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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty Father, the giver of gifts, help us to live in purity. Make all our thoughts so pure that they will bear Your scrutiny. Make all our desires so pure that they will be rooted in Your purposes. Make all our words so pure that You will find pleasure in hearing them. Make all our actions so pure that people will know that we are Your children.

Guide our lawmakers through the challenges of this day. Keep them from words that harm and do not help, from deeds that obstruct and do not build, from habits that shackle and do not liberate, and from ambitions that take and do not give.

Give to us all the blessings of asking and receiving, of seeking and finding, and of knocking and opening.

We pray in Your sovereign name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of Calendar No. 317, which the clerk will report.

The assistant legislative clerk read the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 10 a.m. until 11 a.m. will be under the control of the majority leader, or his designee.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, today the Senate resumes consideration of the nomination of John Roberts to be Chief Justice of the United States. Tomorrow at 11:30 we will vote on this nomination. Again, I remind all Senators to be at their desks for that vote. This is among the most significant votes that most of us will cast in our Senate careers, the approval of the nomination of Chief Justice of the United States. We ask Senators to come to the Chamber around 11:20 to be seated for the 11:30 vote.

Following the confirmation on Judge Roberts, the Senate will take up the Defense appropriations bill. Senators should expect votes on Thursday, and we will be voting on Friday on the appropriations bill or any other legislative or executive items that are cleared for action.

I was talking to the Democratic leader to make sure that we are voting on Friday of this week.

We also have a continuing resolution that we must act on this week before the end of the fiscal year. Therefore, I ask that Senators adjust whatever plans they have for the weekend or for Friday to recognize that we will be voting. We will not be voting on Monday or Tuesday in observance of the Jewish holiday. But the Senate will be in session to conduct business and discussing amendments. Those amendments will be stacked for votes on Wednesday. We will notify Senators as to what time that will be. I encourage Senators to come forward and offer their amendments as early as possible so we can vote on Wednesday.

PANDEMIC PREPAREDNESS

Mr. President, on another issue, an important issue—we have so much going on in this body with the appropriations bills, and the nomination coming forward, and that is going very well in terms of the discussion on both sides of the aisle. But there are many other issues as well.

I want to focus for a few minutes on an issue I do not believe is receiving the attention it deserves given the risk that is before us.

Yesterday, I sent a letter to Health and Human Services Secretary Michael

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Leavitt regarding our Nation's pandemic preparedness. The H5–N1 avian influenza—the name of this particular strain of virus—has spread from Southeast Asia to Russia. It is spreading across the world.

If you look at a map and look at that spread, it gives you real pause—and it should. It threatens to land in Europe. Although you can't say with certainty as you look at that picture of the globe and you see that spread, it will next be in Europe and America, although we don't know what that order will be.

It has infected more people and more poultry than any previous strain. If you look at the animal population—it is called the avian or bird influenza—it has caused the death or destruction of not just a few million but 160 million birds. That includes what is called the ''culling'' that goes on. But 160 million birds have died as a result of this influenza.

It has jumped from animals, the birds and other animals, actually, with a genetic shift to humans. People ask, How many humans have been infected? We do not know exactly, but we have documented 115 confirmed human cases of this particular H5–N1 influenza.

How fatal is it? It is fatal. The mortality rate is very high. Fifty-nine people out of the 115 confirmed cases died from this particular virus. It has a very high mortality rate.

Just this week, Indonesian health officials reported that yet another person—a young woman age 30—has died from the virus. This follows last week's deaths of two young girls and a boy with very similar symptoms in Jakarta and Samarinda. Since last Monday, Indonesia has put itself on an ''extraordinary incident'' status.

Experts warn that a global cataclysmic pandemic is not a question of if but when. Like an earthquake, or like a hurricane, it can hit any time. When it does, it could take the lives of tens of millions of people.

People ask, Is that an overstatement? I don't believe it is. You only have to go back and look at the history. This August, I spent a great deal of time talking to experts around the country on the H5–N1 influenza virus. In Tennessee, over in Memphis, there is St. Jude's Children's Research Hospital. There is a group of researchers there who probably know more about this particular strain than anybody in the world, led by Dr. Robert Webster at the St. Jude's Children's Research Hospital. He is one of the leading experts of the H5–N1 strain.

He explained in very clear terms that there are 16 families of the avian influenza. Billions of mutations of the virus are occurring every day. It is constantly changing, constantly adapting. With each of these little mutations, the virus multiplies its odds of becoming transmissible from human to human. It is changing up, to be spread throughout the bird population to the human population. And with just one little, tiny change, it can be transmitted person to person to person. It is a little bit like pulling the lever on a Vegas slot machine over and over again. If you pull it enough times, the reels will align and hit the jackpot. In this case the jackpot is a deadly virus to which humans have no natural immunity.

It is very important right now. Nobody listening to me has a natural immunity to this particular virus. Infected hosts are contagious before they are symptomatic. In other words, anyone walking around who is infectious can spread the disease. They may not have any symptoms. The virus would thus have ample opportunity to spread rapidly throughout the population before it could be detected or appropriately contained—but not symptomatic. You don't know whether it can be contained or know to stay away from people.

To make matters worse, we lack our best defense. People say, If it does happen, surely in America or in the world today we have a vaccine, and we have a robust antiviral stockpile. If you think you are disposed, or if you are a physician or health personnel and go into a community to treat it, do we have enough of the antiviral pill which you can take that will protect you? The answer is no.

This particular antiviral pill is Tamifly. I will mention that shortly.

We don't have enough today for first responders, or doctors and nurses who would be taking care of you. The United States of America—the richest country in the world, and the most advanced country in the world—is unprepared in terms of the number of vaccines to treat, as well as the initial antiviral pill or therapy to treat. We do not have enough doses of the antiviral Tamifly. It is a drug which is effective today in the treatment of this particular strain. We have enough to treat about 2 million people—a little over that, 2.3 million people. We have 295 million people in this country and we can treat about 2 million people—and then that is it.

There is only one company located in the United States that produces the influenza vaccine—not the Tamifly, but the vaccine itself. In contrast, Britain, France, and Canada have tens of millions of doses on order—that is the Tamifly, the antiviral agent. We have 2 million. They have tens of millions in Britain, France and Canada.

Where does the Tamifly come from? It comes from Switzerland. That is where the manufacturing facility is located.

With our weakened domestic manufacturing capacity in this country for both something like Tamifly but especially vaccines—we do not have manufacturing plants to do it—it makes us dangerously dependent on other countries and foreign sources.

If there is an outbreak in that country and the manufacturing plant is there, it is very unlikely they will send doses to the United States of America.

The vaccine testing today indicates that an H5–N1 vaccine is safe and able to generate a robust immune response in healthy adults. That is good. That shows real progress. This data is preliminary, but it represents a very positive step that progress is being made. That is an important first step, however, and this is the key: It would take 6 to 9 months to produce 180 million of what are called monovalent vaccines. If this virus did have that transmission ability, it would be traveling and ravaging our population with no vaccine available. Two doses are required. We could make 180 million. That is enough to treat 90 million people in 9 months. It would take at least a full year to produce enough vaccine for the entire country. By that time, because this virus can be transmitted or could be transmitted so easily, the risk is that tens of thousands could die.

Some ask, why do I use such high figures? We do have a historical precedent. Look back to 1917 and 1918 and the Spanish flu. That pandemic killed not just tens of thousands but 40 million people worldwide. The Spanish flu virus killed 40 million people worldwide, the majority of whom were kids, children, and young adults between the ages of 10 and 35.

Vaccines were available for the 1957 and 1968 flu pandemics, but they arrived too late and 104,000 people died in the United States alone.

Dr. Hitoshi Ashitani at the World Health Organization warns this time around the avian flu virus may be impossible to contain. The geographic spread is historically unprecedented.

So people ask: Well, why are you giving us, Senator FRIST, all this bad news? What can and should be done? In my letter sent to Secretary Leavitt—and I had the opportunity to discuss it with him a little bit last night—I did ask him to finalize the agency's Pandemic Influenza Response and Preparedness Plan. We need a coordinated, comprehensive, aggressive plan which draws on public health and homeland security, foreign policy and defense expertise.

The plan should serve a dual purpose: First, to detect, identify, contain, and respond to threats abroad; and, No. 2, to bolster domestic preparedness and response capacity. I also urged the Secretary to purchase enough additional Tamifly to treat a large portion of the U.S. population.

These are critical first steps, but we have to do a lot more. We need to develop a bold vision of how to address this in future threats—whether they are biological weapons or infectious disease, whether they are natural, whether they are accidental, or whether they are deliberate.

That is why earlier this year I called for a Manhattan Project for the 21st Century to launch an unprecedented collaboration among the Federal Government and industry and academia. We must encourage and support advanced support and development into

prevention and treatment. We must enable the detection, the identification, and containment of any emerging or newly emerging threat. And we must ensure our domestic ability to manufacture, distribute, and administer the treatments needed to protect the American people. This should be a central focus of our national attention.

As I mentioned in opening, there is a lot going on in our response to natural disaster today. But we need to keep the focus, as well, on the potential for this pandemic. Failing to do so risks the public health and our national security.

In May 2004, the Senate passed Project BioShield and shortly thereafter President Bush signed it into law. Project Bioshield builds on the Bioterrorism Preparedness Act of 2002 and strengthens our Nation's defenses against the threat of anthrax, botulism, smallpox, Ebola, or plague, as well as a radiological fallout from a potential terrorist attack.

Building on the goals of Project BioShield, the leadership has introduced the Protecting America in the War on Terror Act of 2005 earlier this year. I applaud my colleague for the steps we have taken thus far, and I applaud them for their continued leadership. But we have much more to do. More work remains to be done. We are in a race against time, and unlike the flu pandemics of the 20th century, we have been warned.

I urge my colleagues to join me in this effort to protect the health, wellbeing, and security of the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from the great State of Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

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

COAL ENERGY

Mr. NELSON of Florida. Mr. President, I have stated that each day we are in session I am going to try to rise in the Senate to speak about the dependent condition we find ourselves in on foreign oil. Some 58 to 60 percent of our daily consumption of oil comes from foreign shores. This is not a good position for the United States. No matter how much we sounded the alarm bells over the past several years, it is hard to shake the powers that be out of our collective lethargy, to break this stranglehold that oil has running through our economy. And it has led us to our dependence on oil for well over a majority of our daily consumption.

That is not a good position to be in for the defense of our country's interests where we have to protect the free flow of oil to all of the very oil-thirsty world. A lot of those sealanes coming out of the Persian Gulf region look to the United States for the military protection to keep those lanes open so oil can flow.

Clearly, we ought to, after the reminder of Hurricanes Katrina and Rita, be on the journey quickly to weaning ourselves from the dependence on this oil. That means the collective will of this Nation to come together in a major project, like a Manhattan Project or an Apollo Project. In other words, the moonshot of this decade ought to be weaning ourselves from dependence on foreign oil, as going to the Moon as a result of the Apollo Project was to the decade of the 1960s.

Each day I am going to try to chronicle a new technology so that we can do that. Today I will talk about coal gasification, specifically coal-based integrated gasification. It is otherwise called combined cycle technology.

Our Nation has an abundance of coal. The United States has the largest proven coal reserves of any Nation in the world. At the current production levels, U.S. coal reserves should last over the next 250 years. That is the good news; the bad news is coal's high carbon content relative to other fossil fuels so that in the burning of it, it releases significant quantities of carbon.

Right now, coal combustion, the burning of coal, accounts for more than one-third of the world's carbon emissions. Those emissions in the air is what we do not want.

I will never forget being in Beijing, China, in the year 1981 in the dead of winter, January of that year. The city of Beijing was shrouded in black smog that was a result of the coal dust settling over that city because the primary source of heat was the burning of coal, with no attention to the emissions that allowed all of those particulates to go into the air. The last time I visited Beijing, about 2 years ago, after the dead of winter, I must say they have cleaned up their environment quite a bit, but they still have a ways to go.

We know the negatives with regard to burning coal. Now let's look on the positives; that is, coal gasification or coal-based integrated gasification combined cycle technology has much lower pollutant emissions, and it holds great promise. Only two such plants exist in the United States today. One of them is in my State of Florida. It is run by Tampa Electric Company. I commend TECO for being one of the leaders in this country. My State of Florida is going to have another IGCC plant—that is coal gasification—by 2011, through the Orlando commission and the Southern Company. I thank those two companies for being leaders.

This is the technology: First, the coal is gasified using a chemical process rather than just the burning of coal to generate a synthetic gas—or what we call a syngas, synthetic fuels—that is mostly composed of hydrogen and carbon monoxide. Then that synthetic gas is used to fuel a combustion engine, a turbine, and the exhaust heat is employed to produce steam for power generation and for gasification. The process has the potential to be both cleaner and more efficient than just the burning of coal in a steam boiler which is done to make electricity, and it generates considerable waste heat in the traditional burning of coal that then leads to the release of a myriad of undesirable emissions.

In contrast, coal gasification isolates and collects nearly all of the impurities, including mercury and a large portion of the carbon, before the combustion. So those things are not going to be emitted into the atmosphere. The coal is gasified with either oxygen or air, and the resulting synthetic gas or syngas is cooled, cleaned, and fired in a gas turbine, and the hot exhaust from the gas turbine passes through a heat recovery steam generator where it produces steam that drives a steam turbine.

Theoretically, the steam gasification process can be applied to any low-quality carbonaceous feedstock. The progress in developing this technology also raises interesting possibilities with respect to the future of biomass—either alone or in combination with coal—for electricity production. This has a lot of promise.

This whole process, called IGCC, could also be utilized for something called polygeneration. That is co-producing other high-valued products in addition to electricity using gasification.

Gasification could be used to produce ultraclean synthetic fuels from coal, and biomass. Carbon dioxide capture and storage would have to be developed to address the climate change issues coal-based synthetic fuels pose.

But the long and short of it is, these synthetic fuels are inherently superior to crude-oil-driven hydrocarbon fuels. This would help us in the transition to more energy-efficient technologies, such as compression-ignition-engine hybrid electric vehicles.

We could exploit our country's huge coal reserves in an environmentally responsible way. The economic and reliability challenges certainly still exist before these kinds of plants become more readily abundant. And the CO_2 carbon capture and storage must be perfected.

Those are all challenges we must meet. But it is a promising technology that would provide the United States with an alternative to electricity produced from natural gas and a way to set us on a course to wean ourselves from dependence on foreign oil.

Mr. President, I will continue to speak out on all of the alternatives in which we can try to sever our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the nomination of John Roberts to be Chief Justice of the United States. I speak about this at an exciting time for this country. This will be the 17th person to occupy this position. It is a rarity for this position to become available. I love this Nation.