity as majority leader can say to the Senate: Take it or leave it. Here is my bill. It hasn't been produced by any committee. It is the bill of the leader of the Senate, and it principally says: We are going after speculators, so it is not going to produce any oil, from what we can see, and he says there will be no amendments.

I really don't believe, I repeat myself, that when the American people understand that out there for use, for development in the world market of oil and gas supply sits all this offshore development potential, and here stands the majority leader of the Senate and he says: So long as you do it my way, there will be some impact, some change, but it will only be what I say and not what anybody else thinks—we have already said on our side—and we are not just a few people; we are 49 out of 100. We have already said we want to produce more oil and gas offshore and we want to share the royalties with the States so that as we go about asking California if they would like to lift the moratorium and put a 50-mile limit, they could assess with experts how many hundreds of millions of dollars that State is going to get from royalties, in exchange for which the American people are going to have oil and gas drilling off that shore. All across the country, down in the South where we have a moratorium, the same thing can happen. There can be an honest, bona fide look by the States under our proposal. But that won't happen.

The occupant of the chair is one of the most reputable and fair Senators around. He wouldn't like to see that happen. He is listening attentively: Is that what I am for as a Democrat? Is that what I am going to do, say we are running this like the U.S. House, except we don't have a committee to police the bills because it was never in our power to do it, but our majority leader is going to be the one who decides what we take up. You can't amend a bill he puts on the floor on this energy crisis, this offshore oil which is in a huge new abundance that we own that sooner or later is going to add substantially to the supply and thus have an impact on the price of oil and gas for the American people.

I don't really think the majority leader is going to be able to prevail on this issue. Understand, he is going to have to have a vote on a continuing resolution because we are not doing any appropriations bills. Come time for that continuing resolution, they have to extend all of these moratoria because those appropriations bills they are having votes on are not going to get to the floor of the Senate. So we are going to have a continuing resolution around here and have to get the votes on it, excepting that I understand right now that the majority leader wants to bring his own bill to the floor, lay it up, and not let anybody amend it.

Yesterday he talked about this: You do it my way. Why? You won't get a chance to vote. Why? Because you lose because you cannot get 51 Senators to vote with you and do nothing to liberate for use these huge, huge billions and billions of barrels of oil and natural gas in abundance.

As all of my colleagues know, I have been around here about 36 years. Some people say that can't be right, but it is,

and I am about to make it the last, soon. I have had a hand in passing a lot of bills. For many years, I passed a Budget Act every year. I don't think I missed but once. I was there doing that for about 18, 20, 26 years. You all—even new Senators have seen what an ordeal that is. If I look stooped and worn out, it is because I did that for so long before I got this wonderful job trying to do something about the energy crisis. And we have done a lot. It is just that the energy crisis is pervasive. You can do a lot, and nobody knows you have done anything.

I have had a hand in passing a lot of bills, and I have seen what happens when one party decides it can dictate to the other. Unfortunately, that is what is happening now. On the most important economic issue of our time, the majority leader has decided that he alone—he and he alone—is the only person here who can make energy policy. The rest of us might as well go home. We can't offer any amendments and we would be lucky if he even let us have a good debate.

Why? The majority leader knows that one of our ideas is to allow each individual State to decide if it wants to explore for oil and gas. Eighty-five percent of the land in the continental United States is currently off limits for oil. The President lifted his 85 percent; the same number remains under moratoria from the legislature.

Republicans want to change that. I am pleased that I think some Democrats want to change that. This area is laden with billions of barrels of American oil and trillions of cubic feet of natural gas, so the majority leader knows if you were to have a vote on this subject on the floor, he may not win. He may not win. And I believe the American people will have a lot to say about who wins when they understand this issue plain and simple. The offshore has always been open to development under certain rules until you put on a moratorium and we now have one on, put on by the legislature, and it ought to be taken off. Republicans want to change it and I am pleased to say that, talking to Democrats, I also believe there are some of them who want to join us.

The majority leader knows if we were to have a vote on this subject, he may not win. I put it the other way, he may lose. And even if he does win, the American people will not like it, since the vast majority of them agree with us that America ought to be producing more oil through deep-water exploration. The American people are clamoring for it. They do it in Norway, Brazil, Great Britain, and many other nations. So Americans are asking, why not here?

I have heard all kinds of excuses as to why we should not open up the new areas. The latest one, according to the majority leader, is—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 3 additional minutes.

Mr. DOMENICI. I have heard all the excuses I have ever heard of. I want to close with one. The other side says they are going to put in some language that says to those companies that own leases: Use it or lose it. They don't have to put that in their new law because there is already a "use it or lose it" provision. I say to my friend, Senator KYL, all of those companies that have leases have either a 5- or 8- or 10-year lease. In each of those leases it says: When the lease expires, if you are not producing, you lose the lease. That is: Use it or lose it. So already all the leases say by the time the lease expires—and they are not long leases. They are 5s and 8s and 10s.

If you talk about a lot of property not being used, it is because they are going through different phases of evaluating the property to get it ready for the final decision whether to drill the hole. So we are not worried about that. We contend that there is no "use it or lose it" necessary because it is already the law under which they serve today.

There is nobody sitting on it. It is \$140-a-barrel oil. If you were to sit on that, as an oil company, you would be held responsible to your board and your stockholders for wrongdoing because you ought to get on with producing it so you don't lose it because it already is a "use it or lose it," and we do not need any new rules.

The President's action yesterday places the ball firmly in our court. It is a decision we have to make soon because the existing moratoria on offshore exploration expire at the end of September. But in order to address any of these problems, the Senate must be able to function as a deliberative body. As long as we are blocked by the majority from offering amendments to virtually every bill that comes before us, we simply can't do that. It is not the right way to govern.

The American people are paying a very high price. We know it. We have to make sure the American people find out—and first, that those who disseminate the news find out that in fact this should be open for debate. Republicans will be reasonable, but we want some amendments and we want to vote on the disposition of this property which belongs to everybody. Some of it may have great quantities of natural gas and crude oil. We have to make some decisions other than: Do it my way. I, the leader, have a bill. It will be that bill or no bill.

I am sorry to say to my good friend, the leader, he was not that way before. He should go back as a leader the way he was before and not think he can do that. He does not own the Senate. He does not run the Senate in that manner. We didn't give anybody that authority and we ought to get on with an understanding and agreement in the normal way that we have always done it and see how this comes out. It will

probably come out right for the American people if we do that. It will become an asset for them. It will help bring down the prices, and certainly it will take millions of dollars we would otherwise be throwing away and we will keep it for ourselves as we keep some of these oil and gas revenues.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the assistant Republican leader is recognized to offer an amendment.

Mr. KYL. I thank the Senator from New Mexico.

Mr. President, are we currently in morning business?

The PRESIDING OFFICER. The Senate is on the bill.

Under the previous order, the minority whip is recognized to offer an amendment.

AMENDMENT NO. 5082

Mr. KYL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 5082.

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

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

The amendment is as follows:

(Purpose: To limit the period during which appropriations may be made to carry out this Act and to create a point of order in the Senate against any appropriation to carry out this Act that exceeds the amount authorized for fiscal year 2013)

On page 129, strike line 21 and all that follows through "(b)" on page 130, line 3, and insert the following:

(a) IN GENERAL.—Section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) is amended—

(1) in subsection (a), by striking "\$3,000,000,000 for each of the fiscal years 2004 through 2008" and inserting the following:—
 "(1) \$40,000,000,000 for the 4-year period beginning on October 1, 2008; and
 "(2) \$10,000,000,000 for fiscal year 2013.";

(2) by striking subsection (c).

(b) POINT OF ORDER AGAINST ANY APPROPRIATION THAT EXCEEDS THE AMOUNT AUTHORIZED.—

(1) POINT OF ORDER.—Subject to paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains an appropriation to carry out this Act or any amendment made by this Act that exceeds the amount authorized to be appropriated for such purpose under this Act or any amendment made by this Act.

(2) WAIVER AND APPEAL.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of $\frac{2}{3}$ of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of $\frac{2}{3}$ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(c)

Mr. CARDIN. Mr. President, I ask unanimous consent that Senator KYL be recognized for up to 5 minutes for debate only, and that following his remarks, Senator KLOBUCHAR be recognized to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I ask unanimous consent the agreement be amended by also providing that Senator JUDD GREGG would follow Senator KLOBUCHAR.

Mr. CARDIN. That is fine.

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

Mr. KYL. Mr. President, it will only take me 5 minutes to describe this amendment. If we need to have debate about it later, we can certainly do that.

This is an amendment to the bill. The bill, recall, provides for an authorization of \$50 billion over 5 years. If you divide \$50 billion by 5 years, you get \$10 billion a year. All my amendment does is to provide that, at least in the last year of the 5 years, the appropriation to fill the authorization would be limited to \$10 billion. If it were more than that, there would be a point of order that would lie against that.

The reason for the amendment is twofold. First, the House of Representatives provides for an annual authorization of \$10 billion per year for 5 years. The Senate bill doesn't break it down that way. We are open as to that. I am not trying to limit what the appropriations would be during years 1 through 4, but what I am saying is the fifth year would be \$10 billion, exactly one-fifth of the amount authorized.

The second reason is this. Frequently in the reauthorization of legislation we take as the baseline the last year of appropriations. I want to make sure if we are authorizing \$50 billion that when we get to the end of this, the baseline for the next year is at least not going to exceed \$10 billion, which would be one-fifth of the \$50 billion. It turns out under the existing program we have not limited ourselves to that degree of discipline. The existing law authorizes \$15 billion over 5 years. You would think that would be \$3 billion year. If you think that, you would be wrong. What the Appropriations Committee has done is to appropriate more money than that authorized. In the last year, the current year, for example, there is about \$6 billion that has been appropriated as a result of which, over the 5-year period, the total amount appropriated is just under \$20 billion. That is \$20 billion appropriated for a \$15 billion authorization.

All I am trying to do is to keep us honest here. If we are saying this is going to be a \$50 billion authorization—I think that is way too much money—let's leave it at \$50 billion. All my amendment does is to say in the last year, the appropriation to fulfill that would be limited to \$10 billion. I think that is eminently reasonable.

To those who say, "We are going to oppose all amendments to the bill, let's just do it the way it was written," I say think for a moment. You are going to make people feel a lot better about this if there is some discipline in our spending in furtherance of the authorization. There is some degree of skepticism, at least by some on my side, that Congress will restrain itself to the level of authorization.

This amendment doesn't go as far as the House in setting an amount every year, but it does at least set an amount for the last year. Theoretically, we could appropriate more than \$50 billion. In the first 4 years you could appropriate \$12 billion a year. This amendment doesn't prevent that. But I do want to say in the last year we confirm the discipline of limiting it to \$10 billion.

That is the extent of my amendment. I hope my colleagues will approve it. We don't need a great deal of debate time, as far as I am concerned. If somebody wants to argue against it, I wish to have the last word and then have a vote on it as soon as is agreeable to the Members on the other side.

The PRESIDING OFFICER (Mr. PRYOR). The Senator yields back his time.

Under the previous order, the Senator from Minnesota, Ms. KLOBUCHAR, is recognized.

CLIMATE CHANGE

Ms. KLOBUCHAR. Mr. President, as you noted, I come from the State of Minnesota and the State of Minnesota is a State that believes in science. We brought the world everything from the Post-it note to the pacemaker. We are the home of Mayo Clinic and the University of Minnesota. We believe in science. As a former prosecutor, I also believe in evidence. What we have been hearing from this administration, time and time again, whether it is about energy policy—where they have actually done literally nothing the last 8 years when it comes to pushing us forward to where we should be when you look at the rest of the world with technology and hybrid cars and electric cars and new gas mileage standards which came out of this Congress, or whether it is about climate change, which I am about to address today—they have been living in an evidence-free zone. It is time to bring out the evidence.

The administration made headlines twice last week in its ongoing effort to do nothing about climate change. We learned there was political interference with science—political interference with the evidence and the facts. We also learned the administration will not issue the global warming regulations mandated by the Supreme Court.

I am a member of the Environment and Public Works Committee. Some of my colleagues might recall last fall when Dr. Julie Gerberding, the Director of the Center for Disease Control and Prevention, was invited to testify before our committee. She was invited to testify on how climate change could

impact public health. Unfortunately, her testimony that she delivered was markedly different from what she and her staff at the CDC had prepared. The Office of Management and Budget got its hands on the speech and removed about 7 pages that discussed the impact of global warming—7 pages redacted. These pages included explanations and descriptions of the links between climate change and heat stroke, weather disasters, worsening air pollution, allergies, food and waterborne infectious diseases, mosquito and tickborne infectious diseases, and food and water scarcity. I would say those things seem very relevant to the job of the head of the CDC, and something she should be allowed to testify about when it comes to climate change.

Well, at the time there was brouhaha because someone leaked the actual testimony, a whistleblower brought it to our attention.

At the time, the White House claimed they needed to edit it because of its "broad characterizations about climate change science that didn't align with the U.N. Intergovernmental Panel on Climate Change Report."

Last fall, we provided a number of examples of how her testimony was, in fact, closely aligned with that report. Her testimony, in fact, included the statement that:

The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted.

She went on to say:

Forest fires are expected to increase in frequency, severity, distribution, and duration.

In fact, the IPPC has found that "warm spells and heat waves will very likely increase the danger of wildfire."

So they were completely consistent, and I do not have to tell anyone, you do not have to read a report on what has been going on in California in the past 2 weeks.

Global warming did not cause these fires, but it certainly intensifies the three main causes of wildfires: high temperatures, summer dryness, and long-term drought.

Minnesotans know when the wool is being pulled over their eyes. Let's face it, the Bush administration did not change Dr. Gerberding's testimony because of concerns regarding accuracy. They did not worry about if it matched with that record because it, in fact, exactly did. They did it for political reasons.

So it was no surprise to me when the news broke last week that both the Office of the Vice President and the President's Council on Environmental Quality had actually stepped in to interfere with her testimony. This revelation came to us from Mr. Jason Burnett, a former Deputy Administrator of the EPA, who informed Chairman BOXER that he had been approached by the Council on Environmental Quality staff and asked to work with the CDC to remove from the testimony any discussion of the human health consequences of climate change.

Upon reviewing the original testimony, Mr. Burnett came to the same conclusion we have reached since: The science was correct. He did not think he should alter the statement. He was not operating in an evidence-free zone. He wanted the facts out there. He wanted information out there.

I am sorry to report that even though the administration has been caught redhanded in this behavior, time and time again, it has not stopped them from continuing their interference with scientific facts. Last week we learned the Office of Management and Budget has been sitting on an e-mail from that same former Deputy Administrator of the EPA regarding the endangerment of public health or welfare from global warming.

The OMB received this e-mail, and once they realized what it contained—

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator's time has expired.

Ms. KLOBUCHAR. I ask unanimous consent for 1 additional minute.

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

Ms. KLOBUCHAR. The OMB received this e-mail. Once they realized what it contained, they first tried to make Mr. Burnett take it back, and then they actually tried to bury it.

We also learned last week of the administration's decision to leave office without taking any regulatory action to address climate change. This is wrong. The bottom line is that this White House is leaving it to the next President to show leadership, to show leadership on energy, and to show leadership on climate change.

I cannot say it more plainly than this: Our climate is changing. If we do not act to stem the tide, it will have grave and disastrous impacts on every single facet of our lives, from our health, to our economy, to our foreign policy.

It should begin with science, it should begin with evidence, it should end with science, and it should end with evidence. That is how we will come to the right policy outcome. We cannot have the wool pulled over the eyes of the American people anymore.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized.

AMENDMENT NO. 5081

Mr. GREGG. Thank you, Mr. President, I call up amendment No. 5081.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment. The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 5081.

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

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

The amendment is as follows:

(Purpose: To strike the provision requiring the development of coordinated oversight plans and to establish an independent Inspector General at the Office of the Global AIDS Coordinator)

On page 38, strike line 15 and all that follows through “(e)” on page 40, line 20 and insert the following:—

(e) INSPECTOR GENERAL.—

(1) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1), by inserting “the Coordinator of United States Government Activities to Combat HIV/AIDS Globally;” after “Federal Deposit Insurance Corporation;”; and

(B) in paragraph (2), by inserting “Office of the U.S. Global AIDS Coordinator;” after “Nuclear Regulatory Commission.”

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of the fiscal years 2009 through 2013, to carry out the duties of the Inspector General of the Office of the Global AIDS Coordinator.

(f)

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

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

Mr. GREGG. Mr. President, this amendment, I do not know why we are taking up this amendment at all. It is an amendment which is going to try to make funds spent under this bill be responsibly spent. It sets up an IG to review how these funds are spent.

We are taking a program which we presently spend \$15 billion on and we are tripling it, we are doing more than tripling it, we are taking it to more than \$50 billion. I know the taxpayers of America would hope and expect that when we take a program and radically expand it in this manner, we would expect that those dollars be spent efficiently and effectively.

Now, we put inspectors general into a lot of different programs around here. There are programs which spend less than \$20 million that have inspectors general tied to them. It is only reasonable that if you are going to take a program and radically expand it, the way this program is being expanded, which will lead to significant pressure to push money out the door, and, unfortunately, that quite often leads to instances where the money is not well spent, that you should have someone looking over the shoulders of the folks who are spending the money and saying: Is this money being spent for what, first, it was intended to do, which is to help people in nations who are suffering from the plague of AIDS, specifically, and, secondly, that people who are the recipients of those dollars are handling those dollars in a way where the dollars are not being wasted or handled in a corrupt manner.

Now, one of the unfortunate factors involved in the PEPFAR Program is that many of the countries which receive PEPFAR funds are countries which have governments which are not

all that committed to integrity and are not transparent at all. In fact, a corruption index by Transparency International took a look at the various countries around the world to determine which countries are basically corrupt and which are not; which have governments that function under the rule of law and which do not, and which governments end up with a large amount of patronage, waste, and fraud when they manage their funds.

This map shows that conclusion of that index. The darker the colors get on this map, the more problematic is the nation relative to the issue of transparency and integrity in their government. Well, as you look at this map, you maybe cannot see it, but there are little yellow stars on the countries which are going to be receiving most of the PEPFAR funds or are presently receiving PEPFAR funds.

Almost all those countries are nations which have serious issues on transparency and where the governments have some questions about integrity and management and waste.

So it is very reasonable that we should put in place an inspector general within the Office of the Global AIDS Coordinator to make sure these dollars, which are fairly significant—in fact, they are dramatic when you look at the increases—are being spent well. You know, American taxpayers and most Americans are extremely generous people. We as a nation are generous. There is no other nation in the world that has stepped up to the AIDS fight, especially in Africa, the way we have. I congratulate this Administration for taking the lead on that. I congratulate Senator LUGAR for being one of the leaders on this effort and Senator BIDEN.

They are reflecting, the President and the leadership of the Foreign Relations Committee are reflecting the inherent nature of the American people, which is to try to help people out who have problems. We recognize AIDS is a scourge, and it is a terrible situation, especially in these African countries.

But the American people also expect that when they are generous with their dollars, as they are being under this program, and have been under this program, that these dollars are going to be well used; they are not going to end up in the pocket of some cousin of somebody who is going to be running the program; or not end up in a Swiss bank account or not end up going for somebody's new Mercedes or, alternatively, they are not going to go into an NGO, a nongovernmental organization, which rather than being an efficient provider of care, turns out to be simply a place where a lot of money is spent on administration, instead of a lot of money being spent on trying to cure or address the problem of AIDS.

One of the ways we accomplish that, to make sure we have accurate accountability, is through the use of inspectors general. Now, some will say: Well, there is already an inspector gen-

eral who can be responsible for this money. Well, those inspectors general who would logically have jurisdiction over these dollars are spread thin in their responsibility; they have a lot of other accounts to cover. It is not like this is a small account. Under this bill, this account explodes.

So we have actually set up inspectors general in other accounts which are much smaller and had no problem with that. Inspectors general do not cost a lot of money actually, and they get a pretty good return on the investment, usually, because these individuals set up small offices of people who have oversight of the dollars that are being spent. They usually end up saving enough money to easily justify their existence.

But we have an inspector general, for example, in programs such as the Smithsonian Institution, which is not very significant compared to PEPFAR; programs such as the Postal Regulatory Commission, which is almost nonexistent on a spending level compared to PEPFAR; we even have an IG for the Denali Commission, and obviously for the Library of Congress and National Archives; two organizations which I suspect do not need an inspector general because they are pretty well managed organizations, to say the least. But we put inspectors general in those positions in order to make sure the American tax dollars are efficiently, effectively, and appropriately used and that the programs that are supposed to be addressed are addressed.

Well, there is resistance, for some reason, to putting an inspector general into this program. I cannot understand it. I mean, it is just logic that you would, when you are expanding a program at this rate, do that, put an inspector general in. So I would hope there would not be opposition to this amendment, that it would be accepted, that we would take this responsible action.

If we do not, I have to ask the question: What is all this new money going to be spent on? Is there some plan we have not been informed of that is of a nature that does not want to have oversight, that does not want to have a legitimate review of the way the money is spent?

Are there groups out there thinking they are going to have this money and have the influence to basically stop before it even starts the accountability of those groups? Are there countries out there that fall into that category? It would seem there would have to be if there is resistance on the inspector general program for this proposal.

So that is why I hope it will be supported. On the side issue, which is actually not a side issue, it is an overriding issue, but it does not relate so much to the inspector general. On the spending side, this initiative in PEPFAR is a huge expansion of a program, just massive. This year we are going to go from a budget deficit last year that was \$177 billion to a budget

deficit that is already projected by CBO as being well over \$400 billion.

Because of the slowdown in the economy, which has slowed revenues, because of the slowdown in the economy, which is putting more pressure on us to come in and support various activities in the marketplace such as our banking industry and our housing industry, that number will probably even go up, probably well over \$400 billion, we could be headed to a \$450 or \$500 billion deficit in 1 year, this year, 1 year, a massive expansion in the deficit which fundamentally undermines our Nation and, in the long run, it adds to our debt.

These young people down here who are pages today are going to end up picking up that bill. It is going to be passed to them. So we do have to be very responsible when we decide to expand programs in the face of the deficit because all this new spending that is going to come in on PEPFAR is either going to be borrowed or it is going to have to come from other programs.

Now, let me try to impress upon people how big this expansion is. In relation to our foreign aid account, which I have jurisdiction over, to some degree, because I am the ranking member of the Foreign Aid Committee in the Appropriations Committee. This is a pie chart that shows today's international development aid program. PEPFAR represents a fairly significant portion under today's funding level, which is at \$15 billion authority. It represents about a quarter of what the foreign aid funding is.

Well, after we pass this bill or after this bill gets passed, because I am not planning to vote for it in its present profligate state, even though I support the basic program and would support a reasonable increase in it, PEPFAR is going to represent about 77 percent of all foreign aid development money.

The question becomes, what happens to all these other accounts? If I, as ranking member, and Senator LEAHY, as chairman of this committee—and maybe that will be reversed next year; it has been reversed in the past—are responsible for dividing up this development aid money, how is it going to work? We are going to receive an allocation. That is what we will get from the full Appropriations Committee after the Budget Committee acts, of which I also happen to be ranking member. I don't expect that allocation to be increased by 25 percent. There has never been a whole lot of enthusiasm for dramatically ramping up foreign assistance in this body. So I don't think we are going to see a 20- to 25-percent increase in our allocation, which is what it would cost to fully fund PEPFAR and keep that funding from impacting the other programs.

The last couple of years we have received an increase—3 percent, 5 percent, 4 percent. Let's presume we continue with that increase level. Let's presume we get the increases we have received in the last couple of years

which have been bigger than most other accounts have received in the Federal Government that are not related to defense. That is still going to leave literally somewhere around \$8 billion—potentially, \$6 to \$8 billion, by my guesstimate—we are going to have to find somewhere else, if we are going to fully fund the PEPFAR Program.

People say this is an authorization. We pass authorizations all the time. Everybody knows that is a number put out there for the political purpose of making a statement about how important the program is.

In this instance, that is probably not the case. When you are talking about funding AIDS and the fight against diseases such as malaria in Africa, there is a consensus that we need to be aggressive and participate. I fully expect this authorization will be very close, if not fully funded. So where are we going to get the money? We are going to have to take it out of other foreign aid accounts because of this threefold increase, going from a \$15 billion program to a \$50 billion program. That is a tripling of the program.

The accounts that are going to be impacted are pretty popular accounts. They are going to be cut. We are going to have to cut funds to Israel. We will have to cut funds to Egypt. We will have to cut educational and communications funding we are making in the Middle East and in the Arab world to try to communicate our message over the message of al-Qaida and the radical Muslim fundamentalist movement. We will have to cut the Foreign Agricultural Service, the international narcotics and Andean initiatives, the migration and refugee assistance disaster program. The USAID organization itself will be cut significantly, operations and people on the ground. Child survival and health programs will be cut. Obviously, the Millennium Challenge will be cut, and sustainable development assistance programs will have to be cut. They will simply have to be cut. You can't produce these types of funds for PEPFAR at this rate of increase without making reductions. I believe PEPFAR is a program that is a success. I believe we as a nation have done the right thing and stepped up to what was our responsibility as a nation. I certainly support a reasonable increase that is, as the administration suggested at one time, around \$30, \$35 billion as a 5-year number. That is a pretty big increase. That is double. But this bill goes too far; \$50 billion is simply too much for this budget and for the Appropriations Committee, on which I have some responsibility, to handle, unless we will start running a surplus where we can find funds. I put out that red flag.

This is a feel-good vote. Everybody is going to vote for it. People want to make a statement. But this statement is going to have consequences. I suspect a year from now, when people insist on full funding for this over the next 5 years, people will be a little

upset about the accounts that will have to be reduced into in order to accomplish that full funding. That is a red flag I am putting out.

The issue I am talking about today is whether we will put in place a process where the American taxpayer, no matter what the final dollar figure is, can have some confidence that money going into these nations, which have been identified as having fairly significant problems, for the most part, with the way they handle money, is going to be efficiently and effectively used so that we actually do care for people who have AIDS, so that we do get money out to that mother and child who suffer from these conditions.

I certainly hope Members would look favorably on this amendment, put in place an IG on an account that is fairly significant and a lot bigger than a lot of other accounts that have inspectors general and which cries out for review because it is going into areas which are not quite as stable as the National Archives. The National Archives is pretty stable. The Library of Congress is a pretty stable place. You pretty much can figure out what is going on there when money goes to those folks. But when you send money into some of these nations which are governed, in many instances, by people who are not subject to the rule of law as we are, or to transparency rules as we are, you need to think about having somebody look over the shoulder of the folks spending the money to make sure the American taxpayer gets what they pay for and that this deep commitment by Americans to compassion, especially on the issue of AIDS, leads to actual positive action rather than simply people going out and wasting taxpayers' dollars or using it in a fraudulent way.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the amendment offered by the distinguished Senator from New Hampshire, Mr. GREGG. I would say, to begin with, I clearly agree with the oversight goals he seeks to achieve. But the underlying bill we are considering today creates a strong inspector general infrastructure for PEPFAR, and it constructs it at less cost than the proposal made by the distinguished Senator from New Hampshire.

To begin with, PEPFAR has set a high standard for results-based, accountable development programs both within our own Government and in the international community. PEPFAR has been among the most evaluated of new programs in the U.S. It has been the subject of five GAO reports already completed, with a sixth on the way, examining operations and expenditures. The inspectors general of the Department of State and USAID have so far conducted evaluations of 10 of the 15 focus countries of PEPFAR. These inspections have occurred in South Africa, Guyana, Nigeria, Tanzania, Haiti,

Uganda, Rwanda, Zambia, Ethiopia, and Kenya. The Institute of Medicine conducted a congressionally required multiyear evaluation entitled "PEPFAR Implementation: Progress and Promise." Another review is required by this bill we consider presently. The inspector general of Health and Human Services is currently conducting an extensive financial audit on all PEPFAR funding received by HHS from the State Department for the fiscal years 2004 through 2008. The Peace Corps, beginning in September, will be conducting an internal management assessment on PEPFAR implementation in Ethiopia.

Clearly, officials are paying close attention to how PEPFAR money is being spent. This is particularly important given that various agencies all apportion funds through the office of the Global AIDS coordinator. It is their money, and they know they must account for it. That is why our bill calls on the Global AIDS coordinator to expend some \$15 million to fund these IG efforts to ensure that they have adequate resources.

Based on a recommendation from the State Department inspector general, the U.S. Global AIDS coordinator has formally requested that the inspectors general of PEPFAR agencies submit a joint memorandum describing options, feasibility, and estimated costs of conducting a collective independent financial audit of U.S. Governmentwide PEPFAR funds.

The State Department's inspector general has confirmed that he is acting on this request and will be inviting all PEPFAR IGs to come together to develop plans by the end of July.

In addition to the additional funding of inspector general operations, the managers' bill requires the submission of an annual coordinated audit plan by the Department of State, USAID, and the Department of Health and Human Services in relation to PEPFAR, in collaboration with all PEPFAR implementing agencies and the GAO.

In this context, a stand-alone inspector general for PEPFAR, suggested by the distinguished Senator from New Hampshire in his amendment, may not be the best way to evaluate the program. I believe we now have a strong system of oversight already in the bill that recognizes the participation of many agencies in our antidiisease programs. I believe we should retain that system.

I would point out that I share the distinguished Senator's views with regard to economies, but I am suggesting that the inspector general results that he anticipates can be achieved for less money. This is why I have outlined, tediously and laboriously, specifically all of the audits that have already been conducted, plus the ones now being coordinated by the Department of State. I take seriously, as I think all Senators do, the thought that these moneys must be carefully spent in whatever country they may reside. I would sim-

ply say this is why I have enumerated the 10 countries in which extensive examination has already occurred, with the five to go to be completed shortly.

Finally, clearly the Congress does have to make choices with regard to expenditures. We all take that responsibility seriously. I come, as do many Senators today, as an advocate for the PEPFAR Program, for all of the reasons we have expressed in outlining the introduction of the bill. In very quick review, they come down to the saving of hundreds of thousands of lives, the alleviation of extraordinary suffering on this Earth, and from the standpoint of our foreign policy, one of the strongest ways in which the United States has made an impact on a number of countries in which our public diplomacy or diplomacy of any sort has not been very successful in the past. We make an impact because people in those countries know that we care. We do care for the people, but we also care for the relationships and for the roles these countries play in the formulation of world peace and in preservation of a world in which we all do better.

Therefore, the PEPFAR Program does have merit and, I believe, extensive popularity not only in our country but in so many other areas of the world in which we have served. That does not obviate for a moment the need to carefully detail precisely the results that I believe we have tried to take account of, and I believe have done so with economy in the underlying bill.

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

Mr. LUGAR. Of course.

Mr. GREGG. It is my understanding that presently the inspectors general for Defense, for Labor-HHS, the State Department, and the USAID all have line responsibility for PEPFAR; is that not true?

Mr. LUGAR. That is essentially true. Each has responsibility for those programs that are a part of their jurisdiction and their funding.

Mr. GREGG. It is also my understanding that every one of those agencies which I have listed has billions—and in the case of HHS and Defense, hundreds of billions of dollars—to be sensitive to as to how they are being spent.

The only IG who I believe has done any reports of those five who theoretically have been charged with that responsibility of overlooking PEPFAR spending is, as I understand, USAID, which is using a small number of its membership to do that, and spending, I think, less than \$1.5 million a year on that program.

So doesn't it make sense that we should acknowledge the fact that these very large entities—Defense, Labor-HHS, USAID, and State—probably on their radar screen of relative issues are not going to place PEPFAR very high and we should have, instead, an individual in an office which does place it right at the center of its responsibility to make sure the money is being spent well?

Mr. BIDEN. Mr. President, will the Senator yield for a—

Mr. GREGG. That was a question.

Mr. BIDEN. That was a question? Oh. I am sorry.

Mr. LUGAR. And my response, at least, would be that very clearly each of the agencies does take it seriously. But I have outlined how all are to be brought together by our Federal Government in a coordinated way. It appears to me the inspector general function occurs in this manner with the same results and for less money than the Senator's amendment would suggest, and that is that an independent effort going outside of all of this is not productive in terms of savings, either on the face of it or in terms of fraud and abuse that might be found. But that, obviously, is the nature of our debate, and I respect the Senator's opinion.

Mr. GREGG. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Although the question was not asked of me, before the Senator leaves the floor, I say to the Senator from New Hampshire, if I could point out one of the problems—this may well have been mentioned, and I apologize if it has—but essentially what the Senator is suggesting is going to require us not only to set up a new agency, but an agency that does not have any experience overseas and an inspector general who will basically start from scratch.

These are two binders full of the reports, which I hold in my hands, that have been done thus far by the present system of the three different agencies: State, Health and Human Services, and AID. They have considerable experience in going into the field overseas, knowing their way around. Part of this has to do with knowing your way around.

I used to have a friend who was a great basketball player. He wasn't the brightest candle on the table intellectually, but he had a great expression. He said: You gotta know how to know. These guys know how to know. They know where to look. They have been doing some versions of this overseas for the last 30 years in the case of State and AID.

I am not going to dare suggest this material be printed in the RECORD, but I have here two large binders full of reports of the IGs, the coordinated efforts here, mostly done through State and AID, of overseeing these programs. The last point I will make: It is overwhelmingly in their interest to see that this money is spent well because it affects so many other aspects of their ability to provide the kinds of services the 150 account provides out of the whole effort we have for development and diplomacy.

I thank the Senator from New Hampshire for being kind enough to hang around and listen. To use President

Reagan's expression, "If it ain't broke, don't fix it"—it ain't broke. It costs more money to fix it, in my view. I believe the agencies in place, coordinating their efforts, have vastly more experience in knowing where to look and determining whether the money is being spent as intended.

Mr. President, the Global AIDS program is operated in this way: a special coordinator, Dr. Mark Dybul, sits in the Department of State, and provides policy development and guidance to the agencies in the field implementing the program.

The main agencies implementing the program in the field are the Agency for International Development and the Centers for Disease Control and Prevention, or CDC.

Ambassadors in the field, in every country where PEPFAR operates, provide overall supervision.

So there are three main agencies involved—the Department of State, the Department of Health and Human Services, and the U.S. Agency for International Development.

There are others, such as Peace Corps and the Defense Department, but these are the big three.

All three agencies—State, AID and HHS—already have an inspector general. These were created by Congress a long time ago.

In the last several years, the volume of audit and inspection reports prepared by these entities on the PEPFAR program and the President's Malaria Initiative fills these two large binders, which run hundreds and hundreds of pages in length.

The AID inspector general alone has conducted 25 audits and made nearly 100 recommendations.

The State Department inspector general has reviewed PEPFAR activities at 10 overseas posts during embassy inspections.

In the last 3 years, there have been five GAO reports, and another one is underway.

The Global AIDS coordinator, Dr. Dybul, has formally requested that the PEPFAR agency inspectors general get together on a collective financial audit.

In other words, there is already a lot of work that is being done. But in order to ensure that it continues and indeed increases, the bill before the Senate has a provision on this very point—a provision that the Senator's amendment would strike.

It requires the three inspectors general from these agencies to come up with a coordinated annual plan to review the programs under this act. And then it provides \$15 million that is specifically allocated to this work, out of the \$50 billion in this bill.

So we have already addressed the Senator's concern in a way that builds on an existing structure, which will save taxpayer dollars and will ensure a coordinated effort.

The Senator's amendment, by contrast, requires us to build a whole new outfit from scratch.

It calls for \$10 million in annual funding, or \$50 million over the life of the bill—almost as much as Dr. Dybul's own office spends to manage the entire program.

As everyone knows, these programs are implemented overseas, not only in the 15 "focus countries," but dozens of other countries.

The inspector general for the Agency for International Development has several overseas offices—including two of them in sub-Saharan Africa, in South Africa and Senegal—that do the bulk of the audit work.

The State Department inspector general sends teams out to inspect every embassy every 5 years or so. During these inspections, they review aspects of the PEPFAR program.

How will this new office be able duplicate this existing infrastructure? Where will these overseas offices be located? What are the startup costs for all this?

Do we really need a special IG for every \$6 billion program we create in the Government? Why do we bother to fund the permanent IGs?

Where will staff be recruited for this new IG? The community of IGs in the Government is already struggling to find competent auditors and investigators. The new IG will almost certainly end up poaching staff from existing IGs, thereby weakening those offices. Is that a result we want?

I think it makes no sense to start over, when we have existing outfits that can do the job. I oppose this amendment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. GREGG. Mr. President, I was seeking recognition.

The PRESIDING OFFICER. Forgive me. The Senator from New Hampshire.

Ms. LANDRIEU. Mr. President, I have a question. I have a question, if the Senator from New Hampshire would yield.

I understand I was put in order to speak after Senator LUGAR. Could someone clarify the order we are speaking, please, because I most certainly do not mind waiting.

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

Ms. LANDRIEU. OK, Mr. President, then I will go ahead and take the floor, then. Thank you for recognizing me.

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. To the Senator from Louisiana, there is no order to that effect.

Ms. LANDRIEU. Thank you, Mr. President.

Mr. CARDIN. Would the Senator yield for a moment?

Ms. LANDRIEU. I would.

Mr. CARDIN. I think it was the intention to allow the Senator from New Hampshire to finish on his statement.

How much time does the Senator from New Hampshire need to respond?

The PRESIDING OFFICER. The Senator from New Hampshire had been recognized.

Mr. CARDIN. Yes. I think he was seeking to finish on his amendment. And then the Senator from Louisiana was supposed to follow the Senator from New Hampshire. So the proper order would be to allow the—

The PRESIDING OFFICER. The Senator from New Hampshire is recognized, and the Chair will announce the order.

Ms. LANDRIEU. Mr. President, I would be more than happy to wait. I was given some other information, and I apologize to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Well, Mr. President, I am not sure what has happened here, but I was seeking recognition. I do not believe I had lost the floor, and I think it is inappropriate that I was taken off the floor. I am not going to continue this debate at this point, and I will yield to the Senator from Louisiana and let her proceed.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

HIGH GAS PRICES

Mr. President, I wanted to come to the floor to speak, actually, on a different subject, and I am very sorry that the wires got crossed about the debate that is on the floor because I know it is very important to try to pass this bill we are speaking about before we leave this week. But there is another issue that is very important to our constituents as well. That is the issue of high gas prices in America.

I know there are many people who are concerned on this Senate floor about our foreign policy and about contributions to foreign countries. I most certainly put myself in that category. But, in my view, there is nothing more important than energy policy right now in the United States—the prices people are paying at the pump—and the debate that is going on on this floor, in committees, and behind the scenes on energy. I most certainly had a great deal of conversation with my constituents when I was home over this past weekend.

In fact, in the time I have been back, I have spoken with Democrats and Republicans who have expressed very similar concerns, that the question most asked, the topic of most interest, is not about foreign aid, it is not even about the war in Iraq, although that is a very important point. The American people are interested and focused on energy prices: our consumers, our small businesses, our manufacturers, as well as our major industries, such as airlines and domestic manufacturing.

So I think it would be important for us to spend as much time as we can on the floor debating the issues that are

most important. I hope we can resolve the previous issue. Again, I apologize if I came to the floor too prematurely. But I do want to share a few thoughts about responding to some of the things that have been said by the Senator from New Jersey and the Senator from Washington State who spoke earlier this morning, and the Senator from New Mexico who was here an hour ago talking about the Republican proposals for energy.

I think while we fumble—and I do not think that is an inappropriate word at all because that is what is happening—as we fumble with not getting our energy price right in this country, the people are paying a premium at the pump. We have to stop fumbling this ball and try to make some strategic passes to move this ball down the field.

This is election-year politics at its worst. Our energy policy has fallen victim to a partisan stalemate. I hope we can, in the next couple of weeks, move forward together to a place that can immediately start reducing the price of gasoline. I think there are steps that can be taken to get quick results, and then most certainly steps that can be taken to reduce that price over time.

I believe also there are people of good will on both sides of the aisle, Republicans and Democrats, who realize we are in a place we have not been before in quite some time. That place is an economy that is in a very fragile circumstance right now based on extraordinarily historic high energy prices.

This economy was not built, this model was not built, to sustain these high prices. There is a European model—although the pain is significant in Europe—that can sustain it because they have some pressure point relief. They have mass transit. They have more sophisticated nuclear power. They have some other technologies that we have not. They can sustain something longer than we can. But we have to act.

I have been proud to be part, in the last few weeks, of a specific discussion that has five Democratic Members and five Republican Members—the Gang of 10. I have been part of these gangs before. I guess sometimes it is not good to be part of a gang, but in this case I think these are good gangs to belong to because these are gangs of 14 and gangs of 10 who are trying to help the Senate find its way.

I do not profess to have every answer. I do not even have every question. But I do know something about energy policy as a member of the Energy Committee for 10 years. And I do know a lot about our domestic production and what we are doing and what we are not doing and what we should be doing more of because I happen to represent a State that does a tremendous amount of production.

It is time for action, not for studies; for action, not for talk. On the floor of the Senate, as we continue to debate energy policy, I hope we can do more production and more conservation.

I want to put up a chart that I think is very illustrative of our situation. I want to say unequivocally as a Democrat that I think in many instances the Democratic Party has been wrong on the issue of production. I also want to say that I think the Republican Party has been in many instances wrong in their lack of aggressiveness on conservation.

Again, I am not saying I have been right on every one of these issues. There are votes I would like to take differently. No one is perfect in this policy. But fundamentally Democrats have not supported enough domestic production, and fundamentally Republicans have not supported enough conservation and new fuels. It has gotten us into more than a jam; it has gotten us into a lot of pain and a lot of unnecessary suffering.

There is much that can be done to move us forward, which is why our group has come together—five Democrats and five Republicans—to try to move both parties to the center for some sensible center solutions.

But I want for a few minutes to start with the facts about where we are drilling offshore and where we are not because there are so many charts that are brought to this floor and they are little pieces of the country or they are one little section to try to sway people one way or another. So I thought I would bring the whole enchilada—the whole enchilada.

As shown on this map, this is it. This is Canada—all of it—and the United States of America—all 50 States. There is no fudging here. I hope the camera can get a big look at this entire map of Canada and the United States—all 50 States.

If you notice, the area in blue is all of the area of the congressionally mandated and—up until 1 o'clock yesterday—Presidentially mandated moratoria. The entire coast of the United States of America: off limits to drilling, off limits to exploration, of what might actually be there.

So if anyone comes to this floor and says they know what is underneath these blue sections, I am going to stand here until they have to admit they don't, because they do not. No one can know. I don't know; the Energy Department doesn't know because there has never been an inventory conducted on one inch of this blue space, except for the purple right here. Even though some of us have been trying literally for decades to get an inventory, which has been put in the energy bills—as my colleagues know, every 10 years or so we manage to get one; it takes a lot of pain and suffering on the Senate floor to get any kind of energy bill, but every 10 years we are lucky enough to get one—there is an inventory provision in the bill, but it gets taken out, by Democrats primarily and some Republicans, who don't want to have an inventory because they don't even want to think about domestic drilling off their shores.

Then in the last energy bill we kept the inventory provision. However, I wish to announce on this Senate floor right now—and I am sorry I don't have the language, that the inventory was conducted—the inventory was conducted, but we would not allow the use of seismic equipment.

I will be finished in a minute. I see the leader here. I am going to wrap up in 30 seconds because I know he has an important announcement to make. It would be like saying to a doctor: Go find the cancer, but you can't do a biopsy and you can't have a microscope. You cannot search for oil and gas without using seismic methods. So the fact is—and I am going to conclude, because I know the leader is here and I am going to wait until he finishes what he has to say for me to finish—but no one in America would know what is here because we have never looked. I have other chapters to this speech, but I see the leader is here so I am going to stop.

I thank the Chair.

UNANIMOUS CONSENT AGREEMENT—H.R. 6331

Mr. REID. Mr. President, I wish to express my appreciation to the distinguished Senator from Louisiana for yielding while I make this unanimous consent request.

I ask unanimous consent that when the Senate receives from the House the veto message on H.R. 6331, it be considered as read, it be printed in the RECORD and spread in full upon the Journal, held at the desk, and that the Senate consider the veto message at 5:30 p.m. today, Tuesday, July 15; that the time from 5:30 p.m. to 6 p.m. be equally divided and controlled between the leaders and their designees, with the majority leader controlling the final 10 minutes; that at 6 p.m. the Senate proceed to vote on passage of the bill, the objections of the President to the contrary notwithstanding.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for 10 minutes, and then I will be happy to yield the floor.

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

HIGH GAS PRICES

Ms. LANDRIEU. So, Mr. President, to continue, the case is and the facts are—and anybody here who wants to actually know the facts, let me repeat again: There is no one who can tell us—not an oil executive, not a bureaucrat—excuse me, not even a government official under a Republican or Democratic administration—who could say with certainty what might be here because there has simply not been enough exploration. There have been scattered seismics taken back in the 1960s and 1970s, but as a general rule.

Now, this is going to be hard for the American people to understand or believe is true, but I am saying it is true and I can give them the information.

You see these yellow and red sections right here off of our coast? This is Canada here, this is Cuba right here, and this is Canadian. This is where Canada is drilling offshore, which is actually closer to the Maine coast than we will allow drilling off of the Maine coast. This is offshore Canadian production and exploration. That is underway now off the shore, because Canada knows what the United States doesn't know, which is that offshore oil and gas drilling can be done in a responsible way that protects the pristine coastlines, that protects the environment, because our technology has so greatly improved since the 1940s. It is sort of like being stuck in the space program and saying we couldn't possibly go to space because we don't have the technology. We have developed the technology. We can go into deep areas and do it safely.

I know the Presiding Officer has not generally been a supporter of drilling off of his coast, and I am very respectful of that position, as well as many other Senators. The good news is we don't have to drill off of every coast. We have a big coastline here. We don't have to drill off of every part, but the secret or the smart approach is to try to identify maybe 10—not 100; maybe 10, maybe 5, but something more than zero—to begin looking for places to drill for oil and gas. Cuba is going to be leasing land closer to Florida for China to drill on very shortly; closer than America is going to be allowing us to drill off the coast of Florida. When Americans are paying \$5 at the pump, that is going to be very hard to explain to them, how China is coming to waters closer to Florida to get oil for its people and our Congress will not allow us to get some of this oil to replenish the supply.

If anyone wants to come to the floor and debate with me that production doesn't matter, that supply and demand have no place here, then I am looking forward to that debate. I don't hold myself out to be an expert on markets, but trying to convince people that supply and demand is not operative here is like trying to explain to our voters that gravity doesn't exist. They don't buy it. They are not going to buy it. You could tell it to them 100 years long and they are not going to buy it because it is not true and they gut-check know it. It absolutely has an impact, supply and demand, and we don't have enough supply.

Now, can we absolutely drill our way out of this? The answer is no. We cannot drill our way out, but we can drill more, we can drill more safely, and we can in some places drill rather quickly—not in all places. I am going to show my colleagues where we can drill more quickly to have an impact. We must also, as we gear up to do that, put our foot on the accelerator on conservation, because we have been slow in that area. We have done a lot of studies. It is like going to the tip of the water and before you dive in, we have been dabbling our toe in the water. We

have to jump in on conservation, and I think we can do it.

I see the Senator from Indiana. Let me wrap up in 1 minute.

I wish to show in Louisiana where a lot of our gas and oil is coming from. We know a lot about this because we have been drilling there for 40, 50 years. When my colleagues come to the floor—this is what I am showing, which is pretty dramatic. This is the infrastructure necessary to produce oil and gas. Each of these pink dots is an oil well; the blue represents pipelines. Quickly, in Louisiana and Texas we permit for the drilling of oil and gas. We permit for these pipelines and we do it very quickly. All day long we lay these pipelines and we drill for oil. In other States when you try to go do this, States that aren't used to this, it takes them so long because the infrastructure is not there. I understand that.

So as a result, this is the only place we are basically getting our gas—from Louisiana. Lucky for us, because a lot of it goes to the Northeast. We send a lot of our oil and gas to the Northeast. We know the prices are high there, but we are sending about as much as we can. We can send more, but it takes infrastructure. So when people say to me—and I will wrap up with this—it doesn't matter if you open drilling, you can't get the oil in 30 days or 60 days, that is true, because it takes wells, it takes pipelines, it takes trucks, it takes concrete. The oil does not jump out and into people's automobiles, but you can lay this infrastructure, you can lay these pipelines, and you can do it safely. We made a lot of mistakes doing this, and so did Texas, but the good news is we are learning from our mistakes and we know how to do it better and we know how to do it more safely, and we can.

I am not going to take up any more of my colleagues' time because everybody has other issues to discuss as well, but I am going to come back every day as this debate goes forward and talk about the truth about production and what is actually being produced in this country and how much more can be produced, as well as pushing the conservation side, which most certainly has to be done to get our supply up and our demand down. I think this is a crucial issue, not only in this reelection, but for the future of the country.

Mr. President, I thank you for your courtesy.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I have an amendment I wish to talk about, and I will be glad to offer it now. I see the chairman on the floor. If he wishes to make a statement, that is fine.

Mr. BIDEN. Mr. President, I understand the Senator's amendment is in order. We have signed onto it. I ask unanimous consent that no second-degree amendments be in order to the Senator's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 5073

Mr. BUNNING. Mr. President, I have an amendment at the desk, No. 5073, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] offers an amendment numbered 5073.

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

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 is amended by striking “2004 through 2008” and inserting “2009 through 2013”.

(b) MALARIA VACCINE DEVELOPMENT PROGRAMS.—Section 302(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(m)) is amended by striking “2004 through 2008” and inserting “2009 through 2013”.

Mr. BUNNING. Mr. President, I rise today in strong support of the President's emergency plan for AIDS relief. However, the bill that is before us today—the so-called PEPFAR reauthorization bill—is a far cry from our original proposal to combat AIDS in Africa.

PEPFAR is one of our most successful foreign assistance programs. Since enactment in 2003, it has provided lifesaving treatment to 10 million people afflicted by HIV/AIDS, including children orphaned by AIDS. It has prevented 7 million new HIV infections and is on track to support treatment for an additional 2 million people. This is a successful program, and I am proud to have supported it. Through PEPFAR, the United States continues to be a leader in international assistance. With our generosity, we have created strong partnerships in countries where 5 years ago AIDS threatened to destroy entire generations. I wish to see us remain a leader in this effort, and it is because of this that I am concerned about the substantial changes made in the program in both the House and Senate reauthorization bills. These are not small changes made to a program to increase authorization levels or the number of patients treated in a bill; these are substantial changes that would jeopardize the success of the program as well as compromise the integrity of America's foreign assistance.

Aside from tripling the current funding levels, which I will address in a minute, the focus of the bill seems to be less on prevention and treatment of AIDS and more on development assistance. I am not opposed to development

assistance, but I do not believe an emergency global AIDS bill is the place to address issues such as water sanitation and/or the inheritance rights of women.

It detracts from the focus of the bill and shifts away funding from the core components of the program: treatment and prevention. They are what have made PEPFAR successful.

I oppose any efforts to weaken them or to needlessly shift money away from them to other lower priority programs.

This is why I was shocked and disappointed that both the House and the Senate committee-passed bills removed the AIDS treatment and prevention mandates.

Why would you remove language in a Global AIDS bill that would require the money to be spent on the treatment and prevention of AIDS? Is it not the purpose of the bill to prevent and treat AIDS?

Two months ago, I had the opportunity to meet with several doctors and patients from Uganda. Through their firsthand account, I could see how PEPFAR dollars, when used wisely, can combat the spread of AIDS and be used to provide lifesaving treatment.

One of the women I met with told me how PEPFAR saved her life. Through the program, she was able to treat this deadly disease in a way that enabled her to live a normal life. She now has a job and provides for her four children. In speaking with her, I was not only struck by her conviction for life but her insistence that I continue to work to strengthen the reauthorization of PEPFAR. Like me, she knew the changes made to the program could severely weaken its effectiveness and jeopardize its future success.

This woman is a living example of how PEPFAR can be successful if implemented as the program originally intended. Through her conviction, I, along with several of my colleagues on this side of the aisle, worked to fix this bill. We were able to make some improvements, such as restoring a treatment mandate that is still lower than the current program levels—but many problems still exist.

When so many Americans are facing economic problems at home, I have a hard time needlessly tripling the funding for this program. This is not the level requested by the administration. This is not even the level that the Congressional Budget Office says can be spent down by PEPFAR organizations within 5 years. This is \$15 billion more than that.

To put that in context, this is triple the amount of money needed to fund the reauthorization of our domestic health care program for children, which is called SCHIP.

I know many Kentuckians would like to see this program reauthorized.

This is reckless spending, plain and simple. We owe it to the American taxpayer to be better stewards of their tax dollars. We should know where our tax-

payer dollars are going—or not going—as in the case of Senator DEMINT's amendment on abortion.

We should also prioritize our funding for global AIDS. We need to ensure that these funds reach the neediest countries and not those that can afford their own space and nuclear programs, such as China and Russia.

At a time when China is tripling—I say tripling—their defense budget and manipulating their currency, I have a hard time spending billions of dollars in China to provide funding for treatment that we could use at home for our own AIDS programs.

Unfortunately, this is another example of how the so-called PEPFAR reauthorization bills have gone so far outside the original intent of the program. This is why I am offering my amendment.

The Bunning amendment simply reauthorizes the current program for another 5 years, while also continuing to fund the development of a malaria vaccine.

It maintains our original commitment to support the global fight against HIV/AIDS.

I urge my colleagues today to join me in my support for the current PEPFAR Program. I ask them to support my amendment so we can ensure that this program continues to be successful within the original scope of the program as intended by Congress and by the President.

Madam President, before I yield the floor, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I respect the Senator from Kentucky and understand his position. I am pleased to see his strong support for the intention of the PEPFAR legislation. But as appealing as the Senator's amendment is, it belies a very important underlying point. Originally, this was authorized for \$15 billion. At the time of the authorization, it was clear to everyone that was not nearly sufficient to deal with what is a worldwide dilemma, a worldwide problem. There is also recognition that it is not like you can isolate AIDS to a single country. The notion that we became clearly aware of, as knowledge of this disease became more apparent to the world at large, is that this has no borders. It has no geographic bounds. It has no ideological component. We hear statements that sound very appealing, such as: Why should we help a country like China deal with AIDS? We have the technology and the medical capability and PEPFAR and the world organizations know how to deal with it in ways that individual countries, including developed and developing countries such as China, don't.

What happens in China affects what happens in the rest of the world. The

idea of us not being part of the world effort to stem the spread of AIDS in China—or Russia, for that matter—impacts on the well-being of all humanity and, specifically, American citizens along the line. That is a generic point I wished to make.

Let me be more specific. This would slash funding from the \$50 billion mark we have proposed to a \$15 billion mark, which would be cutting current assistance substantially. It also assumes that the United States or the U.S. Global AIDS coordinator or our other partners have not learned anything in the past 5 years. In fact, we have learned a great deal. The Lantos-Hyde Reauthorization Act, which we are voting on now, and amendments to it, seeks to build on the current progress we have made.

The Senator outlined the real progress, but we ought not to freeze in place or, worse yet, set backward the progress we have made.

This bill draws heavily on several reports that have been commissioned by the Congress. The GAO, which is Congress's watchdog, and the Institute of Medicine, which is part of the U.S. National Academy of Sciences, both recommended substantial changes in current law in order to improve our programs. This bill acts on a number of those recommendations. First and foremost, it needs to be pointed out that the earmarks established in 2003—it would come back, as I understand it, in the proposal by my colleague from Kentucky—were actually impeding our progress in fighting AIDS, in some ways.

These earmarks set specific percentages for spending on HIV/AIDS prevention, treatment and care and, further, they set percentages on certain kinds of prevention activities.

In 2003, these earmarks may have served their stated purpose. For example, they emphasized the importance of treatment at a time when treatment was almost unheard of in parts of the world. They also underscored the ideas that abstinence and being faithful were key components of HIV prevention programs. Those principles were important and they are now well established.

But the Institute of Medicine also found that such rigid earmarks have “adversely affected implementation of the U.S. Global AIDS Initiative” and “have been counterproductive.”

The GAO also found the 2003 earmarks effectively pitted some of these earmarks against other very highly valued prevention efforts that should be under way to prevent the transmission of HIV from mother to child. As a result, fewer funds were available to expand programs to prevent transmission of the disease from HIV-infected mothers to their children. Every day, for example, over 1,000 children are infected by HIV.

The reauthorization bill removes or modifies most of those earmarks in order to promote the approach that better allows each country to fight its

own epidemic. Balanced prevention strategies are still important, but they also allow for new science to be brought to bear on the problem.

Let me say this. One of the things we found—remember, when we first started discussing this program on the floor, there was overwhelming resistance to many countries in Africa to even acknowledge that they had a problem. There was resistance in other parts of the world to acknowledge that they had a problem. It was viewed as somehow negatively reflecting on the people of a country or on the society and the governance of that society if there was an acknowledgement of the degree to which this disease was prevalent in their country. In order to get it going to begin with, we did a lot of things to sort of break through that membrane of resistance that existed out there. To that extent, the original notions were very productive and positive.

We have gone way beyond that now. The problem is larger than we thought when we first initiated this program. Let me conclude by quoting the administration's position on the bill that Senator LUGAR and I are proposing for our colleagues today:

The administration strongly supports S. 2731, the Tom Lantos-Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008, and the managers' substitute amendment for this bill, both of which would reauthorize PEPFAR and ensure the continued success of this program. . . . S. 2731 would reauthorize the emergency plan in a manner consistent with the program's successful founding principles and would maintain a continued focus on quantifiable HIV/AIDS prevention, treatment, and care goals.

So I say to my colleagues, the starting block from which our friend from Kentucky wishes us to return was just that. It was operating with what we knew and what we needed at the time to get started. We have learned a great deal more since then. We should not, in fact, turn back the clock. This reauthorization represents a true bipartisan compromise.

It includes 15 Republican amendments in the bill and suggestions we incorporated even before we reached the unanimous consent agreement last Friday. From the outset, it was a bipartisan effort. It passed out of our Foreign Relations Committee in a bipartisan way overwhelmingly.

When the appropriate time comes, I will move to ask our colleagues to join me and my colleague in opposing this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to strongly support the chairman and ranking member's initiative on the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act.

As we discuss how to support the President's Emergency Plan for AIDS Relief, we have the chance to take on the most devastating diseases the world has ever known.

The death toll from the AIDS epidemic stands at 22 million. Malaria will claim more than 1 million lives this year alone, most of which will be children under the age of 5.

This country has seen time and time again how the fate of the American people is intertwined with the fate of people all over the world. The AIDS epidemic is just one more case of that. More than half a million American lives have been lost.

Not just from a moral standpoint, but from an economic standpoint, a national security standpoint, and the standpoint of our own health as a nation, the fight against deadly diseases is a fight we are all in together.

Addressing these diseases is not just a humanitarian endeavor, it is also in the national security interests of the United States. These devastating diseases are a destabilizing force for many countries in Africa, and it is in our interest to ensure that sufficient funds are available to make meaningful progress in this area. This bill moves us closer to that goal.

The bipartisan bill we are considering offers ambitious but achievable targets, including supporting prevention of 12 million HIV infections, care for 12 million people with or affected by HIV/AIDS, including among those 5 million children, and an antiretroviral treatment for an increasing number of persons whose rising target is expected to represent at least 3 million lives saved.

Cutting funding would require a dramatic downsizing of these targets. Tuberculosis and malaria combined claim more than 3.6 million lives a year. The President's initial proposal of \$30 billion did not address funding for these diseases, except through the Global Fund. This bill, like its House counterpart, does include these diseases and increases the treatment goals for persons with HIV/AIDS, as well as for the treatment of children, thus justifying the additional authorization of funds. Authorization of funds—this is only to say we have the ability to go up to that amount. It does not guarantee we will spend that amount.

The amendment that is being offered by the Senator from South Carolina would slash the funding of this bill by almost a third.

While international organizations estimate that achieving universal access to antiretroviral medications would demand \$40 billion in resources—a number the world needs to do all it can to achieve—this amendment shaves down America's contribution, putting medication further out of the reach of thousands of people.

I chaired hearings on behalf of the committee. I know Senator LUGAR was with me during those hearings. This country hasn't gone into our greatest challenges halfheartedly. When we entered the Second World War, our allies knew we were in it with our hearts and our souls. When President Kennedy announced we would go to the Moon,

friend and foe alike knew that we would not rest until we had allowed mankind to take that giant leap.

This is our chance to show that America is ready to lead. We should come together as Republicans and Democrats, as Americans, as human beings, to stop this vast catastrophe, to attack it with all that we have. This is about our vision for the world, a world where disease can be controlled, a world ultimately free from fear.

If we act today to give PEPFAR full funding, it is more than just a powerful statement. We will have saved hundreds of thousands of lives, and that—that—is the essence of this debate. That is what is at stake right now, pure and simple. It is an expression of our humanity. It is an expression of the fulfillment of being able to do the one single thing that I think is the highest calling in public service, which is to save the life of another. It is an understanding that is in our national interests and our national security interests because disease knows no boundaries. We have faced that time and time again during the course of our history. If we believe this is someone else's problem, we are sadly mistaken. This is a chance for us to lead. It is an opportunity to do it in a bipartisan way.

I hope my colleagues will ultimately support the underlying bill and certainly oppose the amendment offered by my colleague from South Carolina so we can fulfill that obligation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I wish to speak in favor of the bill. I inquire of the manager if I need to receive any time allocation. I would like to speak for up to 10 minutes.

I rise to speak in favor of the U.S. Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 as it will be modified by the managers' amendment.

I have had the pleasure over the years to work with Senator LUGAR and Senator BIDEN. These are men of integrity, knowledge, and, I add, wisdom. They have seen a lot, done a lot. I think they have seen a few things that work, and I think they have seen a few things that don't work. This is one of those rare foreign policy programs that really works. Unfortunately, too often they do not.

While I am here, I wish to recognize the work of my colleague from Indiana for getting nuclear material out of the Soviet Union as one of those programs that works, and the world is a safer place because it works.

I have seen a lot of foreign policy issues that have not worked. Those sorts of things discredit foreign policy, particularly spending in the foreign affairs field. This is one of those programs that has worked. Because of it, hundreds of thousands of people are alive today who would not be alive. If we are able to get this reauthorization

and some additional support, there will be more who will be alive.

It is amazing how grateful people are if you help save their lives. The approval rating of the United States in Africa is the highest in the world, even including North America. I think it is primarily because of the health care support the United States does, and this is the leading bill to do it.

I am pleased as well that it is HIV/AIDS, tuberculosis, and malaria. Those three are not the only scourges that exist, but they are certainly the main ones, and they are ones that if we can go at each of them together, we are going to save people's lives. We are going to take away a lot of the difficulty—not all of it, by any means—but we are really going to help people where they need help, and this bill does it.

We all know that from whom much is given, much is expected. We have been given much in the United States. It is not that we don't have people struggling here as well because we certainly do. But a number of us have traveled to many of these countries where the HIV/AIDS scourge has been, and we have had a great deal of difficulty with it as well.

I have been to places where they have not had any resources to combat this disease at all. People wasting and dying in these terrible situations just have no hope at all. This gives them hope. This gives them help.

Since its creation in 2003, the Global AIDS initiative, commonly known as PEPFAR, has been a bright point of U.S. foreign aid policy. The United States has become the world's leader in prevention, treatment, and care for individuals suffering from this terrible disease. That 2003 law, which I was pleased to support and have somewhat a hand in helping it move on through, now needs to be reauthorized to continue this success.

From the beginning of this program, it has been my intention to do all that I could to make sure any reauthorization of the Global AIDS Program stayed true to its mission. This is a mission that has worked. We should not be taking it into other fields. We should stay with what this one program has accomplished. Often Government programs, when they lose sight of their mission, also lose their effectiveness. This one needs to stay true to its mission. I want to be certain it stays with this lifesaving program and not slip into other areas, some perilous waters that some may want it to do as it will get divisive for this body and for the United States.

Some people may want to push some of these funds over time into family planning or population control, possibly into abortion. That then divides us. Regardless of how one feels about these programs, it divides this body. If we can stay with the primary mission of what this has been about, it can keep us united. And the people on the ground receiving this treatment and

assistance need us to stay together and stay closely focused on what the mission of this program has been.

I further want to see to it that fidelity programs, which have proven their effectiveness internationally over the last 5 years, will remain an integral part of this program, and that recently with the President of Uganda and the First Lady—they were the ones who first started this program, ABC: A, abstinence; B, be faithful; and C, condoms. They started reducing their AIDS rates in Uganda. It worked so well. We want to make sure all three of those aspects stay in this program too.

Again, I am grateful, in working with Chairman BIDEN and Senator LUGAR, to keep this bill on its lifesaving course and keep us pulling together with the administration on this issue.

While I, and I am sure many of my colleagues, have additional provisions we would like to see included, the carefully tailored compromise is a credit to the bill managers.

On my part, I am pleased to see that abstinence and fidelity programs continue to be important components of prevention. The pledge to oppose sex trafficking is maintained. That is important. Conscious clause protection language is included to prevent discrimination against faith-based organizations such as World Vision, Catholic Relief Services, and many others that are so key to putting boots on the ground in this battle against AIDS.

I am concerned about the price tag on this overall bill. I do have concern about ratcheting it up that much that fast, given our own deteriorating economy and the difficulty we have. We have had a slow growth rate recently. I am hopeful that can improve, but I think for us to look at that big of an increase when we are looking at a deteriorating Federal budget situation is not responsible on our part. I hope we can get that budgetary number up, but not as high as it is put forward in this bill. That would be responsible of us.

The Global AIDS Program called for by President Bush and brought to fruition by a strong bipartisan effort in Congress in 2003 has touched, and I might indeed say saved, the lives of many people worldwide. I am proud to have supported that 2003 law. I am pleased to be able to support this reauthorization effort.

Let's stay true to the mission, let's get a number that we can hit, and let's continue to save lives with the abilities that we have been granted as a country to be able to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. 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. CLINTON. Madam President, there are two very important matters

that will be coming before the Senate this afternoon. The first is the legislation we are now considering to strengthen our efforts to fight HIV/AIDS, tuberculosis, and malaria. The second is the President's veto of the Medicare legislation.

First, with respect to the important work that has been done that we are discussing on this floor, the United States should take a leadership role on behalf of those suffering from HIV/AIDS, tuberculosis, and malaria around the world. I am very proud that this legislation includes portions of a bill that I introduced, the PEPFAR Accountability and Transparency Act, to monitor and improve the programs we fund so that we know what we are getting for the money we spend; that, in effect, we are looking for "best practices" so that we can learn from what works and discontinue what does not work. It is not based on ideology or some kind of personal preference but on evidence, on looking for the best evidence to determine how our dollars can be used more smartly and making each dollar go as far as possible.

I am also pleased that this legislation focuses on the needs of women and girls. This has been neglected in the past, and I call on my colleagues to stand against any efforts to undermine the bipartisan consensus to invest more in saving lives and demonstrating the best of American values in the eyes of people around the world.

This is one of the ways we can lead with our values and demonstrate clearly that the United States cares about people who are suffering, that we are seeking to find common ground to alleviate that suffering, and that we are willing to stretch out our hands in partnership and friendship. This is an important piece of legislation. I look forward to it passing and being signed into law.

Secondly, later today we will consider the legislation which the President vetoed this morning. I find it hard to understand why the President did so. He clearly stood against both the doctors of America and the patients of America on behalf of the insurance companies of America. Personally, I don't understand that kind of calculation.

Today, we will be joining colleagues on both sides of the aisle to stand against the cutting of reimbursements for doctors who care for Medicare recipients and standing up for making sure there is access to care for seniors, Americans with disabilities, and the men and women who serve in our military.

Couched by lofty goals and cloaked in misleading rhetoric, the President essentially vetoed health care for seniors, for veterans, and for Americans with disabilities. It is a disgrace, but unfortunately it is not a surprise. This is a battle which has been waged ever since President Johnson signed the Medicare legislation into law 33 years ago this month, and long before. I hope

today's veto and the narrow margin by which we will override it serves as a wake-up call. By seeking to undermine Medicare, President Bush and his allies continue an unyielding, uncompromising, unrelenting ideological crusade, a long twilight struggle to eviscerate Medicare, Social Security, and the means by which our Government actually solves problems for the people of our country.

It really comes down to basic values, and it comes down to our priorities as a nation. Will you stand with our seniors, with our veterans, with our Americans with disabilities? Will you stand with hospitals that are already forced to stretch their budgets to the limit? Will you stand with the doctors who care for Medicare recipients and are already struggling to see more patients in less time every single day? Will you stand with the people of this country who need a champion in the White House?

I believe strongly that we have to override this veto. We have to make it clear to the hard-working physicians in America that we are with you, that we will help by investing in preventive medicine such as screening, in health information technology which will limit costs while improving care, in new measures that will lead to improved quality, and by actually seeing what works and what doesn't work.

We know that the cuts in reimbursements that the President and his allies are seeking will also affect cuts in reimbursement and care that is accessible to military families. You see, Medicare sets the standards for payments that are used by TRICARE. TRICARE is the program that cares for our veterans, cares for Active Duty, cares for family members. TRICARE uses the Medicare formula for physician payments.

I have just finished an incredible experience, crisscrossing our country for the past 17 months, and I was inspired each and every day by the resolve and the resilience of the American people. I learned a lot, and one of the lessons I learned is that Americans are ready, even eager to have a government that actually works again, that solves problems, that produces results. Thirty-three years ago, our Government did that. It wasn't easy and it literally took years, even decades, to achieve, but when Lyndon Johnson signed the Medicare law, he sent a very clear signal to those who worried about whether they would be able to afford to take care of themselves or take care of their parents and their grandparents that health care would be available to them.

We have a lot of work to do in the next years to make sure Medicare fulfills its promise. I look forward to working with like-minded allies on both sides of the aisle to make it clear that we will stand behind Medicare. We will need to be modernized. We will have to make some changes so that it works better, so that it emphasizes prevention. But you don't start by pe-

nalizing the people who take care of those who are on Medicare today.

The doctors and nurses of America do heroic work every single day. Our hospitals stand ready to care for those in need. Let's not make it more difficult to actually deliver the services that will save lives, ameliorate suffering, and extend the quality of life.

I am hoping that when this vote is held in a few hours, we will have a resounding repudiation of President Bush's veto and send a message, not only to doctors and nurses and other health care professionals but to the people of our country, that we are better than this and we are going to stand with you to make sure you have the health care you deserve under the program that has meant so much to so many for so long—Medicare.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Madam President, I have a unanimous consent I am about to propound that has been cleared on the Republican side. I ask unanimous consent that at 5 p.m. the Senate proceed to a vote in relation to the Bunning amendment, No. 5073; further, that the time until 5 p.m. be equally divided and controlled in the usual form.

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

AMENDMENT NO. 5073

Mr. BIDEN. Madam President, I will use a minute or so of this time. I believe the Bunning amendment is well intended, but I think the irony is the Bunning amendment fails to understand what it was that was intended at the first effort to bring forward PEPFAR and get this underway.

As I said, we had a number of nations that needed help badly denying the need for help because they viewed it reflected so negatively on them as a people and as a nation. So we did a lot of things the first time around that now, in the clear light of day, and much broader need, and the fact that PEPFAR and the world Global Fund is being embraced by the rest of the world, that actually acts as an impediment if we went back to Senator BUNNING's proposal.

So at the appropriate time, 5 o'clock, I am going to suggest again that my colleagues support a "no" vote. We will have an up-or-down vote on this amendment and vote no on the Bunning amendment, which would quite frankly eviscerate, literally eviscerate the President's initiative.

I will conclude by saying, I am often critical of the President and his foreign policy and his aid programs, et cetera. But the President of the United States, George W. Bush, deserves great credit.

If the President did nothing else in his administration, this is justification enough for his legacy to be looked back on favorably because of the phenomenal and dramatic impact this initiative has had and will have in the rest of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, in the concluding time before the scheduled vote, I want to give a statement in opposition to the Bunning amendment and also to the DeMint amendment, No. 5077, that was introduced earlier today. Both seek to reduce the authorization in the pending bill.

The amendment posed by the distinguished Senator DEMINT poses a fundamental question with regard to this legislation, which likewise is reiterated by Senator BUNNING: How much should we authorize for the continuing fight against HIV/AIDS, malaria, and tuberculosis? It is a question for honest debate and on which Members may have different views.

The figure of \$50 billion in the bill we are debating today rose out of bipartisan negotiations between Congress and the White House. It is based on what the President and we believe can be spent efficiently and effectively in the years ahead.

It presumes that funding will gradually increase each year over the coming 5-year period. Of the \$50 billion authorized, \$5 billion has been reserved for malaria, and \$4 billion has been reserved for tuberculosis.

The global impact of malaria and tuberculosis has been underestimated for years. And the bill before us takes an important step to invigorate these worldwide efforts. As other Senators have observed, this is an authorization bill that will be subject to the annual appropriations process. It is meant to establish policy and overall parameters of spending on the PEPFAR Program.

Congress may not deem it necessary or possible to spend the entire \$50 billion over the course of 5 years, but if the funds authorized by this bill are being spent efficiently and effectively and productively for the lifesaving and life-altering purposes in the bill, I believe we should have the authorization in place to spend that much.

There is no question that the crisis created by these diseases is real, that our programs are preserving or improving millions of lives, and it is difficult to put the dislocation and human devastation caused by AIDS, malaria, and tuberculosis in context because the impact extends well beyond the lives lost.

The HIV/AIDS pandemic, coupled with the effects of tuberculosis and malaria, are rending the socioeconomic fabric of communities, nations, and entire continents. The U.S. National Intelligence Council and innumerable top officials, including President Bush, have stated that the HIV/AIDS pandemic is a threat to our national security and to international security.

Communities are being hobbled by the disability and loss of consumers and workers at the peak of their productive, reproductive and caregiving years. In the most heavily affected areas, communities are losing a whole generation of parents, teachers, laborers, peacekeepers, and police.

The projections of the United Nations indicate that by 2020, HIV/AIDS will have depressed the GDP by more than 20 percent in the hardest hit countries, and many children will have lost parents to HIV/AIDS or left entirely on their own, leading to an epidemic of orphan-headed households.

When they drop out of school to fend for themselves, they lose the potential for economic empowerment that education can provide. Such dislocation has obvious implications for our efforts to suppress and prevent terrorism. It has implications for our ability to expand economic opportunity and trade with emerging nations.

It has implications for our efforts to solidify partners to combat climate change and environmental degradation. Countries and regions that are prostrate due to the massive incidence of deadly diseases cannot effectively address the problems we need them to address. When circumstances reach such dire proportions, the countries in question can become the source of extreme instability. Therefore, we should understand our investments in disease prevention programs have yielded enormous foreign policy benefits during the past 5 years, and we look forward to extraordinary progress during the coming 5 years. This is why I support the \$50 billion authorization, appreciating that there will need to be constant auditing, constant debate with the White House and the Congress on priorities, a tailoring during the appropriations process in each year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Madam President, I would like to try to respond to all these statements made since I offered my amendment. It seems that when we get a good program going in the Congress, one that is funded properly for the first 5 years, we try to expand the program and expand the program, and actually, in this expansion, we have differentiated the mission of the program.

The mission of the program originally was to fight infectious AIDS and AIDS-related things in every area of the world we could find them. It was something the United States wanted to do. This bill before us doesn't do that. It takes away a lot of the mandates that we had to fight infectious HIV and AIDS in areas of necessity. Instead, it puts it into the Global AIDS Fund at the United Nations. The Global AIDS Fund at the United Nations, unfortunately, is just in the first year, and then you have unlimited sums in years 2, 3, 4, and 5. There is no transparency at all in that Global AIDS Fund at the

United Nations, and we all ought to re-examine and reauthorize this bill as it was originally proposed. Then we could go on and fight AIDS around the world in countries that need our assistance.

I beg my colleagues, think it over very seriously and vote for my amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). All time has expired.

The question is on agreeing to amendment No. 5073.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

The result was announced—yeas 16, nays 80, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—16

Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bond	DeMint	Vitter
Bunning	Ensign	Wicker
Chambliss	Gregg	
Cornyn	Hutchison	

NAYS—80

Akaka	Durbin	Murkowski
Alexander	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Inhofe	Salazar
Burr	Inouye	Sanders
Byrd	Johnson	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Clinton	Lautenberg	Specter
Coburn	Leahy	Stabenow
Cochran	Levin	Stevens
Coleman	Lieberman	Sununu
Collins	Lincoln	Tester
Conrad	Lugar	Thune
Corker	Martinez	Voinovich
Dodd	McCaskill	Webb
Dole	McConnell	Whitehouse
Domenici	Menendez	Wyden
Dorgan	Mikulski	

NOT VOTING—4

Kennedy	Obama
McCain	Warner

The amendment (No. 5073) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CARDIN. Mr. President, today we consider one of the most important international assistance bills of the 110th Congress.

I refer to S. 2731, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008, or better known as the PEPFAR Reauthorization Act.

Originally created in 2003, PEPFAR was funded at \$15 billion dollars. At the time, this was the single largest bilateral program ever created to address a disease.

President George Bush should rightfully be commended for creating an innovative program designed to support HIV/AIDS prevention, treatment, and care programs.

I also wish to commend the chairman and ranking member of the Senate Foreign Relations Committee, Senator BIDEN and Senator LUGAR, for their persistence and hard work on bringing this bill to the floor of the Senate for today's vote.

The nature and extent of the HIV/AIDS epidemic varies from country and region. In some countries in East Asia, the AIDS rate is less than 1 percent, while in some Sub-Saharan African countries the rate is more than 20 percent. In fact, two-thirds of all people infected with HIV, some 22.5 million, live in Sub-Saharan Africa.

When we look at the health care infrastructure of most Sub-Saharan African countries, we find little technology, personnel, or physical structures. Most, if not all, of these nations are ill prepared to address the epidemic.

AIDS has destroyed many African families, leaving an estimated 11.4 million children without one or both parents. Many elderly grandparents are left to care for the children, draining their meager resources and energy. There are many cases where orphans are denied inherited land and cattle and ultimately left to fend for themselves.

With anecdotes such as these, it is vital that we pass S. 2731 to continue our efforts to combat AIDS. S. 2731 would require the President to establish a 5-year strategy to fight HIV/AIDS, TB, and malaria. S. 2731 will also intensify prevention, treatment, and care programs and include groups particularly vulnerable to the disease such as women and young girls.

S. 2731 will also boost funding for research, public-private partnerships, and reinforce vaccine development.

I have consulted with an organization in my home State of Maryland called Jhpiego. Jhpiego is affiliated with Johns Hopkins University Hospital and has performed tremendous work in Africa to build the health care infrastructure in Sub-Saharan Africa. Jhpiego has found through its programs that African health care workers need greater preservice training in order to bolster national, in-country efforts to fight AIDS. For this reason, I worked with the chairman and ranking member of the committee to include language to include preservice training and capacity building within the overall funding strategy of this legislation.

As the PEPFAR Program matures, it is my hope that so too will the skills and numbers of the cadre of African health workers engaged in the effort to reduce the prevalence of HIV/AIDS.

My other amendment allows for the inclusion of American land grant colleges and universities and historically Black colleges and universities to participate in programs to increase the technological and teaching capacity of African professional institutions to prepare their students for careers in public health. As the United States further engages the global fight against HIV/AIDS, I believe sustainability and African leadership are imperative to insure a full and respectful partnership and one that will be mutually beneficial to America and the states of Sub-Saharan Africa.

The PRESIDING OFFICER. The Senator from Washington.

I must note that there is a previous order to go to the veto message in 3 minutes.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 7 minutes to speak on the vote that will occur at 6 o'clock this evening.

The PRESIDING OFFICER. The Senator will withhold.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—VETO

The PRESIDING OFFICER. The Senate having received the veto message from the House of Representatives on H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, the message will be considered read, spread upon the Journal, and printed in the RECORD.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 6331, the "Medicare Improvements for Patients and Providers Act of 2008." I support the primary objective of this legislation, to forestall reductions in physician payments. Yet taking choices away from seniors to pay physicians is wrong. This bill is objectionable, and I am vetoing it because:

It would harm beneficiaries by taking private health plan options away from them; already more than 9.6 million beneficiaries, many of whom are considered lower-income, have chosen to join a Medicare Advantage (MA) plan, and it is estimated that this bill would decrease MA enrollment by about 2.3 million individuals in 2013 relative to the program's current baseline;

It would undermine the Medicare prescription drug program, which today is effectively providing coverage to 32 million beneficiaries directly through competitive private plans or through Medicare-subsidized retirement plans; and

It is fiscally irresponsible, and it would imperil the long-term fiscal soundness of Medicare by using short-

term budget gimmicks that do not solve the problem; the result would be a steep and unrealistic payment cut for physicians—roughly 20 percent in 2010—likely leading to yet another expensive temporary fix; and the bill would also perpetuate wasteful overpayments to medical equipment suppliers.

In December 2003, when I signed the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) into law, I said that "when seniors have the ability to make choices, health care plans within Medicare will have to compete for their business by offering higher quality service. For the seniors of America, more choices and more control will mean better health care." This is exactly what has happened—with drug coverage and with Medicare Advantage.

Today, as a result of the changes in the MMA, 32 million seniors and Americans with disabilities have drug coverage through Medicare prescription drug plans or a Medicare-subsidized retirement plan, while some 9.6 million Medicare beneficiaries—more than 20 percent of all beneficiaries—have chosen to join a private MA plan. To protect the interests of these beneficiaries, I cannot accept the provisions of this legislation that would undermine Medicare Part D, reduce payments for MA plans, and restructure the MA program in a way that would lead to limited beneficiary access, benefits, and choices and lower-than-expected enrollment in Medicare Advantage.

Medicare beneficiaries need and benefit from having more options than just the one-size-fits-all approach of traditional Medicare fee-for-service. Medicare Advantage plan options include health maintenance organizations, preferred provider organizations, and private fee-for-service (PFFS) plans. Medicare Advantage plans are paid according to a formula established by the Congress in 2003 to ensure that seniors in all parts of the country—including rural areas—have access to private plan options.

This bill would reduce these options for beneficiaries, particularly those in hard-to-serve rural areas. In particular, H.R. 6331 would make fundamental changes to the MA PFFS program. The Congressional Budget Office has estimated that H.R. 6331 would decrease MA enrollment by about 2.3 million individuals in 2013 relative to its current baseline, with the largest effects resulting from these PFFS restrictions.

While the MMA increased the availability of private plan options across the country, it is important to remember that a significant number of beneficiaries who have chosen these options earn lower incomes. The latest data show that 49 percent of beneficiaries enrolled in MA plans report income of \$20,000 or less. These beneficiaries have made a decision to maximize their Medicare and supplemental benefits through the MA program, in part be-

cause of their economic situation. Cuts to MA plan payments required by this legislation would reduce benefits to millions of seniors, including lower-income seniors, who have chosen to join these plans.

The bill would constrain market forces and undermine the success that the Medicare Prescription Drug program has achieved in providing beneficiaries with robust, high-value coverage—including comprehensive formularies and access to network pharmacies—at lower-than-expected costs. In particular, the provisions that would enable the expansion of "protected classes" of drugs would effectively end meaningful price negotiations between Medicare prescription drug plans and pharmaceutical manufacturers for drugs in those classes. If, as is likely, implementation of this provision results in an increase in the number of protected drug classes, it will lead to increased beneficiary premiums and copayments, higher drug prices, and lower drug rebates. These new requirements, together with provisions that interfere with the contractual relationships between Part D plans and pharmacies, are expected to increase Medicare spending and have a negative impact on the value and choices that beneficiaries have come to enjoy in the program.

The bill includes budget gimmicks that do not solve the payment problem for physicians, make the problem worse with an abrupt payment cut for physicians of roughly 20 percent in 2010, and add nearly \$20 billion to the Medicare Improvement Fund, which would unnecessarily increase Medicare spending and contribute to the unsustainable growth in Medicare.

In addition, H.R. 6331 would delay important reforms like the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies competitive bidding program, under which lower payment rates went into effect on July 1, 2008. This program will produce significant savings for Medicare and beneficiaries by obtaining lower prices through competitive bidding. The legislation would leave the Federal Supplementary Medical Insurance Trust Fund vulnerable to litigation because of the revocation of the awarded contracts. Changing policy in mid-stream is also confusing to beneficiaries who are receiving services from quality suppliers at lower prices. In order to slow the growth in Medicare spending, competition within the program should be expanded, not diminished.

For decades, we promised America's seniors we could do better, and we finally did. We should not turn the clock back to the days when our Medicare system offered outdated and inefficient benefits and imposed needless costs on its beneficiaries.

Because this bill would severely damage the Medicare program by undermining the Medicare Part D program and by reducing access, benefits, and choices for all beneficiaries, particularly the approximately 9.6 million