

I say to my friend through the Chair, I think her comments and her question are right on the point.

I yield for another question.

Mrs. BOXER. Mr. President, I wish to thank my colleague for correcting me on the point that I missed that, yes, out of the five or six missions I named, I left out the very important one that he corrected me on, which is that there was a link between Saddam and al-Qaida and, in fact, there was al-Qaida all over Iraq.

The Senator and I sit on the Foreign Relations Committee. I think he remembers this document that I put into the RECORD, because I remember he very much wanted it, which showed that about a month after September 11 when we were so viciously attacked by bin Laden—who, by the way, we were going to get dead or alive, and we need to do that—the fact is, the State Department in its own document said there wasn't one al-Qaida cell, not one, in Iraq. There were more cells in America than in Iraq, according to our own State Department. We have put that in the RECORD.

Now, of course, it is a haven for terrorism because of this failed policy, this disastrous policy, this policy that is utter chaos with no end in sight, unless the Senate and the administration look at what my friend put forward, which is finally saying to the President: You need a mission, a mission that can be accomplished, and we need to end this in an orderly fashion.

I wanted to ask my friend one more point, and then I will leave the Chamber. That is about the National Guard. Right now, there are fires raging in my home State, sadly. We have them every year at this time. It is heartwrenching. We need all the help we can get. We always get all the help we ask for. We have never had a problem. The National Guard is called out when it gets really out of control.

Is my friend aware that the best equipment that the National Guard had at its disposal is in Iraq, not here at home? And when the people were crying out for help, not only were so many of the National Guard over in Iraq, my understanding is—and my friend can correct me—approximately 40 percent of our troops over there are National Guard. That is my information. Not only that, the best equipment of the National Guard is over in Iraq.

Don't our people deserve better than that so when they experience disasters, our National Guard can respond?

Mr. FEINGOLD. Mr. President, I thank the Senator from California. The Senator has very nicely returned to the main point of what I was trying to illustrate today. We certainly agree on the problems of how we got into this war and our very troubled feelings about that and also the myriad of problems with the way the war is being conducted. But what the Senator from California has done is returned us to the main point I wanted to make today: This strategy is weakening

America. I am not talking about some general sense. We are talking specifically about our military. We are talking specifically about our Army. We are talking specifically about our National Guard.

Yes, we know about this in Wisconsin. We have some 10,000 Guard and Reserve. The vast majority of them have been called up for action overseas. There are serious concerns that have been reported—which, by the way, were beginning prior to 9/11—about equipment. It is to the point where my National Guard people ask me to ask the Secretary of Defense, Are we going to replenish these things for our National Guard? What is the guarantee? I received a rather weak answer, as I recall. The equipment needs are only at 34 percent for the National Guard—a dramatic decline in the last 4 years. Since 9/11, we have allowed the situation to become much worse in terms of equipment for our National Guard, whether it be for use in a foreign conflict or whether it be used to handle a terrorist situation domestically or whether it be used to help deal with one of the natural disasters that obviously can and do occur.

I appreciate the Senator heightening this point. This isn't about opposing a war. This is about mistakes being made by an administration in terms of forgetting the main point of fighting terrorism and forgetting about the need for our military to be strong both internationally and to be able to help, as the National Guard must, domestically.

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.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that I be able to speak as in morning business. Is that proper at this time?

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. STEVENS. Mr. President, I am disturbed that we are delayed in taking up the Defense appropriations bill for 2006. It has been a problem. We have to wait for the authorization bill to come before the Senate. I have asked the leader for permission to take up this bill, along with my colleague from Hawaii, and bring the Defense appropriations bill for 2006 before the Senate today. I understand that has been objected to on some procedural ground.

It is my intention to make the statement I would make if the bill were before us. I will later ask that it be printed in the RECORD when the bill is laid before us.

I think the Senate should be using this time. We had intended to have votes today and tomorrow. We will not have votes Monday and Tuesday, but the bill will be before the Senate Monday and Tuesday.

We tried our best to work with the Armed Services Committee on their authorization bill, and we have a dispute between our subcommittee and the Intelligence Committee. That dispute pertains to a matter that should not be discussed on the floor. It is one we thought we had worked out by virtue of a compromise provision we put into this Defense appropriations bill, and I hope the members of the Intelligence Committee will recognize that as such.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. HARKIN. Mr. President, I ask unanimous consent to speak up to 10 minutes as if in morning business.

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

AVIAN FLU PANDEMIC

Mr. HARKIN. I thank the Presiding Officer.

Mr. President, I come to the floor at this time to discuss a matter of grave national security. If recent Hurricane Katrina and Hurricane Rita have taught us anything, it is that we have to do a dramatically better job of preparing for diseases before they strike so we are not left picking up the pieces afterward.

I am very gravely concerned that the United States is totally unprepared for an outbreak—and a subsequent international pandemic—of avian flu. We have had two disasters in the last 4 years—9/11 and Katrina followed by Rita. And the Federal Government was totally unprepared for both, despite clear warnings. Similarly, we have been warned in no uncertain terms about avian flu, but our preparations so far have been grossly inadequate.

I think I got my first briefing on this about a year ago from CDC in Atlanta. I have been following it closely in our Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee.

As it has unfolded over the last several months, it is clear that it is not a question of if avian flu is going to reach us, it is a question of when—not if, just when.

As many of my colleagues know, avian flu—or as it is called in the technical jargon, H5N1—has been known to pass first in bird species. It was passed from bird to bird, chicken to chicken, and that type of thing. It has then gotten into migratory waterfowl, which has spread from countries such as Thailand, Cambodia, Vietnam, and Hong Kong. And they have now found it as far away as Kazakhstan and as far north as the northern regions of Russia. It is just a matter of time before it gets here.

We have known this passed from bird to bird. We now know it has passed from birds to mammals, certain types of cats, particular tigers. We also know now it has passed from birds to humans. We have some cases. Now we have a few cases that have been reported of passing from human to human.

So the virus is mutating. It is getting smarter. It knows that it has now gone from bird to bird, bird to mammal, and bird to human, and now from human to human.

Experts in virology at the Department of Health and Human Services and others tell us that it is only a matter of time until the virus mutates from human to human, and then it becomes widespread. When that happens, we are in deep trouble.

An outbreak in China, Vietnam or Cambodia could trigger, within a couple of weeks' time, a worldwide outbreak, facilitated by air traffic and the mass movement of people across borders. And the data so far shows that of the 150 cases of the human avian flu—H5N1—that we know of, 54 have died. Almost 50 percent of the people infected have died.

This is a virulent form of the flu virus. It is a nightmare scenario—a kind of 21st century Black Death.

It is not hard to picture that could happen within a few months' period of time.

Again, as I say, many experts say it is not a matter of if, it is when. We have to ask tough questions.

Where do our preparedness efforts stand? What could we be doing better?

At some future time—I have it on charts, but I didn't have time to put it together—I will have charts to show what happened with the last great flu pandemic that hit the world in 1918 and 1919. Understand this: 500 million people were infected worldwide. This was almost 100 years ago—20 million to 40 million deaths worldwide. There were over 500 deaths in the United States.

In one month alone, October 1918, 196 people died in the United States from this influenza.

I have been told by experts that this H5N1 and how it manifests itself mirrors the influenza of 1918 and 1919.

Where do our efforts stand, and what can we be doing better?

First, where do we stand?

The Centers for Disease Control, under the great leadership of Dr. Gerberding, is doing a fine job working in cooperation with the World Health Organization and governments in affected regions to detect the disease and to help to stop its spread. Surveillance can alert us to an outbreak and governments can then take measures to isolate the disease so that widespread infection does not occur.

Again, we know how to do this. The CDC knows how to do this. They had great success with surveillance, isolation, and quarantine during the SARS outbreak, and they managed to control its spread. We never got SARS in the

United States because we were able to isolate it and quarantine it in other countries.

We also learned valuable lessons from this SARS episode. We need to be doing a better job of surveillance. We have had some problems with some countries which do not have a very good public health infrastructure. They may not report illnesses and deaths as do we or some other places.

But we have CDC personnel on the ground in these countries. They know what to do. But they are woefully inadequate in funds. They don't have the funds needed to conduct adequate surveillance in these countries such as Cambodia, Thailand, Vietnam, Russia, and places such as that. They need some more support for surveillance. I will get into that in a little bit.

In order for us to get the necessary vaccines for this drug, it is going to take a few months.

The best thing we can be about in the initial stages is surveillance, finding out where it is outbreaks, control it, isolate it, and quarantine it.

As I said, the Centers for Disease Control and Prevention know how to do that. There are other things we can be doing better. The World Health Organization is encouraging the purchase of antiviruses, medicines that help mitigate the infectious disease once you have already gotten it. Unfortunately, the United States only has enough antiviral medication for 1 percent of our population. That is not enough. We need to invest approximately \$3 billion to build an adequate stockpile of antiviral medications. That would get us enough for about 50 percent of the population.

The experts tell us that we ought to be prepared for that kind of an infectious rate in the United States; that it could be up to 50 percent or more of our people in the United States affected by this—140 million people.

If we stay where we are, and we only have 1 percent or 10 percent, then you raise the question: Who gets it? How is it distributed?

We need to reassure our people that we have enough of these antivirals. These antivirals have a long shelf life—7 to 10 years, and maybe even more.

It is not as if we are buying something that is going to disintegrate right away. These antivirals have a long shelf life.

In addition, the President's budget cut \$120 million from State and public health agencies. These are the agencies that will be on the front lines of both surveillance and disease prevention should an outbreak occur. We have to restore this funding. But that is not adequate.

In the future, our public health infrastructure would be stretched to the limits by an outbreak of avian influenza.

We need to invest in more public health professionals, epidemiologists, physicians, laboratory technicians, and others.

As I said, if we have an outbreak and it gets to the United States, the first thing we want to do is have good surveillance, isolation, and quarantine. That costs money.

Lastly, we also must take measures to increase our Nation's vaccine capacity. Currently, there is only one flu vaccine manufacturing facility in the United States.

I have wondered about that. Why is that so?

In meetings with the drug industry and others, I have learned that vaccine production is not very profitable compared to other types of drug development and manufacturing. Plus, they do not know if there is going to be a market for it.

This is a classic point of market failure—where the market really can't respond to a future need.

This is where the Government must step in to provide incentives for more manufacturers to build facilities in the United States.

Many will remember what happened during the last flu season, when overseas manufacturing facilities were shut down for safety reasons. Because we had no manufacturing capacity domestically, we were stuck. We should learn from this lesson. We cannot afford this problem when faced with the threat of avian influenza. So the Federal Government can and must do more to improve domestic vaccine capacity.

What does that mean? That means we are going to have to have some kind of guarantee that if you make this vaccine, we guarantee we will buy so many millions of doses of this vaccine.

Why is that important?

For this strain of the avian flu—in technological terms, H5N1—the virus that we have isolated in people who have contracted it in Thailand, Cambodia, Vietnam, and Hong Kong, the National Institutes of Health and Infectious Disease, under Dr. Fauci, has been developing a vaccine. The initial reports that came out in July were that this vaccine has great promise. However, what we don't know is will the virus that mutates and comes to this country be H5N1 or will it be H5N3 or H5N5? We don't know. Therefore, if a manufacturer were to manufacture all these doses of vaccine for H5N1, that may not work for the kind of viruses we might get later on. I am told it might work for some; it might slow it down a little bit.

That is why we need to have incentives for vaccine manufacturers in this country so they know if they manufacture the vaccine, it will be purchased. We may not use it all. We may have to develop new vaccines later on down the road. But at least we will have these vaccines in case H5N1 is the virus that gets here because we know that virus. That is why we have to move and we have to move right now. We do not have much time to invest in preparation for avian flu.

Some may ask, Why wasn't this done before? Perhaps we should have done

something better before. But after Katrina, maybe a lot of our eyes were opened that we were not prepared and that we have to do something different from what we are doing. Also, the virulence and the spread of avian flu has taken new leaps in the last several months that we had hoped might not happen. So we are faced right now with an urgent situation. We need to start right now.

Later on, I will be offering an amendment to this bill that will basically do the following things: One, double our global surveillance of the avian flu through the Centers for Disease Control to identify and contain as soon as possible. In my conversation with CDC and others, this figure is about \$33 million to adequately do the surveillance.

Second, to restore the budget cuts to local and State public health departments and emergency preparedness activities to help communities prepare to recognize, treat, and quarantine the avian flu virus if it reaches our country. The President's budget cut \$122 million from grants to State and local public health departments for emergency preparedness activities. These were grants that were first funded under our Subcommittee on Labor, Health, and Human Services in 2001 in response to the September 11 attacks.

Again, as best as we could determine in talking to those who administer programs, in order to get it up to the point where they would be prepared for an avian flu outbreak, it is about \$600 million nationally.

Next, we need to increase the stockpile of antivirals. I mentioned earlier the World Health Organization recommended that each country stockpile enough Tamiflu—that is a brand name made by Roche Pharmaceuticals in Switzerland. They have the patent which has been very effective. The World Health Organization recommended each country stockpile enough for 40 percent of their population.

As I mentioned, right now we have enough for about 1 percent. Other countries have heeded this warning and have gotten in line to purchase this. The United States, as I said, has 2 million doses on hand, enough for 1 percent of the population.

We need additional resources. We need to build this up to serve at least 50 percent of our population. This comes at about \$20 per dose as it is a multidose vaccine. It is not just one vaccine, you have to take a couple, three doses but only if you get infected. The tab for this is about \$3 billion.

Why, again, do we need to do that? Because we do not have any company making it in this country. Roche has the patent. I want to be respectful of patent rights, but other companies in America could, under patent law, make an agreement with Roche, for example, to manufacture it under their patent. Again, they are not going to do it if there is no buyer out there. Who is

buying it? If we are to have enough of a stockpile to protect 50 percent of our population, we are going to need to come up with the money right now to guarantee a buyer out there to get more antivirals manufactured in a hurry.

Consider the nightmare scenario if next year, God forbid, avian flu does mutate, it does reach the United States, and we only have enough doses for a million or 2 million people? Who will get it? How will it be distributed?

The next part of the amendment builds up and strengthens our vaccine infrastructure. We only have one manufacturer of flu vaccine in the United States, and they do not have the capacity to rapidly ramp up and make enough vaccine for what we need. In the event of a pandemic, the United States would have to rely on imported vaccines which countries may be unwilling to export to us; They will want it for their own people.

Again, the estimate to get a guaranteed order out for the vaccines would be about \$125 million. To provide new resources for outreach educational efforts to health providers in the public, the estimate is \$75 million.

What this all adds up to, to be prepared for an outbreak of avian flu, is going to require somewhere around \$4 billion, a little bit less than \$4 billion. That is a big chunk of change. I remind my colleagues that is less than what we spend in Iraq in 1 month in order to start reassuring the people of this country that we are going to do whatever is necessary to respond to this threat that is looming on the horizon.

I don't have my charts. I will have some later that will demonstrate the kinds of deaths we can expect in this country. When we looked at the flu epidemic of 1918 and 1919, there were about 500,000 deaths in the United States, 20 to 40 million deaths worldwide. We are looking at the possibility in the United States of deaths that can range anywhere from 100,000 up to 2 million, anywhere in that range. Hospitalizations could go anywhere from 300,000 to 10 million. Illnesses—we do not really know, but it could go from 20 to 30 to 40 million up to 100 million or more. That is the kind of pandemic we are looking at.

When I first had my briefing on this at CDC last year, it was perhaps hoped that this avian flu would not mutate as rapidly as it has. But it has. So now we are in a situation of waiting until that next shoe drops when we find it has gone from a human to a human to a human. When that happens, we have to be able to react immediately. It is almost the midnight hour right now.

I hope it never hits, obviously; but since the experts say it is not a matter of if but is only a matter of when because this is a virulent virus, I hope it is put off long enough so we can get the vaccines made, buy the antiviral, and put in place the surveillance and quarantine that we need so that when it does happen—because we are assured

by the experts that it will—we can respond, we can quarantine, we can isolate, and if it starts to spread we can give the people who are infected the antiviral they need and we can vaccinate other people so they do not get it.

I am hopeful we can reach some agreement on an amendment to do that. I hope to be offering that sometime later. It is being worked on right now. I hope we can find the money to do this. This is an emergency basis because I think this is an emergency basis. We passed an emergency to respond to Katrina; no one objected to that. We passed emergencies to respond to September 11; no one objected to that. I am tired of looking in the rearview mirror. I don't want to have us looking in the rearview mirror a couple of years from now when the avian flu has struck. It is time to look ahead. That is what this is geared to do, start putting these things in place.

Keep in mind, it is less than 1 month's expenditure of money in Iraq. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. I am happy to defer to Senator STEVENS if he has something he would like to say.

Mr. STEVENS. We are still in morning business, are we?

The PRESIDING OFFICER. We are.

Mr. STEVENS. I will wait for the Senator's statement.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I thank the distinguished Senator from Alaska. I will try to be brief.

I just want to offer my strong support for the amendment Senator HARKIN is going to propose and state why I think this is such an important issue.

Let me first say, that I am generally of the view that we should not be tacking on unrelated amendments to the defense bills.

The money in this legislation is badly needed by our men and women in uniform and I do not want to slow this bill down.

But, this amendment dealing with the avian flu pandemic is so important to our public health security—and our national security—so important to the lives of millions of people around the world, that it simply cannot wait. In fact, the situation is so ominous that Dr. Julie Gerberding, the Director of the CDC, said that an avian flu outbreak is “the most important threat that we are facing [today].”

In light of these developments, I believe it is worth the U.S. Senate spending just a few hours on this critical issue, even if it is not directly related to the underlying legislation.

Over the last few months, we have heard alarming reports from countries all over Asia—Indonesia, China, Vietnam, Thailand—about deaths from the avian flu.

International health experts say that two of the three conditions for an

avian flu pandemic in Southeast Asia already exist. First, a new strain of the virus, called H5N1, has emerged and humans have little or no immunity. Second, this strain has shown that it can jump between species.

The last condition—the ability for the virus to travel efficiently from human to human—has not been met, and it is the only thing preventing a full blown pandemic. Once this virus mutates and can be transmitted from human to human, because of global trade and travel, we will not be able to contain this disease. We learned this lesson from SARS, which took less than 4 months to get from Asia to Canada, where it caused human and economic devastation.

When I started talking about this issue 7 months ago, many people thought that the avian flu was a mild concern, an Asian problem, an unlikely threat to Americans here in the U.S.

As time has progressed, the Nation's top scientists and experts have focused greater attention on the possibilities of an avian flu pandemic, and they have rapidly come to consensus that it is not a matter of if the pandemic will hit but when? It is not a question of whether will people die but how many? And the main question, the question that keeps me awake at night, is whether the United States will be able to deal with this calamity?

From what we have seen with the lack of readiness and dismal response to Hurricane Katrina, I think that all of us would have to conclude that the answer, at this point in time, is no.

Whether we are talking about having adequate surveillance capacities in our State and local health departments, having enough doctors and hospital beds and medical equipment for infected individuals, or having a vaccine or treatment that is guaranteed to work, I don't want to be an alarmist, but here in the U.S., we are in serious trouble.

Several of us here in the Congress—on a bipartisan basis—have taken the first steps needed to address this looming crisis. In April of this year, I introduced the AVIAN Act, S. 969 that would increase our preparedness for avian flu pandemic. Senators LUGAR and DURBIN and several others have cosponsored this act and I thank them for that. We need to move this bill as quickly as possible.

In May, I and Senators LUGAR, MCCONNELL, and LEAHY included \$25 million for avian flu activities as part of the Iraq supplemental. Today, this money is helping the World Health Organization to step up its international surveillance and response efforts.

In July, I included an additional \$10 million to combat avian flu in the Foreign Operations assistance bill. That bill is currently in conference, and I hope this funding will be retained.

I am also working with Senate Defense authorizers on an amendment to require the DOD report to Congress on its efforts to prepare for pandemic influenza.

This report must address the procurement of vaccines, antivirals and other medicine; the protocols for distributing such vaccines or medicine to high priority populations; and how the DOD intends to work with other agencies, such as HHS and State, to respond to pandemic flu.

Today, with leadership by Senator HARKIN, we are introducing an amendment to the DOD appropriations bill to provide \$3.9 billion in emergency funds for avian flu activities. Senator HARKIN has already outlined what this amendment does, so I will not rehash what he has already said.

The bottom line is that this amendment needs to be passed and passed as quickly as possible.

I know that \$3.9 billion is a lot of money—especially given our fiscal situation today. But this is one issue on which we cannot be penny-wise and pound-foolish. If we don't invest the money now, this pandemic will hit America harder, more lives will be lost, and we will have to spend significantly more in resources to respond after the fact.

As we learned the hard way after Hurricane Katrina, the failure to prepare for emergencies can have devastating consequences. This nation must not be caught off guard when faced with the prospect of the avian flu. This amendment will help the Federal agencies to prepare the Nation to prevent and respond to avian flu.

America is already behind in recognizing and preparing for a potentially deadly and economically devastating avian flu pandemic that public health experts say is not a matter of if but when. We must face the reality that in this age when you can get on a plane in Bangkok and arrive in Chicago in hours, this is not a problem isolated half a world away but one that could impact us right here at home.

The need is great, and the time to act is way overdue. I urge my colleagues to vote "yes" and support this amendment.

To reiterate, Senators LUGAR, MCCONNELL, and LEAHY already worked with me to include \$25 million for avian flu activities as part of the Iraq supplemental. I included an additional \$10 million to combat avian flu in the foreign operations assistance bill. But as Senator HARKIN noted, we need much more based on the briefing we received from the administration yesterday. We have to move now on this issue. It has to be moved rapidly. We have to build an infrastructure to create vaccines and to purchase enough antiviral drugs. I strongly urge that on a bipartisan basis we make this one of our top priorities. This is a crisis waiting to happen. If we are not prepared for it now, we will all be extraordinarily sorry.

The only other comment I will make is, I know times are tough with respect to our budget. I am working with my colleagues across the aisle to figure out ways we can come up with the money

for Katrina and Iraq. This is a sound investment. If we don't make this investment now, we will pay much more later.

So I hope the amendment Senator HARKIN is going to offer will get bipartisan support and receive the utmost consideration from this Chamber.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I want the Senate to know I welcome the attention of Senators to the problem of the avian virus. In 1997, because of information I discovered concerning what Senator OBAMA just mentioned—the intersection where wild birds come to Alaska from the Chinese mainland and other places in the world, including Russia—we began a series of funds in the Agriculture bill to study the process of this virus being transmitted. As Senator OBAMA has mentioned, so far it has always been bird to bird or animal to animal. There has been no transmutation to take it from human to human or bird to human. It is one of the dangerous problems of the world, no question about it.

When I first heard of Senator HARKIN's amendment, I said I might—I said I would cosponsor it. As I read it, it is not just about the virus. It is reversing the President's decision with regard to State and local public health agencies. It is starting an addition to the domestic vaccine infrastructure. All of that, I understand, was part of the briefing some Senators had yesterday and I am informed others will soon get.

There is a BioShield group working in the administration, particularly in the agencies that are dealing with disease control and various other subjects. There will undoubtedly be a presentation by them to the Congress. There has not been such a presentation yet. The briefing the Senators got was for the information concerning what those people are doing who are working on that plan.

This is an amendment that sort of short circuits the concept of dealing with it and asks for some of the money they ask for, but I am told the amendment will not distribute the money the way the BioShield proposal will distribute it. It is brought to us as an emergency measure. It may well be that the BioShield people bring us a bill that is partially emergency and partially funded. We do not know yet.

But very clearly we do know there is no current human-to-human transmission that has been known of in the world. For us to say this is the greatest problem we have and is superior to some of the things we are doing, particularly in Iraq or in the war on terror, I think is a totally misplaced comparison, as far as I am concerned. I am just back from Iraq. I have seen some of the dangers over there and have talked to some of the people who have been injured over there. To compare the money we have in this bill to fund them with funding a proposal to deal

with a virus, for something that has not yet become a threat to human beings, I believe is wrong.

The BioShield proposal will be before the Congress, I am told, in this Congress. I want to announce now that I will ask the chairman of the Budget Committee to raise a point of order to this amendment. It is an emergency declaration. It is not the recommendations of the BioShield group who briefed the Senator last night. It is a premature attempt to bring it to the floor on the Defense bill where it does not belong. So I hope the Senate will agree with us and not make this an emergency appropriations at this time.

Now, there is no question in my mind this could well develop into a political argument. I have been on this floor now since 1981 as one of the managers of this bill. I cannot remember a time when we had a political argument on a nongermane amendment to this bill. This is a bill to fund the people in uniform overseas. It is not the authorization bill where there are amendments from time to time offered which are nongermane. We have had a policy of no nongermane amendments on this bill. I intend to pursue that policy.

This is not a germane amendment. This is an amendment that is premature in terms of avian flu. Again, I say no one has a greater interest in this avian flu than I do. When I go home on weekends and I go to a restaurant I love, I know I am sitting next to people who have just come back from Russia. We go to Russia daily from my State. We go to China daily from my State. We have pilots who fly planes throughout China, throughout Russia, living right there in the community in which I live. We know there is an avian flu potential over there. The birds that come from over there intersect with our birds. We know that. We have been studying that since 1997. Just yesterday, I talked to a doctor about avian flu vaccine and when we would be able to get it for Alaska. I was told we will get it in time.

But now I come out here and I have an amendment to be offered when we take up the bill that makes it an emergency to appropriate almost \$4 billion, and not on the basis of recommendations of the experts but on the basis of some Senators who were briefed yesterday, prematurely, at their request, of studies that are going on at the administration.

Now, I am not one who takes lightly bringing subjects to this bill that do not pertain to protecting people in uniform. We had a similar situation once with regard to anthrax and other studies, and we acted very promptly because that did apply to people in uniform. But this is not something that pertains to the defense of the United States. It could very well be in the future a very vital issue to our Nation and to the world, but right now we ought to wait for the scientists to come and tell us what needs to be done, how it needs to be done, where it needs

to be done, and who is going to do it. But this is throwing money at a wall. I will oppose that.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

Mr. STEVENS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 230, H.R. 2863. I further ask consent that the committee-reported substitute be agreed to as original text for the purposes of further amendment, with no points of order waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. With the understanding I would be able to offer an amendment as soon as the bill is laid down.

Mr. STEVENS. Mr. President, once the bill is before the Senate, it is open to amendment.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. STEVENS. I will not consent to that. Under the rules, he is entitled to offer an amendment. I have asked unanimous consent.

Mr. HARKIN. Okay.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part in black brackets and insert the part shown in *italic*.)

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

[TITLE I

[MILITARY PERSONNEL

[MILITARY PERSONNEL, ARMY

[For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$24,357,895,000.

[MILITARY PERSONNEL, NAVY

[For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities,

permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$19,417,696,000.

[MILITARY PERSONNEL, MARINE CORPS

[For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$7,839,813,000.

[MILITARY PERSONNEL, AIR FORCE

[For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$20,083,037,000.

[RESERVE PERSONNEL, ARMY

[For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,862,103,000.

[RESERVE PERSONNEL, NAVY

[For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,486,061,000.

[RESERVE PERSONNEL, MARINE CORPS

[For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing