

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.

When it comes to dealing with avian influenza, let us not have a repeat of the mistakes of Hurricane Katrina. Let us be prepared so we may protect our citizens or so we may be pleasantly surprised. That is what Government is all about. That is why I am pleased to be a cosponsor of the Harkin amendment.

I thank our leader HARRY REID and, once again, Senator KENNEDY for a lifetime of leadership on these issues and for his courtesy to me today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I first pay tribute to my friend, colleague, and the chairman of our HELP Committee, Senator ENZI, for his comments and his statements. We have worked very closely together and will continue to do so on a variety of different health-related issues. We are working together on the challenges that we are facing from Hurricane Katrina, and we are also working on health and education, as well as issues of pensions and higher education.

We come at this with somewhat different viewpoints. First, I commend Secretary Leavitt for an excellent briefing and presentation yesterday. All of our colleagues have had the opportunity to read in our national newspapers the dangers associated with avian influenza, including the potential threat that it presents and why it is different from the seasonal flu that concerns families all over this country, particularly to the elderly.

We have to be reminded that 36,000 people every year die from the flu, even when we work to make sure they have access to the appropriate flu vaccine. But that is the number that we lose, and that certainly is a tragedy.

We heard an outstanding presentation by Secretary Leavitt, as well as an outstanding presentation by Dr. Julie Gerberding, who is the head of the CDC and who has been enormously perceptive in terms of looking at the avian flu that we are facing. We also heard from General Michael Hayden, Deputy Director of National Intelligence, and others. The one thing that came out of that meeting, that I think all of us were impressed by, is the sense of immediacy. I think that is what Senator HARKIN is reacting to and responding to, the real potential danger which would be devastating to potentially tens of millions of Americans.

Perhaps we are being overly sensitive to this issue by adding this amendment to the Defense appropriations bill because of the recent tragedy of Hurricanes Katrina and Rita. Obviously Katrina has been particularly devastating, and Rita was certainly enormously harmful as well.

There were several of us in that briefing who left saying if we are going to make a mistake, it will be on the side of taking too much action.

The Secretary outlined a very vigorous program that he himself is in-

volved in, working with the other agencies of Government and working with other members of the Cabinet. Avian flu is going to involve just about every kind of public policy issue, including transportation, health, commerce, and so many others. He gave us the assurance that he is going to have his own plan that will be released in the next few weeks.

As Senator HARKIN and others have pointed out, this particular legislation outlines the areas where funding should be directed, and also gives great flexibility to the administration in terms of its expenditures. Senator HARKIN says that the funds will be available until spent. By passing this amendment today, we will not get caught at a time when either the Senate or the House is not in session. We now have an opportunity to make the necessary resources available, as well as direct the ways that it ought to be expended.

During the presentation, the Secretary pointed out that their goal was to buy enough antiviral treatment to cover 80 million people, which is about one-quarter of the Nation's population. That was going to be at the cost of \$20 a course of treatment. It was brought up by our colleagues that if this pandemic strikes the United States, there is not going to be a family that is not going to want to make sure that they have protections for their children and for themselves, for their spouses, for their parents, and for their grandparents.

Every family is going to want to make sure they are able to afford and obtain that antiviral treatment. If one is affected by avian influenza and the antiviral treatment is taken immediately, the risk of death is diminished in a dramatic way. I think it is going to be very difficult to accept that this Nation will be satisfied with just one out of four Americans having access to this treatment. Even more so, when we already know the potential dangers of a pandemic by what we have seen in the places affected and impacted by avian flu.

This legislation will only cover 50 percent of the population. It does not cover three out of four Americans. And, it does not cover the whole population. It costs \$1.6 billion just to cover a quarter. We doubled that roughly to \$3.2 billion, which puts us into the range suggested by experts.

The point that was made very carefully by the Secretary is that we are going to have to deal with surge capacity, and that our hospitals do not have this capability at the present time. That is going to be very important.

Previously, we have provided help and assistance to local communities and to State agencies to help them meet their surge capacity needs. Beyond that, it is going to be enormously important that we invest funds, as this legislation does, in surveillance—not only detection in this country but detection in foreign countries. That is

the best way that we are going to be able to deal with this avian flu, to get the earliest possible detection.

As a result of that briefing yesterday, I do not think any of us would feel that we have a full alert system working around the world. We had reports from various countries. A number of the countries, large countries as well as small, have effectively buried this health challenge and denied that they ever had it. We have to be very proactive if we are going to protect Americans. We have to be able to develop a system internationally where we can identify early warning signs of a pandemic. That kind of surveillance, is included in this legislation.

We have to make sure we have the capability in our States to be able to detect this when it first affects a community. We have to set up a system for our health clinics and for our hospitals to make sure that the first indications of this kind of health challenge are going to be addressed. We need the detection and then we need the containment. To contain flu, we need to build our public health infrastructure in the local community. We are very far away from that kind of capability.

A year ago, I think the Department submitted a public report about how many States actually had moved ahead in terms of developing their plans. About half of the states have yet to develop pandemic preparedness plans, and those with plans have yet to be evaluated for quality and feasibility.

When I entered the Chamber, I was listening to my friend, Senator ENZI, talk about the BioShield Program which we put in place in preparation for the kind of challenge that we might face from bioterrorists. It focused on different bioterrorism agents that might pose a direct health threat, and allows the Secretary to put in place a system to respond quickly and effectively to those kinds of challenges.

Our colleague, Senator BURR from North Carolina, has held an extraordinary number of hearings in these areas. I know he has been preparing legislation to deal with a number of these items that I am mentioning today. He has done a magnificent job in the development of those hearings. But that still does not mean that with the kind of challenge avian flu presents, which can be so devastating, that we should not be alert and ready to go.

We can point out that our whole system of vaccines is woefully lagging in the United States for a variety of different reasons. Today, we do not have the direct capability and capacity to develop the kind of avian flu countermeasures we need, including vaccines or producing enough antiviral medication. The best estimate is even if we were to give all the contracts out today, it would be well into the year 2007 before we were able to provide important coverage for all Americans. So we are talking years into the future before we can even provide Tamiflu, something that we know can make a difference.

It does seem to me that we do not have a day to waste. This is something that is very dangerous.

Finally, one could ask, Is it appropriate to be on a Defense appropriations bill? Well, if we were talking about something like nuclear weapons, I would say, yes, because we are concerned about the dangers of nuclear proliferation. I, quite frankly, believe avian flu presents a much greater threat, because it is imminent, highly lethal, and we have few countermeasures.

I do not see a great difference myself—certainly it will not be much of a difference to the families who are affected, whether it is terrorism or the fact that this kind of influenza has spread to this country and their family is infected with a deadly virus. That is why I believe that action is necessary.

Very quickly, we have seen reductions in two very important agencies. One is HRSA, which provides grants to help hospitals in the area of preparedness so that they can develop a response plan, get clearance with the State and HHS. Hospitals have begun working on plans, but they are woefully far behind, and this program was cut again this year.

Then we have the Centers for Disease Control that will be certainly a lead agency—I would hope that it would be a lead agency—and we know that their public health expenditures have been reduced. I think this is tragic myself. It is a jewel of an organization in terms of American public health, and it has done extraordinarily well. It is extremely well led at the present time, and it does not seem appropriate to me that we ought to be reducing the CDC budget, when the agency has such great responsibility in this area at this time.

Yesterday, when I asked Secretary Leavitt whether we could actually use the BioShield money—I think we have close to \$6 billion in that—he said that it was set up and structured so that the funds are not applicable to this particular kind of challenge.

I think the amounts we are talking about are appropriate, given the essential nature of the potential disaster. The new flu strain poses a deadly threat. One of the important points made by Secretary Leavitt yesterday is that even this very deadly strain they are most concerned about can mutate further. It is always somewhat difficult to develop the vaccines and antivirals because these strains can alter and change, making the vaccines no longer effective. But having said that, they believe the treatments they have developed can have an important impact on saving the lives of those infected with avian flu. In the areas already affected with avian flu, we see a death rate of 44 percent in Vietnam, 71 percent in Thailand, almost 100 percent in Cambodia—and an average of 50 percent for all of Asia.

The great challenge, as we heard yesterday, occurs when it moves from the

birds into human beings. That is a big leap. I will come back and make a longer talk about how that comes about and how rare that process is, but that has happened.

Then, the next leap is whether it is easily spread from person to person. For example, if one member of the family—if a child has it, is it easily communicable to the child's siblings? There is only one recorded instance, as we were told yesterday, where that has taken place. But it has taken place. That is a very important warning sign because it suggests that this influenza has the potential to become a pandemic and be absolutely devastating.

We were reminded yesterday, during the briefing, there are usually three pandemics every 100 years. They talked about what happened in the immediate postwar period of 1918, when soldiers had been at the front and they contracted dangerous influenza. In the US, over 500,000 people died from that pandemic flu, and another 50 million worldwide died.

We do not want to be unduly alarmist, but we have to be serious about it. This meeting we had was in S-407. It was going to be top secret, evidently. I said to the Secretary, now that we have heard all this news, it seems to me the public ought to know about it, they ought to understand it, and it ought to be explained by the top health officials in the country so we get accurate information. We have a number of those—Secretary Leavitt, Dr. Tony Fauci, Dr. Julie Gerberding—who are enormously competent, thoughtful scientists, researchers, who have a lifetime of commitment trying to understand these dangers. The more Americans listen to them and read the information on this and the authentic science, the better off they are going to be.

But I believe this Harkin amendment is saying we have been put on notice. If there is an avian flu outbreak, they will say, Didn't you go to the briefing upstairs in 407 where they laid this out to you? You are on the HELP committee. You know the dangers. You worked with Senator FRIST when we passed BioShield. Senator BURR, when he was in the House, was a principal sponsor—even before 9/11. The elements of preparedness, detection, and containment that are in this amendment were included in BioShield as well. These are thoughtful ideas. There is strong support for them in the HELP Committee. Today, we have an opportunity to take action on the floor. The administration is going to be responsible for that when this amendment is passed.

I join with my colleague and friend, Senator ENZI, and with Senator BURR, our other colleague who has provided great leadership in the committee, to get legislation on preparedness out as early as possible.

My chairman, Senator ENZI, likes to do it the old-fashioned way. He likes to listen to witnesses make the presen-

tations, mark up the bill and get it to the floor, and he does it with extraordinary success. I would say, on this particular occasion, we ought to get the resources out there now.

Senator HARKIN has outlined the general areas which I think are justifiable, where the resources should be spent. I would also like to see the Secretary bring together all the major drug companies, which I think he intends to do, and go over this and get a plan from them about how we can maximize the safety and security for all Americans. This is what this amendment is all about.

I thank my colleague from Wyoming for his comments and statements about avian flu. I look forward to working with him on this issue. Our only real difference is whether we move ahead now, trying to at least provide those essential resources for the Secretary, the President, and the administration, to act now and prepare us for the threat of avian flu or wait until it's too late.

We can work with our colleagues within our committee to try to develop additional legislation to further improve our preparedness and develop effective treatments for avian flu. That is certainly a responsibility that we have. I welcome the opportunity to do that with my friend from Wyoming and also the Senator from North Carolina.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, reflect for a moment on what America went through with Hurricane Katrina, reflect on what it has meant to our country and what it has meant to our Government. That was the greatest natural disaster of modern time. Americans were shaken to the core watching television night after night to see victims of Hurricane Katrina and what they were living through. Many of those scenes we witnessed did not look like America. It just doesn't seem like our great Nation where people would be in such a helpless and almost hopeless state—to find people struggling just to survive the floodwaters and the hurricane damage, to see Americans begging for water and food, to see what appeared to be refugees—in fact, evacuees—trying to bring their children across interstate bridges to dry land, to see people thrown in many different directions, families divided and still not united. To see all of that occur day in and day out 24-7 was a startling scene. It was an indication to all of us that we needed to take a step back and

take a look at America from a different angle.

Perhaps too many of us had been lulled into the belief that this sort of thing could never happen, that leaders in America would never let us reach this terrible point, whether it is a natural disaster or a terrorist disaster, that someone somewhere in Washington or in a State capital or in a city hall had not made preparations and plans to deal with it. It is that concern that has led so many people to call for an honest appraisal of what happened with Hurricane Katrina and Hurricane Rita and what we need to do in America to be better and stronger and better prepared.

I don't think the people of this country expect the Senate or their Government to look at the world through the rearview mirror. We can't spend our time looking back and reliving every moment and pointing a finger of blame here and there or some place for some satisfaction, personal or political. But it is critically important that we review that scenario, that we don't repeat the same mistake, so that the next time, we are better prepared. That is what we need.

That is why we need an independent, nonpartisan commission—people without allegiance to the President or to the Democratic Party or to the Republican Party but people who are truly Americans first who will come together in a commission and ask those questions so that we can be better prepared for our future. Unfortunately, there has been resistance to this idea, but that is nothing new.

After 9/11, many of us called for the creation of a commission to find out why our intelligence sources failed so miserably and what we could have done to avoid that terrible disaster of 9/11. At that time, the White House opposed the creation of the 9/11 Commission, and many members of the President's party also said it is premature, we don't need it. But good sense prevailed. More than that, the 9/11 survivors' families prevailed—those widows and widowers, those children and spouses who came forward and demanded the creation of this independent Commission. They were the political force. They were an irresistible force. They created this Commission with two extremely talented individuals: Governor Kean of New Jersey, a Republican, and Congressman Lee Hamilton of Indiana, a Democrat. They came together with others of like mind and did a great national service.

The 9/11 Commission not only analyzed what went wrong, which you almost have to start with, but then they said: Here is how we could do better. They produced a proposal for reforming the intelligence agencies of America—there are many of them—so that they would be better coordinated, share information, and be there to protect America. The first line of defense against any terrorism is not our military. The first line of defense is intel-

ligence. We need to see the danger coming before it strikes and stop it. That is what good intelligence can bring you.

With their suggestions, on a bipartisan basis with the support the 9/11 families, we moved forward. Credit should go where it is due. In the Senate, SUSAN COLLINS, Republican of Maine, and Senator JOE LIEBERMAN, Democrat of Connecticut, took the proposals of the 9/11 Commission, working with the Members of the House of Representatives, and crafted a piece of legislation which I was honored to be part of, and we worked literally for months to get that done. We gave up a valuable commodity around here: we gave up our time with our families. We came back during the August recess and held hearings. We pushed the bill, and it was signed by the President.

Good things happened. Why? Because we had the right leaders in place. These Commission leaders were in place. They pointed to weaknesses, and they told us how we could overcome. They called for reform. They stayed with the agenda until it was accomplished. It was a model for all of us and one we should look to when it comes to Hurricane Katrina and Hurricane Rita. That is why I believe an independent, nonpartisan commission is so necessary.

The House of Representatives had a hearing earlier this week. They brought in Michael Brown. He pointed a finger of blame in every direction, including his own administration. When it was all said and done, people said: Well, at least he was brought before this committee and the members that did appear and was held accountable. That is a good thing. It is an important thing. But it isn't going to bring us to the point we ought to be in this country. We want to find out what went wrong. Why didn't we think ahead if we had been warned so many times about the dangers in New Orleans? Why didn't we plan ahead when it came to positioning forces, positioning food and supplies? Why didn't we have a communications network that could survive a natural disaster? Why didn't we have better cooperation at all levels of government? Where do we need to change the law so that at some given moment, it is clear who is in charge? What could we have done to save those lives we lost in those disasters? What should we do now to reunite these families and put their lives back in order? These are all valid points.

The reason I have reflected on these circumstances, 9/11 and the hurricanes, is because the amendment that is pending right now on this Department of Defense appropriations bill gives this Senate an opportunity to step forward right now at an early moment to avert the next tragedy. Let me tell you what I mean. We need a wake-up call in America. Most public health officials here and around the world agree that an outbreak of a new pandemic is virtually inevitable. I use the words "virtually inevitable" with some care.

Those are the words of Dr. Gerberding, who is the head of the Centers for Disease Control.

You have to be a student of history to remember the great flu pandemic of 1918 that claimed so many innocent lives in America. What Dr. Gerberding and other health officials are telling us is that unless we aggressively monitor and immediately contain this avian flu, it is likely to be a global pandemic.

The difference, of course, is the world of 2005 is so much different from the world of 1918. In the world of 2005, an infected person is 12 hours away from your doorstep. That is about as long as it takes to fly from one part of the world to another.

We have to prepare and we have to start now, no excuses. That is why the Harkin amendment, which I am happy to cosponsor, is so important. People say: Why would you bring up an amendment about a national pandemic of avian flu on a Department of Defense appropriations? Don't you have health appropriations or other things? It is true. And Senator HARKIN and I happen to be on the subcommittee that would more naturally be the place to bring up this amendment. However, he is doing it because we have relatively few opportunities in this Senate to act. We believe, in supporting this amendment, we need to act, and to act now.

I am told what makes the avian flu so dangerous is that humans have no natural immunity to this strain of flu. We remember the flu shots and all the warnings we have received over the years. For the most part, those flu shots are increasing our already natural resistance to flu. When it comes to the new strain of avian flu, we have no resistance. We have no immunity. It is not a question of children and sick people and the elderly being vulnerable, we are all vulnerable. That is what happened in 1918. The healthiest looking people on the street could be dead in 24 hours. That was the nature of that flu and could be the nature of this flu challenge.

The Centers for Disease Control has suggested that an avian flu outbreak in the United States could claim the lives of 200,000 people—a conservative estimate. Compare that to 36,000 lives lost each flu season to typical, normal flu. It is not just that the CDC that is anticipating a flu pandemic. Yesterday, Senator FRIST asked the Secretary of Health and Human Services, Mr. Leavitt, to ensure that there are U.S. antiviral drugs in the national stockpile to provide treatment for 50 percent of the American population in the event of an outbreak. I fully support Senator FRIST's recommendation. As most everyone knows, he is a medical doctor, in addition to being the majority leader of the Senate.

I am pleased to join in offering this amendment which provides the Department of Health and Human Services with the money it needs to purchase those drugs. That recommendation alone will require about \$3 billion.

What is the antiviral drug? The one most commonly referred to is called Tamiflu. If a person has flu-like symptoms and calls the doctor as soon as they feel them coming on, that doctor might prescribe Tamiflu, which if taken quickly, could lessen the severity of the influenza. The notion is, we should be prepared as a nation with this antiviral Tamiflu in the stockpile, or something like it, so that if we do see this flu coming toward America, we are prepared to provide some treatment for people as they start to exhibit symptoms.

This amendment that Senator HARKIN has offered, with my support and others, provides funding to the Department of Health and Human Services so it can enter into a contract to buy those drugs now. Until the Department of Health and Human Services has that money on hand, all of our conversations are just theoretical.

Remember last year when we talked about running out of flu vaccine, and the flu had already hit? It was a little late. That is what we are trying to avoid. Step in early for the virtually inevitable pandemic and have a stockpile of medicine available for America. Be prepared. That is what this amendment has as its watchword.

The Department of Health and Human Services cannot add antiviral drugs to the stockpile until it has the money to purchase them. This amendment provides the money to the Department of Health and Human Services so they can purchase drugs to treat up to 50 percent of the U.S. population.

I asked yesterday in one of the briefings, why did you pick a number like 40 or 50 percent? The public health experts, such as Dr. Fauci and others, say that is the percentage of the population we think may be exposed. Let's not revisit the scenario of last year's flu season when there was not enough medicine and we had to make decisions about rationing the medicine. There came a time when we said there is not enough flu vaccine. I said, well, I feel pretty healthy, I will get to the end of the line. And when it was all over we ended up with more than we needed. It was not good management of flu vaccine in our country.

Baruch Fischhoff of Carnegie Mellon University, an expert on the public perception of risk, says telling people they cannot get flu treatment "isn't the American way." "That is rationed health care. We just do not accept that."

We have to prepare for developing something else which is going to take a lot of energy, a lot of resource and ingenuity. We have to prepare and develop a vaccine to deal with this flu that prevents the infection from ever setting in. Right now, that vaccine does not exist. Even if it did, we do not have the manufacturing capacity in the United States to produce vaccines at the rate we need them.

Senator HARKIN's amendment, now pending, doubles our commitment to

research and development, the manufacture of, even the purchase of an effective avian flu vaccine.

Remember last year when one of two flu vaccine manufacturers for a typical flu season had to close its European facility? The United States could not turn to any domestic supplier to make up for the loss of those doses of vaccine because we did not have that capacity.

We talk a lot about the U.S. dependence on foreign suppliers for oil. We shouldn't have to depend on other countries for the medicines we need during a global health crisis.

Another lesson from last year's flu vaccine shortage, we have to have a plan. In the face of the vaccine shortage, prices for a dose of flu vaccine in Kansas at one point went as high as \$600. In Colorado, 600 doses of flu vaccine were stolen from a doctor's office.

Despite these images of chaos, State and local health officials worked long and hard to maintain calm and also figure out how many doses there were, where they were, and how to get them to the people who needed them the most.

If we intend to rely on good work, long hours, and a public health workforce that does not get sick, we may be in trouble. This amendment restores cuts to State and local public health agencies so they will have the money to be prepared. It includes enough money for communities to figure out where we will take care of people who are sick when the hospitals and clinics reach capacity, which could happen.

Again, the people who turned New Orleans airport into a hospital showed bravery and grace under pressure. But we can do better than airport lounges and convention centers as makeshift clinics in America—only if we think ahead; only if we are prepared. Let's give our State and local agencies the resources and timeline to prepare for a pandemic flu outbreak.

This time, we are virtually certain it is going to hit. This time, no excuses. We should be prepared. We need to begin now to prepare, and do it aggressively. The best possible outcome would be an early detection of the outbreak, quick containment and treatment, and then development of a vaccine to prevent its spread. This amendment doubles the investment of the Centers for Disease Control in global disease detection in an effort to find, stop, and prevent the spread of the avian flu as soon as it mutates into a strain that can move efficiently, in the words of the medical community, "from person to person."

I heard one of the public health leaders the other day say it might not be this winter, it might be next winter, but it is going to happen. If we know that, and we do not act to prepare for what President Bush says could become the first pandemic of the 21st century, we are failing in leadership. We will have failed as much as any official who did not respond to the catastrophe of Hurricane Katrina.

The funding we propose to add to this bill to prepare for a virtually inevitable, probably global public health crisis is less than we spend on the war in Iraq in 1 month. That is what it will take to get America ready so this avian flu does not claim so many lives.

This investment will, in fact, save lives. Hundreds of thousands of American lives could be spared, by the most conservative estimates. It could be as many as 1.7 million American lives that are at risk in this pandemic, according to an adviser to the Department of Homeland Security. Understand, this amendment does not create any new programs or start any new initiatives. It simply accelerates the work of the CDC in preparing for the outbreak of this deadly flu. The preparation will take time. There is not much we can do about that. Avian flu could begin to spread at any time.

Currently, they have reported 115 cases of avian flu around the world. Where humans were affected by it, over half of them have died. There isn't anything we can do about the current situation, but there is something we can do about the threat to America. What we can do is step up to this challenge, purchase the antiviral drugs we need now, invest in domestic capabilities for vaccine protection for America, and prepare for emergency care during a flu pandemic.

We talk a lot about national security in the Department of Defense bill, but a strong America begins at home. We found that out. We found it out on the gulf coast. We were not prepared. We did not do our job. No one stood up soon enough and early enough and said it is time to hold people accountable. It is time to think ahead, think beyond the moment, think to what we need.

What if I am wrong? What if this flu pandemic does not occur? What if this money is invested in things that, frankly, do not become necessary? That could happen. And I pray that it does. If we could spare Americans and people around the world the suffering that could be associated with that pandemic, I wish that happily. I would be glad to stand and say, well, perhaps we did too much too soon. But I would much rather stand here and apologize for doing too much too soon than to stand here and make excuses for not doing enough when we had to.

The Harkin amendment is an important amendment for the strength of America, for the health of America, and for the protection of America. I look forward to supporting it. It would be wonderful if we had a strong bipartisan rollcall to say that we will start with this national challenge, coming together in a bipartisan fashion, both the administration and Congress dedicated to making certain that we learned a lesson from Hurricane Katrina.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.