

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

NOT VOTING—10

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1444

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

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

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

The result of the vote was announced as above recorded.

Stated for:

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

NATIONAL HIGHWAY BRIDGE RECONSTRUCTION AND INSPECTION ACT OF 2008

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

□ 1444

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

AMENDMENT NO. 10 OFFERED BY MR. CHILDERS

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

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHILDERS:

At the end of section 5, add the following: (d) COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.—None of the funds appropriated pursuant to subsection (a) may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

[Roll No. 528]

AYES—416

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

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

NOES—1

Moore (WI)

ANSWERED “PRESENT”—6

|              |          |       |
|--------------|----------|-------|
| Clarke       | Ellison  | Honda |
| Edwards (MD) | Grijalva | Towns |

NOT VOTING—16

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

□ 1503

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

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

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

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

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

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

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

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. POE

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

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

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

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

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

Mr. MCGOVERN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1515

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

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

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

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

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

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

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

Mr. MCGOVERN. I thank the gentleman for yielding.

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

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

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

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

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

So enough of this nonsense; vote down this motion.

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

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

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

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

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

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

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

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

[Roll No. 529]

AYES—151

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

NOES—268

Abercrombie Gutierrez Nunes Bishop (UT) Cannon LaHood  
 Ackerman Hall (NY) Oberstar Boswell Cubin Ortiz  
 Allen Hare Obey Brown-Waite, Hinojosa Rush  
 Altmire Harman Olver Ginny Hulshof

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

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

Will all present please rise for a moment of silence.

□ 1542

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

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

[Roll No. 530]  
YEAS—367

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

ANSWERED "PRESENT"—5

Aderholt Everett Weller  
 Bonner Rogers (AL)

NOT VOTING—10

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

NAYS—55

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

|            |            |             |
|------------|------------|-------------|
| Shadegg    | Tancredo   | Weldon (FL) |
| Smith (NE) | Thornberry |             |
| Stearns    | Tiahrt     |             |

NOT VOTING—12

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1553

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

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

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

There was no objection.

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

Mr. BERMAN. Mr. Speaker, pursuant to House Resolution 1362, I call from the Speaker’s table the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Purpose.

Sec. 5. Authority to consolidate and combine reports.

**TITLE I—POLICY PLANNING AND COORDINATION**

Sec. 101. Development of an updated, comprehensive, 5-year, global strategy.

Sec. 102. Interagency working group.

Sec. 103. Sense of Congress.

**TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS**

Sec. 201. Voluntary contributions to international vaccine funds.

Sec. 202. Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Sec. 203. Research on methods for women to prevent transmission of HIV and other diseases.

Sec. 204. Combating HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of partner countries.

Sec. 205. Facilitating effective operations of the Centers for Disease Control.

Sec. 206. Facilitating vaccine development.

**TITLE III—BILATERAL EFFORTS**

**Subtitle A—General Assistance and Programs**

Sec. 301. Assistance to combat HIV/AIDS.

Sec. 302. Assistance to combat tuberculosis.

Sec. 303. Assistance to combat malaria.

Sec. 304. Malaria Response Coordinator.

Sec. 305. Amendment to Immigration and Nationality Act.

Sec. 306. Clerical amendment.

Sec. 307. Requirements.

Sec. 308. Annual report on prevention of mother-to-child transmission of HIV.

Sec. 309. Prevention of mother-to-child transmission expert panel.

**TITLE IV—FUNDING ALLOCATIONS**

Sec. 401. Authorization of appropriations.

Sec. 402. Sense of Congress.

Sec. 403. Allocation of funds.

**TITLE V—MISCELLANEOUS**

Sec. 501. Machine readable visa fees.

**TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH**

Sec. 601. Emergency plan for Indian safety and health.

**SEC. 2. FINDINGS.**

Section 2 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601) is amended by adding at the end the following:

“(29) On May 27, 2003, the President signed this Act into law, launching the largest international public health program of its kind ever created.

“(30) Between 2003 and 2008, the United States, through the President’s Emergency Plan for AIDS Relief (PEPFAR) and in conjunction with other bilateral programs and the multilateral Global Fund has helped to—

“(A) provide antiretroviral therapy for over 1,900,000 people;

“(B) ensure that over 150,000 infants, most of whom would have likely been infected with HIV during pregnancy or childbirth, were not infected; and

“(C) provide palliative care and HIV prevention assistance to millions of other people.

“(31) While United States leadership in the battles against HIV/AIDS, tuberculosis, and malaria has had an enormous impact, these diseases continue to take a terrible toll on the human race.

“(32) According to the 2007 AIDS Epidemic Update of the Joint United Nations Programme on HIV/AIDS (UNAIDS)—

“(A) an estimated 2,100,000 people died of AIDS-related causes in 2007; and

“(B) an estimated 2,500,000 people were newly infected with HIV during that year.

“(33) According to the World Health Organization, malaria kills more than 1,000,000 people per year, 70 percent of whom are children under 5 years of age.

“(34) According to the World Health Organization, 1/3 of the world’s population is infected with the tuberculosis bacterium, and tuberculosis is 1 of the greatest infectious causes of death of adults worldwide, killing 1,600,000 people per year.

“(35) Efforts to promote abstinence, fidelity, the correct and consistent use of condoms, the delay of sexual debut, and the reduction of concurrent sexual partners represent important elements of strategies to prevent the transmission of HIV/AIDS.

“(36) According to UNAIDS—

“(A) women and girls make up nearly 60 percent of persons in sub-Saharan Africa who are HIV positive;

“(B) women and girls are more biologically, economically, and socially vulnerable to HIV infection; and

“(C) gender issues are critical components in the effort to prevent HIV/AIDS and to care for those affected by the disease.

“(37) Children who have lost a parent to HIV/AIDS, who are otherwise directly affected by the disease, or who live in areas of high HIV prevalence may be vulnerable to the disease or its socioeconomic effects.

“(38) Lack of health capacity, including insufficient personnel and inadequate infrastructure, in sub-Saharan Africa and other regions of the world is a critical barrier that limits the effectiveness of efforts to combat HIV/AIDS, tuberculosis, and malaria, and to achieve other global health goals.

“(39) On March 30, 2007, the Institute of Medicine of the National Academies released a report entitled ‘PEPFAR Implementation: Progress and Promise’, which found that budget allocations setting percentage levels for spending on prevention, care, and treatment and for certain subsets of activities within the prevention category—

“(A) have ‘adversely affected implementation of the U.S. Global AIDS Initiative’;

“(B) have inhibited comprehensive, integrated, evidence based approaches;

“(C) ‘have been counterproductive’;

“(D) ‘may have been helpful initially in ensuring a balance of attention to activities within the 4 categories of prevention, treatment, care, and orphans and vulnerable children’;

“(E) ‘have also limited PEPFAR’s ability to tailor its activities in each country to the local epidemic and to coordinate with the level of activities in the countries’ national plans’; and

“(F) should be removed by Congress and replaced with more appropriate mechanisms that—

“(i) ‘ensure accountability for results from Country Teams to the U.S. Global AIDS Coordinator and to Congress’; and

“(ii) ‘ensure that spending is directly linked to and commensurate with necessary efforts to achieve both country and overall performance targets for prevention, treatment, care, and orphans and vulnerable children’.

“(40) The United States Government has endorsed the principles of harmonization in coordinating efforts to combat HIV/AIDS commonly referred to as the ‘Three Ones’, which includes—

“(A) 1 agreed HIV/AIDS action framework that provides the basis for coordination of the work of all partners;

“(B) 1 national HIV/AIDS coordinating authority, with a broadbased multisectoral mandate; and

“(C) 1 agreed HIV/AIDS country-level monitoring and evaluating system.

“(41) In the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, of April 26–27, 2001 (referred to in this Act