

We know that one of our best opportunities to limit the scope and consequences of any outbreak is to rapidly detect the emergence of a new strain that is capable of sustained human-to-human transmission. Yet we are not devoting enough resources to effective surveillance abroad.

We all know that State and local health departments will be on the front lines of a pandemic and health care providers must develop surge capacity plans so they can respond to a pandemic.

This Congress is poised to approve a \$130 million cut for State and local preparedness funding for the Centers for Disease Control. That is in the President's budget—a \$130 million cut.

We also know once a flu strain has been identified, we need to develop a vaccine. That takes time, some say as long as 8 months. Our existing stock of vaccines, assuming they are effective against a future, as yet unidentified, strain may protect less than 1 percent of all Americans. And we have only one domestic flu vaccine manufacturer located in the United States.

It is estimated that if our capacity to produce a vaccine is not improved, it could take 15 months to vaccinate the first responders, medical personnel and other high risk groups.

We know it will take months to develop, produce, and distribute a vaccine once we have had it perfected. But we must rely on antiviral medicines as a stopgap against this pandemic. Other nations that certainly do not have the resources we have, including Great Britain, France, Norway, Portugal, Switzerland, Finland, and New Zealand have ordered enough of this Tamiflu, an antiviral pill, to cover up to 40 percent of their population. We have virtually nothing.

The consequences of a pandemic could be far reaching, impacting virtually every sector of our society and our economy. Yet we have not taken appropriate action to prepare the medical community, business community, or the American public so they can take necessary steps to prepare for and respond to an avian flu outbreak.

This great country of ours can do better. We have to. We cannot afford to wait to do better. That is why I am so happy to join my friends in sponsoring this amendment.

To put this amendment in perspective, this amendment calls for \$3.9 billion in emergency funds for pandemic flu preparedness at the CDC. To put this amount in perspective, the cost of our amendment is less than what we spend in 1 month on the war in Iraq—far less than we spend in 1 month there. We are facing the real prospect of another war here at home called the flu. This amendment would go a long way toward committing the resources necessary to fighting and winning the war.

People say, well, where are we going to get the money? We have no choice. The American people deserve it. We

can't stay back saying we will do it tomorrow. We need to do it today and I want everyone within the sound of my voice to know this is not a partisan issue. We need Republicans and Democrats to support this effort because this flu is going to strike us all.

This is not meant to be alarmist. It is meant to let everyone know the time is here to do something about this.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, we have several minutes remaining before we move on. I take this opportunity to assure the minority leader that I was in the same briefing. I think all Members were somewhat shocked at some of the things we heard. This is a Member who was not shocked because I have been charged as a subcommittee chairman since the beginning of the year with looking at all the aspects of this. I read daily the international press reports of how many new cases of avian flu, in what country, how many humans have contracted it from an animal source, how many humans potentially have contracted it from another human. The reality is this is something that from a committee standpoint we keep up with. We understand the sense of urgency. I plead with my colleagues that the answer is not to throw money at the threat. It is to have a comprehensive plan where research and the investment for that research pays off in countermeasures to protect the American people.

Senator HARKIN described very well that what is H5N1 avian flu in most of Southeast Asia today, by the time it travels, whether it is by humans or potentially by wild birds, the mutations that may take place might make irrelevant any vaccine that is produced today and antivirals that exist today, used to treat it might have potentially less than a satisfactory effect. Without a system that invests in research and development, how in the world do we expect new antiviral drugs and new vaccines to be produced?

To suggest that we put all our eggs into this limited approach—let's put this money up, and let's buy whatever is available on the marketplace—is comforting if, in fact, we believe this is a threat for tomorrow or next week or next month. The reality is this pandemic may occur next year or 3 years or 5 years down the road, and if we want to protect the American people, if we want to do our job, then you have to set up a comprehensive mechanism for that research, that development, and whatever product is needed to address the threat we may face.

Again, I commend those Members who have come to the floor and proposed the appropriations for this item. I disagree that this is the appropriate bill. I disagree that you should appropriate this much money or any money without a comprehensive plan as to how we produce countermeasures that continue past this one appropriations.

I pledge to the minority leader and to Senator HARKIN, but more importantly

to every Member of this body, to work with them aggressively over the next 60 days to not only produce legislation out of the subcommittee, but to work with my chairman, Chairman ENZI, and to work with both leaders and all 100 Senators to make sure this legislation is passed in this body and by the House of Representatives, and signed into law by this President. I believe that it is that urgent. But, there is also a requirement for us to do it right, in fact, that is the single most important factor that we should consider.

I yield the floor.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a period for the transaction of morning business until 4 p.m.

The Senator from Wyoming.

#### AMENDMENT NO. 1886 TO THE DEPARTMENT OF DEFENSE APPROPRIATIONS BILL

Mr. ENZI. Mr. President, I wish to continue the discussion we were having. I cannot tell you how disappointed I am that the first amendment on the Department of Defense appropriations bill is one dealing with avian flu. If that is the most important amendment the other side of the aisle has for the Department of Defense bill, we ought to go ahead and vote on the appropriations bill as a whole right now. That is not the appropriate place to put it.

To make it sound as though nobody is working on this issue and no money is available is a total disservice to the agencies that work on it and this body as a whole. We have been working on it. We have been working on it partly through the Katrina episode, making sure vaccines and other items that were needed for whatever would be available down there in a timely manner. Fortunately, we already had some laws in effect that allowed the Secretary of Health and Human Services to take some emergency action to put items in place and get things done. We will be reviewing that to see if they worked as well as they could.

We have had a bioshield fund in place for a while. That bioshield fund has money in it to do what needs to be done on any kind of terrorism or pandemic that comes up. What we have lacked is the plan. Actually, the plan falls under the jurisdiction of my committee, and we have been working on it. I divided the committee up—and Senator HARKIN is on the committee—to more closely follow the acronym of our office. We are the HELP Committee, and we are in charge of health and education and labor and pensions.

Of course, we have been devoting a tremendous amount of time recently to getting a pensions bill ready so it can be debated on the floor on a moment's notice. It is ready to go. There is a lot of agreement on both sides of the aisle, so we can get that out of here pretty

fast and protect hard-working Americans' pension funds. But we need to do the Department of Defense appropriations bill first.

A more appropriate place to debate this issue would be on almost anything that comes up later. As the Senator from Iowa knows, if there is a lot of debate on a bill that comes up, it probably is not going anywhere at this time of the year and with the crises we face. So perhaps that is why he decided he would put it on this bill.

We are working on it. Again I assure everybody we are working on it in the subcommittee that deals with public health and bioterrorism, under the jurisdiction of Senator BURR. He has been doing an outstanding job with that subcommittee. He hired some spectacular people who have a depth of understanding that I don't think we have seen for a long time in regard to those particular issues. He has held hearings on those issues and gathered valuable information. He has gone pretty far afield to make sure we are covering all of the things that could happen.

He has a bill that is virtually ready to go. It will include the capability and the plan for handling a pandemic, as well as any unexpected event. It greatly compresses the time for dealing with those issues from anything we have had before. It provides a coordination basis that is necessary for unexpected events.

I congratulate him for his efforts and for how widely he has researched it, and for the number of fellow Senators he has involved in it.

Yesterday, there was a briefing he helped set up so we would know more about, particularly, avian flu. That kind of thoroughness should be congratulated. We ought to be working with him to make sure we are getting the bill done.

I have to say, whether the threat is made by man or one that occurs naturally, we need to be prepared, and I agree with Senator HARKIN on that point.

Senator HARKIN, Senator BURR, and I serve on the Senate Committee on Health, Education, Labor, and Pensions. All of us also serve on the Subcommittee on Bioterrorism and Public Health Preparedness. As I said, Senator BURR is chairman of that subcommittee. He has held six hearings and roundtables on what we need to do to have a strong national biodefense.

As chairman of the full committee, I am looking forward to working with Senator BURR, Senator HARKIN, and the rest of the committee members to pass a bill this fall that will develop our capabilities to develop defenses against avian flu and a host of other biological threats we face—some known and some unknown—regardless of whether they are manmade or naturally occurring.

Senator BURR has been working on that comprehensive bill to build on Project BioShield. His bill will address everything from liability protection to

biosurveillance, from the threat of terrorism to the threat of a normal disease.

As committee chairman, I fully intend to report that legislation to the floor this year to create a viable and innovative biodefense industry. We do need to create incentives and eliminate barriers to develop this industry because we cannot count on the Government alone to supply us with the countermeasures, the antidotes, and the detection tools we have to have to ensure our safety against biological threats.

Most importantly, we already have billions of dollars available in Project BioShield to do what Senator HARKIN wants to do. What we need to do is create an environment that will encourage business into this industry before we discourage them out of the industry. We need to get them back in. We need the innovativeness of small business and big business, and we need to make it more attractive so the drug and biotechnology companies will want to be engaged.

We have the money. What we need is a plan, and that plan is what we have been working on diligently. I do ask Senator HARKIN to work with me, to work with Senator BURR, to work with our majority leader, and to work with Senator KENNEDY, the ranking member on the HELP Committee, to make that happen. We have the capability to do it. We should be able to put together a package that should take relatively short debate on the floor, the House can match up to it, and we can do a conference and get it into effect. That would be better than having a full-blown debate on the Department of Defense appropriations bill, holding that bill up interminably when the money is needed, and creating difficulty in the conference committee, which will undoubtedly result in this measure being thrown out of the conference committee because it is not applicable to this bill and, therefore, that conference committee.

I appreciate the attention he has brought to the issue. It has brought attention to the issue. We need to do it the right way, and that is to include it in the development of a comprehensive bill that will deal with public health and bioterrorism.

Again, I congratulate Senator BURR and all those who have been working with him on developing that bill. I don't think anybody could have put it together in a shorter time period than he has. We are just 9 months into this term, and he is already delivering. That is a tremendous statement on our part of his capability. Again, I cannot express how thorough it has been. Let's do it right. Let's do it through a stand-alone bill on which both sides of the aisle can join. Let's get this done, solved, and eliminate it as a problem under the Department of Defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

#### AVIAN FLU

Mr. BAYH. Mr. President, let me begin by thanking our colleague, Senator KENNEDY from Massachusetts. He is busy and has a lot on his agenda. He has graciously agreed to let me speak before giving his remarks. I thank him for his courtesy.

I also commend Senator HARKIN, our colleague from Iowa, and Minority Leader HARRY REID for putting this pressing issue squarely on the national agenda. The issue of avian flu is one of the critically important issues of our time. Second only to the potential for the existence of weapons of mass destruction in the hands of suicidal terrorists, this issue has the potential to be catastrophic to the national security interests of this country.

I cannot imagine a more timely issue or one more appropriate to be brought up on this legislation than something that will protect the American people who are currently dreadfully exposed to the possibility of a global pandemic. We need a new sense of urgency in addressing this issue.

People have died because of avian influenza: 115 people have contracted it in Asia; 59 of those people have died. Leading experts say it is only a matter of time before this deadly disease becomes more efficient in moving from person to person. We should not await that dreadful day, but act proactively to protect the national security interests and the health interests of the people of the United States of America.

Previous influenza epidemics have been catastrophic, killing not hundreds of thousands, but millions of human beings. We cannot afford to wait for that kind of event to occur.

We are currently woefully unprepared. The estimates are that we have in our stockpiles only enough vaccine to cover about 1 percent of the American people. There are about 2.3 million doses of Tamiflu and 2 million doses of experimental pandemic flu vaccine in our stockpile. And another antiviral may have been compromised by the Chinese use on their poultry population, thereby imperiling its efficacy. We are way behind the curve in preparing for a potential outbreak or pandemic of this severity and potential magnitude. Other developed nations are way ahead of us in terms of compiling their stockpiles and preparing their public health agencies for a rapid response to this grave health threat.

The final point I wish to make is I think more than anything else, the lesson of Hurricane Katrina has taught us this: When it is a matter of life and death for the American people, we better prepare for the worst, even as we hope for the best because then one of two things will happen: If the worst occurs, you are prepared to protect the life, the security, and the safety of those who place their confidence in us. That is the very least they should expect from their Government. And if the worst did not happen, then we will be pleasantly surprised.