

that we can do the work of the American people. But if that is not possible, then it is well within the constitutional powers of the leader of this body to change the rules so that we can carry out our constitutional responsibilities.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HEALTH CARE

Mr. SANTORUM. Mr. President, at a time when the importance of the U.S. Food and Drug Administration is highlighted by concerns over the safety of pharmaceuticals, it would be foolish to move forward with importation policies that would circumvent the safety regulations of the FDA. I want to take this opportunity to highlight a recent international Internet pharma-trafficking network that was shut down in Philadelphia, which I strongly believe provides a very accurate, and disturbing, window on what exactly a prescription drug importation scheme would mean for Americans.

On April 20, 2005, the Department of Justice announced the unsealing of an indictment returned by a Federal grand jury on April 6, 2005. The indictment chronicled how the "Bansal Organization" used the Internet to fill orders for pharmaceuticals. In turn, this crime ring facilitated millions of un-prescribed pills coming into the United States—of which the bio-efficacy and the safety have yet to be determined—to consumers who only needed a credit card. These drugs included potentially dangerous narcotics, such as codine and Valium, drugs that can cause serious harm if not taken under a physician's supervision, and which have been highlighted repeatedly as drugs that pose special concerns as we debate possible importation.

Stretching from America to countries such as India, Antigua, and Singapore, officials estimate that this international conspiracy provided \$20 million worth of un-prescribed drugs to hundreds of thousands of people worldwide—most if not all of whom had no idea where their drugs originated. This drug scam exemplifies how the Internet can be a door to an unregulated world of just about any kind of pharma-

ceutical—including counterfeits and potentially dangerous narcotics. This is particularly concerning given the growing ease at which prescription drugs can be purchased over the Internet.

At the heart of the debate on foreign importation of prescription drugs is the concern over the cost of prescription drugs. Often proponents claim that importation would allow Americans access to other countries' drugs at a cheaper price, despite thorough analysis by the U.S. Health and Human Services Task Force on Prescription Drug Importation. The HHS Task Force reported that any associated cost savings with importation would be negated by the costs associated with constructing and attempting to safely maintain such a system, and ultimately concluded that both past and current Administrations have found: the safety of imported drugs purchased by individuals, via the Internet or other means, cannot be guaranteed. Moreover, generic prescription drugs in America are on average 50 percent less than their foreign counterparts. This holds true in the case of the "Bansal Organization," in which the vast majority of the trafficked drugs were sold at prices higher than what a consumer would have paid at a legitimate pharmacy. The safety of the American drug supply should not be sacrificed for supposed savings. Those that continue to purport that importation would provide cheaper drugs are misleading the American people, and as a result putting their health and lives at risk.

Importation will not equate to cheaper drugs for Americans, but it will lead to an explosion of opportunities for counterfeiters to take advantage of the American people by compromising the safety of our drug supply. Many individuals, both patients and healthcare professionals, who testified during the HHS Task Force's proceedings expressed significant concerns that importation would compromise the integrity of the American drug supply by creating a vehicle through which terrorists could easily introduce harmful agents in the United States. Recall that in 1982, seven Americans died after ingesting Tylenol laced with cyanide. More recently, in July 2003 members of a Florida-based drug-counterfeiting ring who sold and diluted counterfeited drugs were indicted, and 18 million tablets of counterfeit Lipitor were recalled after evidence revealed that this popular anti-cholesterol drug had been manufactured overseas and repackaged in the United States to hide the deception. Importation would provide for any of these acts to be committed on a larger, exponentially more devastating, national scale. To put this in perspective, in 2003, 69 million prescriptions were written for Lipitor in the United States alone.

The "Bansal Organization" bust is but the latest in a series of illicit pharmaceutical trafficking scams, which are extremely lucrative, and which our

law enforcement officials are already struggling to combat on a daily basis. Why would we elect to open the door to importation when we know that doing so will create infinite opportunities to compromise the safety of our drug supply?

As we continue to debate the best ways to ensure that Americans have access to the highest quality, affordable prescription drugs, I would caution my colleagues that importation is not the answer. It would be unconscionable to facilitate in any way the dangerous shortcuts utilized in the Philadelphia drug scam—shortcuts that circumvent the essential ongoing patient relationship with physicians and other licensed professionals trained to monitor potential medication interactions and side effects that can lead to serious injury and/or death.

Congress should uphold the strong regulatory standards on drug safety that exist today, and not open our borders to prescription drugs from a world of unknown sources.

VICARIOUS LIABILITY REFORM

Mr. SANTORUM. Mr. President, being mindful of yesterday's passage of SAFETEA, I rise to speak to an issue that was not addressed in the Senate bill. This is an area of the legal system needing reform that affects interstate commerce in the transportation sector—vicarious liability. These types of laws exist in only a handful of States where nonnegligent owners of rented and leased vehicles are liable for the actions of vehicle operators.

Although a vehicle renting or leasing company may take every precaution to ensure that a vehicle is in optimal operating condition and meets every safety standard, these companies can still be subject to costly lawsuits due to the actions of the vehicle's operator, over which the company has no control. Under these laws, leasing or rental companies can be liable simply because they are the owner of the vehicle.

Though only a few States enforce laws that threaten nonnegligent companies with unlimited vicarious liability, they affect consumers and businesses from all 50 States. Vicarious liability means higher consumer costs in acquiring vehicles and buying insurance and means higher commercial costs for the transportation of goods. Left unreformed, these laws could have a devastating, effect on an increasing number of small businesses that have done nothing wrong.

The House acted in H.R. 3 to address these unfair laws by creating a uniform standard to exclude nonnegligent vehicle renting and leasing companies from liability for the actions of a customer operating a safe vehicle. Under this provision, States would continue to determine the level of compensation available for accident victims by setting minimum insurance coverage requirements for every vehicle. Vicarious liability reform would not protect companies that have been negligent in

their renting or leasing practices or in the care of the vehicle. This provision is a common sense reform that holds vehicle operators accountable for their own actions and does not unfairly punish owners who have done nothing wrong.

Unfortunately, the Senate bill does not contain this important reform. I urge my colleagues to consider the merits of this provision and retain the House-passed language in the conference bill.

TRANSPORTATION EQUITY ACT

I-49 AND I-69

Mr. PRYOR. Mr. President, I rise today to discuss a matter of great importance to my State, one that I hear about every time I go home. Economic development and job creation is something that every Arkansan is concerned about. One surefire way to generate economic development and create jobs is through highway construction. The U.S. DOT estimates that for every \$1 billion of investment in highways, 47,500 jobs are created, but the benefits go far beyond that. It does Arkansans no good to have good health care, education, and jobs if they don't have the roads to get there. Furthermore, business investors do not want to place their companies anywhere that does not have ready access to interstate roads.

My State is in the process of building two new interstates that would jumpstart economic growth, relieve congestion, and provide two additional freight corridors between our two largest trading partners.

Future Interstate 49 connects Canada with New Orleans and would provide the only north-south corridor within 300 miles, cutting through Kansas City, MO and Western Arkansas. I-49 is extremely important to Arkansas, as it traverses the fastest growing part of my State, which is home to Wal-Mart, Tyson's, JB Hunt Transportation, and numerous other transportation companies. The potential for freight movement along this corridor is enormous. However, the State of Arkansas has lacked the funds to make significant progress along the most expensive part of the corridor.

Future Interstate 69 connects Canada with Mexico through Michigan, Indiana, Kentucky, Tennessee, Mississippi, Arkansas, and Texas. It also has enormous potential for freight movement, but it also cuts across the poorest region of my State where economic development is vitally important to the future of local communities. The amount of jobs a project such as I-69 would create has the potential to lift these areas out of poverty.

During debate on the highway bill, I have requested amounts that would provide Arkansas with a sufficient amount of money to make significant progress on these two extremely important roadways.

Mr. BAUCUS. I want to first commend the Senator for his continued

work on transportation issues. He is a real leader in this area and I appreciate his hard work on behalf of the State of Arkansas. I am aware of the Senator's requests and I understand the importance of these projects to Arkansas and the country. My colleague has been very persistent and we have worked hard to include a formula in the bill that provides a significant increase in funding to Arkansas so that the State may be able to accomplish this task. Specifically, Arkansas stands to gain over \$550 million over the 5 years of this bill, a 30 percent increase from the levels they received under TEA-21. Would this amount be sufficient to make progress on the two important interstates Senator PRYOR has mentioned?

Mr. PRYOR. I thank the Senator from Montana for his question. My understanding is that this amount would be enough to make substantial progress on both projects until the next reauthorization. However, since this bill does not include references to specific projects, the difficulty would be to make sure these projects did indeed receive a large portion of this increase. Since the increases are largely through apportioned programs to the State, could my State use the increases to fund these interstate projects?

Mr. BAUCUS. The Senator is correct that the bill in the Senate does not have specific funding for projects. However, it is up to the State of Arkansas to make the decision on how to spend this increase in funding and the additional money to the State can certainly be used to make progress on these projects. I would expect that many States would consider projects such as the ones described in Arkansas that are nationally significant. It would be up to the State to set those priorities and move forward. I believe the projects in Arkansas, both I-49 and I-69, are in various stages of development and construction. It is my understanding that both projects are eligible for Federal funding under this reauthorization bill we have written.

Mr. PRYOR. I thank Senator BAUCUS for his hard work as a manager of this bill and the ranking member of the Transportation and Infrastructure Subcommittee of EPW and ranking member of the Finance Committee, and I compliment him for this strong bill he has helped put together. The Senator always listens to my concerns, and I appreciate his willingness to include such robust funding for my home State.

DESIRE TO WITHDRAW S.J. RES. 13

Mr. BROWNBACK. Mr. President, several weeks ago I introduced a joint resolution which has been given the number S.J. Res. 13. This resolution is a one sentence amendment to the Constitution declaring that marriage is between a man and a woman. I would like the RECORD to reflect at this point that I would like to withdraw this resolution.

I understand that under the Senate rules, a unanimous consent withdrawing a joint resolution would not be in order. Thus, copies S.J. Res. 13 will remain available from the Government Printing Office. However, while it is my intent to continue to hold hearings on the important issue of traditional marriage, it is not my intent to advance S.J. Res. 13 through the legislative process.

ELLSWORTH AIR FORCE BASE

Mr. JOHNSON. Last week, Secretary of Defense Donald Rumsfeld sent his base closure recommendations to the Base Realignment and Closure Commission. I am deeply disappointed with his decision to include Ellsworth Air Force Base. This recommendation is short-sighted and harmful to our national security. I am confident that the BRAC Commission will recognize the invaluable contribution that Ellsworth makes to the defense of our homeland and will support removing it from the list.

Ellsworth is one of only two bases in the country where the B-1 is stationed. In the past decade, the B-1 has been invaluable to our national defense and it is truly the backbone of our bomber fleet. B-1 crews stationed at Ellsworth have flown missions in Kosovo, Afghanistan, and Iraq. During Operation Iraqi Freedom, B-1s were integral in liberating Iraq by dropping more than half the satellite guided munitions on critical targets including command and control facilities, bunkers, and surface-to-air missile sites.

In addition, Ellsworth is strategically located and has excellent access to B-1 training ranges. It is not threatened by urban encroachment or congested air space and has strong community support. During the past decade, I have used my position on the Military Construction Appropriations subcommittee to help direct funding to Ellsworth for critical upgrades including a new base operations building, a B-1 training facility, and military housing that ranks amongst the best in the country. Given its ideal location, as well as the long-term investment in the base's infrastructure, Ellsworth is capable of expanding and accepting new missions.

I emphatically disagree with the Secretary's recommendation to close Ellsworth, and I am eager to work with the Ellsworth Task Force, and the entire South Dakota Congressional delegation, to ensure Ellsworth remains a vital part of our national defense. Ellsworth is a premier installation that has proven it can be a competitive military base for decades to come.

To that end, I am cosponsoring legislation that will postpone this round of base closures. At a time when we are engaged in two military conflicts, as well as rotating soldiers back to the U.S. from overseas installations, we should not be closing bases at home. Simultaneously closing domestic and