

the rest of the G7 countries combined. This job growth is not isolated to just one part of the country. Employment increased in 48 States over the past 12 months, ending in May.

Not only is the number of jobs on the rise, so, too, are wages. Hourly compensation has risen 3.9 percent over the past year, while average weekly earnings have grown to 4.5 percent.

The economy is strong, strong and poised to stay strong. The gross domestic product, a broad measure of the economy, grew at an annual rate of 5.6 percent for the first quarter of this year. This is the fastest growth in 2½ years and even stronger than previous estimates. It follows economic growth of 3.5 percent in 2005, the fastest rate of any major industrialized nation.

This remarkable growth has come on the heels of the burst of the technology bubble, the devastating attacks of 9/11, corporate scandals and destructive natural disasters. Similar to the American people, the economy has weathered the storm. The economy has done so due, in large part, to the Republican tax cuts and progrowth policies instituted since 2001.

On restraining spending, the question becomes, What can we do to continue these positive trends? I believe the answer includes keeping taxes low and restraining spending. We need to work harder in holding down our excessive spending. With respect to the latter, I remain gravely concerned about the runaway growth of mandatory spending. For example, 20 years ago entitlements, or mandatory spending, comprised 45 percent of the budget. Today they comprise nearly 60 percent of our \$2.8 trillion budget. If left unchecked, spending on just three entitlement programs—Medicaid, Medicare and Social Security—will consume 20 percent of our gross domestic product in just 30 years. To put that in perspective, the entire Government consumes 20 percent of gross domestic product today. Clearly, the growth is unsustainable and threatens our economic well-being, as well as that of our children and grandchildren.

I commend the Budget Committee chairman, Chairman GREGG, for his leadership on this issue and for introducing, along with myself and 24 other cosponsors, the Stop Overspending Act of 2006. This bill proposes tough measures to force Congress and the administration to adhere to a disciplined budget process.

The bill includes a line-item veto, or expedited rescission process, to allow the President to identify items of wasteful spending and send them to Congress for an up-or-down vote. It creates a new mechanism to essentially balance the budget by 2012. It reinstates discretionary spending caps in law, and it creates a bipartisan commission to identify and eliminate agency duplication and programs that have outlived their usefulness, as well as a commission to ensure the solvency of entitlement programs. It ensures a

budgeting process to allow Congress to have more oversight, and it addresses the shadow budget that has developed due to emergency spending by building reasonable assumptions of emergency spending into the discretionary caps.

In conclusion, the economy is strong, progrowth economic policies have fueled robust expansion which has, in turn, increased revenues at a rapid pace. As a result, the deficit is on target to be cut in half by 2008, a year earlier than the President's schedule. To continue these positive economic trends, we need to keep taxes low and further restrain spending.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

#### GOP TAX POLICIES

Mr. DEMINT. Mr. President, I come to the floor amazed that our Democratic colleagues still claim that tax cuts are to blame for the budget deficit. In criticizing the President, they fail to mention that the previous administration handed this President a recession, corporate scandals, and a worldwide terror network that had gone unchallenged for 8 years. Now, similar to President Clinton, the Democrats say we need to raise taxes.

This is the same, tired argument they have used since the 1980s. Ronald Reagan answered them ably in his own humorous way when he said doing away with tax cuts in order to balance the budget was "like trying to pull a game out in the fourth quarter by punting on third down."

Now the new midsession review is answering these tax cut critics again. When we cut taxes, we invest in economic growth, which not only creates jobs but brings in new tax receipts, and that helps balance the budget. It also puts more money in the pockets of the American people.

Last year, we were happily surprised to see that the budget deficit for 2005 came in at \$108 billion less than anticipated due to the unexpected rise in tax receipts stemming from economic growth. This year, we see the same trend. The midsession review states that tax receipts have produced another \$127 billion in new revenues. This is exactly the opposite of what Democrats claimed would happen when we passed the jobs and growth tax cut packages in 2001 and 2003. One of my Democratic colleagues from Michigan said at the time that this bill would "create fewer jobs than what is needed" and "dramatically increase the deficit and national debt. . . ."

Another Democratic colleague from Wisconsin justified his vote against the

jobs and growth package saying: "I am still looking for the part of the package that will result in jobs and economic growth."

Senators, look no further. In addition to the \$235 billion total in new revenues, we have created 5.4 million jobs since August of 2003. And the Democrats still say that we can't afford tax cuts.

Republicans and the American people know better. A shrinking deficit and more Americans at work are proving we can't afford to raise taxes. I encourage my Democratic colleagues to remember what President John F. Kennedy—John F. Kennedy, one of their own—said, that "the soundest way to raise revenues in the long run is to cut tax rates now."

President Kennedy's words still ring true today. Cutting taxes allows working American families to keep more of their hard-earned dollars and encourages businesses to be competitive and invest in future growth.

Both Presidents Kennedy and Reagan understood it is business, not Government, that creates jobs and prosperity. This is why Republicans will continue to fight to stop future Democratic tax increases, to make Republican tax relief permanent, and push for comprehensive tax reform.

I am pleased that this midsession review offers yet more proof that the Republican's agenda to secure American jobs and balance the budget is working. We are making progress. It is third down and time for us to run the ball for a touchdown—not punt it away.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, we are now back on the Homeland Security bill, which is an important piece of legislation as it addresses the issues of how we protect our Nation and how we deal with border security and threats involving potential weapons of mass destruction. It also addresses the issue of the management of the Department of Homeland Security, especially in areas where there have been issues, primarily—well, almost every function of

the Department has had some issues, but the ones that have been highlighted, of course, are those dealing with the Katrina catastrophe and FEMA's response to that. It is an important piece of legislation for a variety of issues, but I want to carry on a little bit with the discussion—and then I want to yield to the Senator from Louisiana, who has an amendment, but I want to continue the discussion on the issue which has been raised relative to the report that was put out today, the midsession review.

It is important for people to understand we are functioning in a Government that has fairly significant fiscal issues. We came out of the 1990s with the largest bubble in the history of this Nation, the Internet bubble—in the history of the world, honestly. And that bubble burst. That was a bubble in the tradition of the tulip bubble and the South Seas bubble, where basically people were printing money without any support behind it—called stocks. Stocks were being issued that had no value behind them. The stock value ran up, through exuberance, as Chairman Greenspan called it, irrational exuberance. When that burst, it basically took out of the economy huge amounts of liquidity. That was followed, of course, by the attack of 9/11, which was not only a catastrophic event from the loss of life and impact on our culture but also was a catastrophic event economically.

The President had the good sense to come forward with proposals which basically tried to address the economic side of the problems which we were confronting. We were headed into a very severe recession as a result of those two events. He proposed tax cuts which have been, I think vilified would be a kind word, from the other side of the aisle. He proposed those tax cuts basically on the theory that if you reduce the tax burden on the American worker to something that is fair, it will generate income because you basically create more incentive for people to be productive. It is human nature. Somebody is going to be able to take action which generates income. If they pay a very high tax on that action, they are going to have very little incentive to take that action. If they pay a reasonable and fair tax on that action, then they will take that action. The capital gains cuts is a classic example of that, where by cutting the capital gains rate we have seen massive amounts of economic activity that would not have occurred before when people would have sat on those assets, stocks, and real estate, or corporate assets. But because there was a lower and more reasonable capital gains rate, people have turned those assets over, which has had two effects.

First, it generated a taxable event which generated huge amounts of revenue to our Nation. In fact, the capital gains events have exceeded the expected baseline for those receipts by a factor of almost \$100 billion over the

last 2 to 3 years. Not only did they create those receipts, but it also took the assets which had been locked up in maybe productive assets but not as productive as they should have been and turned those dollars and those resources and capital investment into things which would be even more productively used because when people sell the assets, they take what they gain and reinvest it in a way which is going to produce even more income.

The practical effect of that is the dollars are working more effectively, the economy becomes more lean and more productive, and the result is even more revenue.

So the practical event is we have seen a huge increase as a result of the tax cuts which the President put in place with the support of this Congress—the Republican Congress, obviously, and not from the other side of the aisle—we have seen a huge increase in the rate of revenue growth in this country. During the last 2 years, revenue jumped 14 percent last year, and it is up almost another 13 percent in the first part of this year.

The effect of that has been that we have seen receipts coming into the Federal Treasury which have reduced the deficit dramatically from what was expected, down from \$423 billion to below \$300 billion. We are still continuing on that path. It is an extraordinarily positive path.

Most of those receipts, ironically, come from corporate America and the higher income quadrant of taxpayers in the American economic system. Those are the folks who are paying more in taxes today—from whom we are getting more tax receipts. We are back to basically the historical level of tax burden in this country—around 18 percent gross domestic product being raised through revenue. The problem we have today is not that we are undertaxed. In fact, we are generating a lot of revenue through overspending. What we need is control of spending.

This President has tried to do that on the nondefense discretionary side, but we still need to address the entitlement side of the picture and we need to address, obviously, how we manage catastrophes such as Katrina.

That brings me to the second point I wanted to make, and that is the Democratic response to this has traditionally been to get rid of these tax cuts. It is pretty hard to take that position any longer because tax reductions are generating so much revenue. Now their position is they are going to bring up Social Security, and they are going to talk just about Social Security. What a tired prescription that is. What a reflection of bankrupt ideas that is. They are once again trying to scare senior citizens over the issue of Social Security. That has been going on for 40 years.

When I was first elected to office, I talked to Tip O'Neill, who was Speaker of the House at that time, about what the Republicans who were serving in

the House in the early 1980s were going to hear during the next campaign. He said we are going to hear about three things: Social Security and Social Security and Social Security.

That appears to be the new tactic which has been gone back to—bring out the bloody shirt of Social Security and wave it at the Republican Party while ignoring, for example, the fact that we have a very serious problem in the out-years with Social Security and other retirement benefits. The Social Security system has an unfunded liability of approximately \$12 trillion over its actuarial life. That is because there are many senior citizens who are going to be taking down Social Security as the baby boom generation retires.

What is the reaction on the other side of the aisle? Before any discussion can be pursued on the issue of Social Security, they immediately bring out the bloody shirt: Republicans are going to destroy Social Security; they are going to privatize Social Security; they are going to try to eliminate—"savage" was the term used by the Democratic leader—savage Social Security. Where are their proposals to address Social Security? Where are their proposals to address any entitlement reform other than to suggest that we raise taxes through their "paygo" proposal, which is actually "taxgo." They have no proposal. You can't tax your way out of this problem.

In fact, we have the right tax policy in place because we are generating huge revenue. What you need to do is aggressively address the spending side of the ledger. Therefore, I put forward a proposal which is supported by a large number—30 cosponsors—of my colleagues on this side of the aisle which sets out eight different initiatives called "SOS"—stop overspending—the purpose of which is to get our long-term fiscal house in order. Even though the deficit is coming down probably below even what would be a balanced budget for all intents and purposes if we weren't confronted with a war which we have to fight and the Katrina situation which we are confronted with—in fact, if you took the cost of the war out, which we have to spend because we are confronted with a war on terror, which is for our survival, if we took the cost of Katrina out, we would essentially have a balanced budget next year. That is the fact.

But we also have to face the fact that in the outyears when the baby boom generation retires, that is not going to be the case. There will be a huge amount of pressure on us because the cost of sustaining the retirement benefits is going to overwhelm the younger generation's ability to pay for it. We have to put forward an aggressive program to resolve that issue, to make the cost of Government affordable for our children while still delivering quality services to those who retire.

We can do it if we think about it and start soon to address it. That is what SOS does. There are eight different proposals to try to accomplish that.

I hope that we will take it up and at least aggressively debate it because it is an idea that basically uses the process to push policy, and the policy is what we need. We need to get on that case.

At this time, I yield the floor. I understand the Senator from Louisiana has an amendment to offer. We look forward to proceeding with the amendment process relative to the homeland security matter.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 4548

Mr. VITTER. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. NELSON of Florida, and Mr. COBURN, proposes an amendment numbered 4548.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the United States Customs and Border Protection from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug)

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act.

Mr. VITTER. Mr. President, the goal of this amendment is very straightforward. It is about breaking down the artificial barrier that prevents many Americans, including many seniors, from obtaining safe, FDA-approved, and affordable prescription drugs.

It is no secret that Americans pay more for their medicine than any other citizen in the world, of any other industrialized country. Yet our country is the biggest marketplace for these drugs in the world. Our seniors are buying their medicine in Canada as a result of that and in some other countries simply because it is cheaper. There is no other reason. Yet we see an increasing ratcheting up by Customs and protection agents in an effort to seize these personal legal medicines from Americans who are crossing from Canada back to the United States.

That is why I bring my amendment to the floor—to stop this idiocy and lunacy. My amendment is simple. Stop that escalating practice by the Customs and Border Protection of seizing personally used, FDA-approved medicines from American citizens reentering the country. My amendment would do this by simply prohibiting

funds from being used for this Customs and Border Protection activity.

Let me reiterate some very important things about this amendment.

First of all, it would do nothing more and nothing less than allow our own citizens who are reentering our own country to be able to possess FDA-approved prescription medicines for their own personal use with a legitimate doctor's prescription.

That brings up a second very important point. When we talk about prescription drug imports, there are really two types that we often talk about and deal with: commercial imports by wholesalers, huge quantities brought in for the purpose of resale in this country, and personal imports by consumers.

My amendment is simply about personal imports by consumers. We are not talking about huge quantities. We are not talking about resale within the United States.

Third, my amendment is limited to FDA-approved drugs. There is this erroneous notion that sometimes comes up in this reimportation debate that somehow we are bypassing the entire FDA approval process, that somehow we are throwing out the window that entire process by which the FDA approves certain drugs after rigorous testing and analysis. None of that is true, particularly with regard to my amendment, because, again, my amendment only applies to FDA-approved drugs.

Fourth and finally, my amendment only applies to citizens who have a valid doctor's prescription to obtain these drugs. What could be simpler and make more sense than simply allowing American citizens who possess these legal drugs that they obtain with a doctor's prescription, FDA-approved for their own personal use, not huge quantities, to allow them to possess these legal drugs as they reenter their own country, the United States of America?

This amendment would not legalize reimportation full-scale. It would not legalize wholesale reimportation. It would not get into so many of the more controversial aspects of the issue. It would simply say we are not going to allow Customs and Border Patrol to ratchet up this activity by taking away seniors' drugs as they come into our country.

I think it is very significant and noteworthy that this sort of reimportation measure has enormous support certainly in this country but also in the Congress.

I want to point out some specific legislative history that demonstrates this support.

Congress has shown support for this in numerous ways, including very recently. First of all, my amendment was passed in the House. A nearly identical version of the amendment was offered by Representative EMERSON of Missouri. That amendment was attached to this very same appropriations bill in

subcommittee, and it survived the entire process going through the committee process and the floor.

That amendment is identical to the amendment which I am presenting on the Senate floor today. It passed through the entire House process with very strong support.

There are other instances that show very strong bipartisan support for this sort of measure. Recently, the House passed an Agriculture appropriations bill. There was also a significant reimportation provision put on that bill and included on the bill in the committee process, at the committee stage of consideration of the bill. That underlying bill, including that very important reimportation amendment, was passed overwhelmingly in the full Chamber by the full House by a vote of 378 to 46. I thank my House colleagues, Representative EMERSON and Representative GUTKNECHT and many others for their leadership in this regard.

Finally, an entire freestanding bill has been passed through the House before on this issue, the Pharmaceutical Market Access Act. That was in 2003, and by a vote of 243 to 186 after, I might add, the most intense lobbying in the House that I ever experienced because I was a Member of the House at that time—lobbying by the pharmaceutical companies against this bill. That freestanding bill passed the House by a very significant vote, 243 to 186.

I note that bill was far broader than the personal reimportation amendment which we have on the floor today. Again, it demonstrates the significant bipartisan support all of these reimportation measures have, certainly in the country at large, including in the Congress.

Finally, I note another victory we had not too long ago with regard to trade language. There was the very worrisome practice up until recently that the administration's U.S. Trade Representative would negotiate into many bilateral trade deals language which effectively barred reimportation from the other country—the trading partner. This was very unfortunate because it was closing the door to reimportation before it even had been opened by the Congress through trade negotiation.

Because of this very unfortunate practice, many of us in Congress, the House and the Senate, went to the administration and expressed our concern. Even more importantly, we brought language in the form of an amendment and attached it to an appropriations bill. That language said: Stop doing this; you cannot do it; it is ridiculous to negotiate free-trade agreement barriers to reimportation. We passed that language into law. I worked with my Senate colleague from Michigan on that issue. Many like-minded House colleagues worked on it in the House. We passed that into law. Most recently, the administration has acknowledged they will end this practice once and for all of negotiating this

antireimportation language in trade agreements.

There is enormous support for this type of measure in the country. There is also significant bipartisan support for this in the Congress, as has been demonstrated many previous times.

In this discussion, we should focus on the individuals—particularly the seniors—who are compelled to cross the border in many instances to get affordable prescription drugs. We should not focus on the wishes, the pleas, and the intense lobbying by the drug companies. Seniors face enormous hurdles as they face their declining years with the escalating costs of prescription drugs. We should not add this additional hurdle to the list, with Customs and Border Patrol agents forcibly seizing legal, FDA-approved medicines procured with a doctor's prescription as seniors come back across the border.

Finally, in closing, as we think about this amendment, we should also consider what the true priorities of the Customs and Border Patrol should be. We are at war. It is a different type of war than we have ever faced before—a war on terror. That war has been brought to our own shores by very evil-focused people who came into this country illegally. We face new escalating threats, including potential threats from weapons of mass destruction. Our borders are a very important battleground in that war on terror. Yet in this new post-September 11 context, we will devote significant resources, significant focus on stripping seniors of prescription drugs they have gotten with a doctor's prescription, FDA-approved drugs, for their own personal use, with no wholesalers and no resale. That is a ridiculous policy for the Customs and Border Patrol to continue.

In the post-September 11 world, we should demand that Customs and Border Patrol focus on the true priorities we face in the war on terror. Stripping these small amounts of prescription drugs from the hands of seniors, which are attained with a prescription, which are FDA approved, which are for personal use, which are not for resale, not for wholesale, not obtained by wholesalers, should not be a priority of the Customs and Border Patrol.

In closing, let me again thank my colleague from Florida, Senator NELSON, who will speak in a few minutes. Also, I thank the Senator from Oklahoma, Mr. COBURN, for cosponsoring this amendment with me, and all of my colleagues who have worked on this issue, including many House Members.

Each year, millions of Americans who cannot otherwise afford their prescription drugs go into Canada with a doctor's prescription, buy FDA-approved drugs, and take them back into our country. We should not sick the police, the Customs and Border Protection agents on them, particularly in a post-September 11 world when that agency in particular has far more important priorities.

I urge all of our colleagues in the Senate to support this simple, straight-

forward amendment. It is the right thing to do on this issue. It is the right thing to do with regard to setting the right priorities of Customs and Border Patrol.

Mr. GREGG. Will the Senator yield?

Mr. VITTER. I am happy to yield.

Mr. GREGG. To understand the amendment, would this amendment cover purchases over the Internet or purchases by mail order?

Mr. VITTER. It would cover any purchases which are subject to seizure by Customs and Border Patrol. I don't offhandedly know if those purchases are ordinarily subject to that seizure. I believe most of what we are talking about is personal seizure at border checkpoints when individuals are crossing back into the country, but the amendment would cover any potential seizure by Customs and Border Patrol.

Mr. GREGG. If the Senator will yield further, I think he may have answered the question. As I understand it, it does cover Internet purchases and purchases by mail order. Customs has jurisdiction over those should they come across the border.

Mr. VITTER. If they are subject to that seizure, yes, as I stated, the amendment would cover that.

Mr. GREGG. Mr. President, if the Senator will further yield, it would also apply to purchases that could come from any country—we are not just talking about Canada? For example, purchases from England, they could come from India, they could come from Cuba, they could come from Libya, they could come from even states that have been identified as terrorist states?

Mr. VITTER. In its present form, the amendment would cover any country. We have a change in the amendment we are submitting to the desk to exclude a certain list of countries, including most of the countries the Senator mentioned.

Mr. GREGG. I ask further, would it exclude India?

Mr. VITTER. No, it would not.

Mr. GREGG. Would it exclude Pakistan?

Mr. VITTER. No, it would not.

Mr. GREGG. Would it exclude Brazil?

Mr. VITTER. No, it would not.

Mr. GREGG. If I could ask further, the FDA position, as I understand it, is that drugs which are unapproved for sale which come across the border violate the FDA approval. The Senator, in his statement, referred many times to "FDA-approved drugs." As I understand the process today, the FDA views any drug purchased outside the United States, distributed outside the United States, as being unapproved for sale and therefore not meeting FDA standards. Is that not a correct analysis of the FDA view of how it views drugs that come into this country?

Mr. VITTER. I think it is an exactly correct analysis of the FDA view based on the fact that the FDA, at least in this administration, is completely against reimportation, so they have de-

fining FDA approval to specifically exclude reimportation.

Mr. GREGG. That is correct. But if the Senator would yield further, the Senator is making a point in his statement that these would be FDA-approved drugs the people are purchasing when, in fact, they are not FDA-approved drugs because no drug that is imported into the United States, distributed outside the United States, can receive FDA approval under their rules because the FDA decided they cannot certify the efficacy and safety of those drugs. Isn't that the FDA position today?

Mr. VITTER. The FDA position is exactly as the Senator says. They are against reimportation, so they have defined FDA approval on technical grounds to exclude by definition anything that comes in from other countries. The point of my remarks is that these are exactly the same as FDA-approved drugs.

Mr. GREGG. If I could inquire further, that is the essence of the difference. The FDA does not deem them to be exactly the same because the FDA cannot certify their efficacy and safety. That is why the FDA has said that because they are not manufactured here, because they do not have control over the manufacturing process, because they do not know how they have been adulterated or may or may not have been adulterated or how they have been synthesized, they are not going to approve drugs coming into this country. So there is a significant difference between what someone buys overseas and what someone buys in America.

Mr. VITTER. If I could respond, in claiming my time, I disagree with that wholeheartedly.

Yes, the FDA has refused to take any action to do that. Can they? Absolutely, they can. Is it possible to do that, particularly in the modern age of packaging technology? Absolutely.

Most of the drugs we are talking about, in fact, are manufactured either in this country or in the same manufacturing points as the drugs that are bought in this country. So I disagree with the premise the Senator has laid out. But that is certainly the FDA's position, not to attempt to do any of that and to be completely, 1,000 percent opposed to reimportation.

Mr. NELSON of Florida. If the Senator will yield.

Mr. GREGG. If I could ask the Senator a few more questions, then I am happy to yield the floor.

Assuming your hypothetical is correct, that the FDA could reach beyond our borders and could effectively review these drugs, which the FDA claims it cannot do, which is why they said they will not approve this, your amendment says that Customs and Border Patrol shall not be able to stop these drugs from coming across the border.

Customs and Border Patrol does not have any control over the efficacy or

safety of these drugs. This amendment should really be directed at the FDA because to put Customs and Border Patrol in this position means they have to release drugs which the FDA today is saying it does not approve. Yet there is no process for having the FDA come in and be required to approve them under the Senator's amendment.

Mr. NELSON of Florida. Will the Senator yield so this Senator can get in on this conversation?

Mr. VITTER. I am happy to yield to the Senator from Florida, and I am happy to respond to the other points at some future time.

Mr. NELSON of Florida. If I may, this is a matter which can easily be worked out. The questions the Senator from New Hampshire are raising are very legitimate questions. It is a matter that can easily be worked out if the administration is given some direction.

For example, approximately a year and a half, 2 years ago, the Acting Director of the Food and Drug Administration, Mr. Crawford, made it clear to this Senator that the FDA was not going to object to private prescriptions for Americans coming from Canada for a limited supply—such as 90 days for personal use—which is the biggest part of the objection the Senator from Louisiana and this Senator from Florida have, that senior citizens are being prohibited from getting the great discounts they can get either by ordering them from the Internet, by mail, or personally going over to Canada.

If there were an intention to work out this problem, it could be done between all of these agencies that the Senator from New Hampshire is raising.

Mr. GREGG. Mr. President, if I might renew my question, the Senator from Florida may not have been in the Senate when I asked, Does this apply to Internet purchases, and the answer is yes; does it apply to mail order purchases, and the answer is yes; does it apply to countries such as India, Brazil, Pakistan, and the answer is yes. I understand the Senator from Louisiana will modify the amendment to take off a list of countries that it would not apply to, terrorist nations such as Sudan and I guess Cuba.

I renew my question because I am not sure the Senator from Florida was dispositive on it, which is, Shouldn't this amendment be directed at the FDA because to direct it at Customs and Border Patrol means that Customs and Border Patrol will be stopped from basically taking the drug which comes into this country, which FDA has now declared it cannot certify the efficacy and safety of, taking that drug, sending it over to FDA, and having the FDA evaluate it? Customs and Border Patrol has no expertise in evaluating efficacy and safety of drugs. For all we know, the drug that is being ordered over the Internet under the Senator's amendment could be anything. It could be claimed to be Lipitor, but it could be rat poisoning. In fact, recent anecdotal studies have shown something

like 80 percent of the drugs coming in through the Internet do not meet the standards they claim they do meet.

So why would you amend this bill to put Customs and Border Protection in the untenable position of having to basically release drugs to come into this country, which the FDA says it cannot claim are safe, when you have not put in the higher regime requirements of having the FDA come in and determine whether those drugs are safe?

Mr. VITTER. Mr. President, I would respond to the chairman by saying that amendment after amendment after amendment has been directed at the FDA to do the right thing and create a sensible regime with regard to this issue, and the FDA is flatout opposed to this and has made no effort in that regard, even though there is clearly the technical capability to do that through packaging technology and the like. So this is an effort to make the entire administration—all aspects that need to be involved—do the right thing.

But to say we have not asked the FDA to do this is ludicrous. We have been trying to drag them—kicking and screaming—to do the right thing for several years now. In fact, while they hide behind these safety arguments, I am afraid they are allowing safety issues to go by unaddressed.

In fact, this practice is common. Whether this amendment goes on this bill, whether this activity of Customs and Border Protection continues, one thing is certain: Seniors will import, for personal use, prescription drugs from Canada and elsewhere. That will go on, to a very significant extent.

Even if this amendment does not pass, Customs and Border Protection will never round up all of those drugs. This is a common and a growing practice because of the price issue.

So the question is: When is the FDA going to wake up and truly address these concerns that the chairman brings up with some sensible regime? This amendment is designed to force them in that direction.

But to suggest we have not asked them to do this, that we are going to the wrong agency, is a little silly because we have been asking them to do this for several years now. And we renew that request now.

Mr. GREGG. If the Senator will yield for one last question, and then, obviously, the Senator from Florida wants to be heard on the subject. But it is not silly because basically the fact pattern that is going to be created—were this amendment adopted and if it became law, without any directive to the FDA they have to step forward and actually evaluate these drugs to see if they meet safety and efficacy standards—the practical effect of this amendment would be that Customs and Border Protection could not stop any drugs coming into this country from other countries. That would include countries such as Pakistan and India and other countries which have some serious

issues as to the efficacy and safety of those drugs.

In fact, if I were a creative terrorist, I would say to myself: Hey, listen, all I have to do is produce a can here that says "Lipitor" on it, make it look like the original Lipitor bottle—which is not too hard to do—fill it with anthrax and have a bunch of people from the United States order it who might be affiliated with me and import it that way into this country—or anything else they want to use in a biological way.

Here we are telling Customs and Border Protection that their job is to ratchet down on the capacity of terrorists to use entry ports into this country. And what you are saying in this amendment is: You, Customs and Border Protection, are not going to be allowed to evaluate anything that comes into this country which has a seal which makes it look like it is an FDA-type of drug. And the FDA will not have reviewed it. So nobody will have reviewed it.

So I think what you are creating—in your attempt to push FDA into doing something you feel they are not doing that they should do, you have targeted the wrong agency, and you are actually creating a massive hole in our capacity to secure our borders and protect ourselves.

Mr. VITTER. Mr. President, reclaiming my time, let me respond to the chairman's remarks with two comments. First of all, the FDA—right now, today, this hour, as we speak—has all the authority it needs to take any of the actions the chairman has described. It does not need any additional directive or authority. It has that authority. So the suggestion that somehow we need to act toward the FDA to give it that authority before it can move is absolutely not the case. In fact, we have been trying to get the FDA to act in this regard for several years because there are legitimate safety issues that should be met.

Secondly, I compliment the chairman for trying to figure out a scenario in which this is a true top priority of Customs and Border Protection in a post 9/11 world. I just do not think it adds up, though. I do not think, with all the border security and terrorist threats we face as a nation, allowing the Customs and Border Protection agents to continue—to even escalate—their practice of taking away small amounts of prescription drugs from seniors crossing back from Canada, et cetera, is the right thing to do, is a right priority for Customs and Border Protection.

With that, Mr. President, I yield back my time and look forward to the comments from my amendment co-sponsor, the Senator from Florida.

The PRESIDING OFFICER (Mr. BURR). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, here is an example. If we want to

solve this problem, the different agencies of the Government can come together and solve this problem. We already have it on the record, in correspondence and telephone conversation between this Senator from Florida and the FDA, that they have no objection to an up-to-90-day supply coming from Canada, ordered by American citizens, either by the Internet, by mail, or by personally going to Canada.

And what about the safety the Senator from New Hampshire has raised? Safety: It is coming from the same drug manufacturers we presently have in America; the very same drug, very same packaging, very same pharmaceutical laboratories. The big difference is our citizens—and particularly this applies to our senior citizens—can get these prescription drugs at a much lower price.

Now, I would encourage the Senator from Louisiana, in order to avoid the attacks on the amendment, as have been raised by the Senator from New Hampshire, to pare down the amendment so that those attacks cannot apply.

The safety issue of prescription drugs coming from Canada cannot be assailed because those drugs come from the very same manufacturers, in the very same places, as those prescription drugs that are, in fact, provided to our American citizens.

Mr. VITTER. Will the Senator yield on that?

Mr. NELSON of Florida. Of course.

Mr. VITTER. I appreciate the suggestion. In fact, we have been talking to the chairman's staff about additional language, which we would ask be added to the amendment by unanimous consent, to create a list of countries to which this cannot apply and would specifically ask the chairman's staff for the appropriate list of countries for us to consider, a list from their point of view.

So we will be happy to work on that and wrap this up before we end this floor debate.

Mr. NELSON of Florida. I thank the Senator.

Upon further examination, with the Senator's staff, I think they will find that in most cases we are talking about citizens from Louisiana, as well as citizens from Florida and any other State, who are ordering these prescription drugs at hugely discounted prices from Canada. So that is the major source. That clearly is the interest of this Senator, as we are looking out for our citizens.

Now, what, in fact, is happening—and this Senator sees it in great abundance because it is no secret the State of Florida has a considerably larger percentage of senior citizens than most States. We like to call it the land called paradise. It is where a lot of people come to retire. Naturally, in their retirement years, they are looking at trying to make ends meet and their budget work.

They thought they were going to get a considerable break on their prescrip-

tion drugs under the Medicare prescription drug plan. And now a lot of senior citizens are suddenly finding out the drugs are costing them more than they thought they were. And those who are hitting the so-called doughnut hole—that part, once they and the Government have expended \$2,250 on drugs in any one calendar year—there is no reimbursement from Medicare all the way up to \$5,100.

So our senior citizens are additionally having this concern that they cannot afford the drugs. Therefore, if they want to turn to another source, where they can get prescription drugs considerably discounted, then why should the Government policy not be to allow them to do that? That is the essence of the intent of this amendment.

The Senator from Louisiana has heard from his constituents, as has this Senator. Over the last several months, our offices in Florida have received numerous calls from people who say the cheaper prescription drugs they bought from Canada have simply vanished in shipment.

For example, Mrs. Jacqueline Flick—she is from Coral Gables—relies on Lipitor to help lower her risk of heart disease. She is living on a moderate income. She cannot afford to pay the full price that she would pay at a Walgreens or a CVS. She can get it from Canada and has been. She and her husband have been getting Lipitor for years by ordering it over the Internet from Canada, and she gets it at less than half the price.

Naturally, she was outraged last month when she got a letter from Customs and Border Protection notifying her that they had confiscated her Lipitor. By the way, that letter stated reasons that had nothing to do with her particular case.

I will give you another example. Alex Zeligson is from my home county of Brevard. He is from Palm Bay. He is a patient with emphysema. He requires oxygen. He requires 13 different medications every day, including medication for his heart. A bunch of his prescription drugs from Canada were seized in February.

Naturally, with this going on—and that is just two of many examples. And it has not just happened in the last few months. This has been going on in the State of Florida for the last year and a half. Naturally, these folks are upset.

Over the years, the Government has permitted personal supplies of prescription drugs to be imported from Canada. But without adequately informing the Congress, Customs and Border Protection, last November, implemented a new and stricter policy on personal prescription drug importation.

Last November, this new policy, without informing the Congress, was quietly implemented, until hundreds of complaints from constituents across the country, press reports, and actions by various congressional offices uncovered this shift in policy.

I can tell you that 900 prescription drugs were intercepted in the city of

Miami alone. The reason behind this shift remains unknown, but according to documents filed in a court case in Minnesota, there has been illegal and collusive activity to block the imports of cheaper prescription drugs from Canada. Our office has discovered that this new policy resulted in tens of thousands of prescription drug shipments being detained by Customs officials. Customs has admitted to 25,000 prescription drug shipments intercepted; 900 of those were in Miami alone.

Silently implementing a stricter policy without adequately informing the public puts the health of those who have relied on the prompt delivery of prescription drugs at risk. In response to these stepped-up seizures, this Senator from Florida requested the Department of Homeland Security Inspector General to investigate the change in policy. The Inspector General rejected my request. I have asked the Senate Homeland Security and Governmental Affairs Committee to investigate.

Meanwhile, Americans who rely on low-cost prescription drugs from Canada in order to avoid having to make a choice between prescriptions and food are kept waiting. That is why I have joined the Senator from Louisiana in this amendment. I hope he can perfect the amendment so that it meets the objections the Senator from New Hampshire raised. The intent is simply to prohibit Customs from utilizing funds to stop the importation of FDA-approved prescription drugs by American citizens. A similar provision has already passed the House in the Homeland Security appropriations bill. This amendment, as perfected, is going to ensure that Americans, especially the frail elderly or those with debilitating conditions, are going to be able to at least have a chance of affording the medications they need. It is also going to send a clear message to Customs to explain their dramatic change in policy last November. I hope we will get consensus on this, stop fighting this bureaucratic game, and get some relief for our citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I come to support the amendment, recognizing that it is not perfect, but recognizing that it has been offered only because another piece of legislation, which is more comprehensive, dealing only with FDA-approved drugs, bipartisan, a broader group of Senators supporting it, has been blocked consistently. Senator VITTER offers this because it is the only way to get this subject to the floor of the Senate.

It is pretty unbelievable to hear the spirited defense of the pharmaceutical industry. After we passed a prescription drug benefit in the Medicare bill in the first quarter of this year, the pharmaceutical industry increased the cost of brand-name drugs triple the rate of inflation.



I have been before committees on this subject. Senator SNOWE and I appeared before our committee. There was a spirited defense of the pharmaceutical industry there. This is an industry that has some of the highest profits in the world. They produce miracle, lifesaving drugs, yes, but they also produce something else. They produce a pricing pattern that says the American people should pay the highest price in the world for prescription drugs. It is unfair.

The issue is, can American citizens import FDA-approved prescription drugs, some of them made in this country and then sent to Canada or sent to some other country, can U.S. citizens have access to those drugs, drugs that are safe? The only difference between those drugs and the drugs sold here under the same name is those drugs are priced at a much less expensive price.

I ask unanimous consent to show two pill bottles. This is the issue. This is Lipitor.

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

Mr. DORGAN. The same pill, put in the same bottle, made by the same company. One is marketed in the United States; one is sent to Canada. What is the difference? The difference is, the U.S. consumer is told to pay 65 percent more for the same medicine. The same pill made by the same company, FDA approved, sent two places, to U.S. consumers and to Canadian consumers, and the U.S. consumers are told, you pay 65 percent more. Why? Because the drug industry says so.

Myself, Senator VITTER, and others propose that you ought to be able to access those lower priced, FDA-approved drugs from Canada. The pharmaceutical industry doesn't like that. I understand. I understand why they want to maximize profits. The fact is, they say: If you do that and in any way diminish our profits, we will reduce the amount of research we do on new drugs. Isn't it interesting that they spend more on marketing and promotion than they do on research? Maybe they could cut back a little bit on that advertising on television that says: Ask your doctor whether the purple pill is right for you. I don't have the foggiest idea what the purple pill does, but every time I am shaving in the morning I see the commercial: Ask your doctor whether the purple pill is right for you. Maybe we could cut back the bid on that advertising.

We have had commitments to bring this issue to the floor of the Senate. It was midnight when I believed the majority leader gave me a commitment to bring our comprehensive bill to the Senate. We put a provision in the Senate RECORD. The majority leader says he didn't make a commitment. That is not what the words say. I went to a small school, a class of nine in a small town. All of us should be able to read words and understand what they mean. I believed the majority leader. In exchange for my releasing a hold on a

nominee, the majority leader made a commitment to bring prescription drug reimportation to the floor of the Senate. He says he didn't.

The fact is, the administration and the majority in the Congress have blocked this. When I say we have a bipartisan bill, I come today to support a piece of legislation offered by Senator VITTER. That is bipartisan. But there are people who have determined they will block legislation that deals with the reimportation of prescription drugs. That is why this is offered to an appropriations bill which is a funding limitation. It is perfectly appropriate to offer this to an appropriations bill.

My colleague asked Senator VITTER a wide range of questions. My colleague has been opposed to reimportation of prescription drugs. He gives as spirited a defense of the pharmaceutical industry as anybody I have heard. I believe we ought to give a spirited defense on behalf of the consumers. Why should American consumers pay double, triple, nine times as much for prescription drugs?

I had a guy sitting on a hay bale at a farmstead meeting we had. He was in his 80s. He said: My wife has been fighting breast cancer for 3 years. We have been driving back and forth to Canada to buy Tamoxifen. That is a medicine he could purchase in Canada for 80 percent less than it costs in the United States. He lived in North Dakota, so they could drive to Canada and bring it back because Immigration has traditionally allowed a limited amount for personal use to come back across the border. But now the FDA, and under Dr. McClellan some years ago and under Dr. Crawford and others, has made it their mission to describe that somehow there is a terrorist threat or there is a contamination of prescription drugs. These are FDA-approved drugs, many of them made in this country and then shipped outside. And the American people are told: You can't have access to them because they are cheaper than the drugs you have to purchase in the drugstore in the United States. That makes no sense.

I am wondering when there will be a critical mass in the Senate to stand up and give a spirited defense of the American consumer. When will that happen? Not soon, I am afraid. That is unfortunate. Perhaps we can ask once again whether we will get a commitment to bring a bill to the floor of the Senate that is bipartisan, that has broad sponsorship. The legislation that I and many others have introduced is legislation that will allow, under a broader range of circumstances, the reimportation of prescription drugs and do so without any safety issues. Perhaps the amendment offered today will stimulate and require that agreement.

No one wants to, in any way, diminish the safety of our prescription drugs. There is nothing in the reimportation of FDA-approved drugs that would, in any way, cause someone to legitimately claim there is a safety issue.

That is a specious issue. There is no safety involved here. This is about pricing. It is about whether the American people will continue to be stuck by being charged the highest prices in the world for prescription drugs. Miracle drugs offer no miracles to those who cannot afford them. All of us have heard the stories. I have heard plenty of people going to the grocery store who decide that first they have to go to the pharmaceutical counter to figure out what their prescription drugs are going to cost before they can decide how much they can buy in groceries. We have all heard those stories.

This country has a lot of senior citizens. We are a country of people living longer. That is wonderful. In one sense, we have increased the lifespan by 30 years. Life expectancy has increased by 30 years this century. That means we have more older people. Senior citizens are roughly 12 percent of the population and consume one-third of all the prescription drugs, and they are the least likely to be able to afford them. We have them walking into pharmacies now paying the highest prices in the world. It is not the fault of the local pharmacist. This is the pricing practice of the pharmaceutical industry.

They get all upset when people would tarnish their industry. I am not doing that. Good for them. They produce lifesaving drugs, a fair amount of it with research paid for by the American taxpayer at the National Institutes of Health. We have every right to be tarnishing the pricing policy of an industry that says they are going to charge the highest prices in the world to the American consumer.

My colleague from Louisiana talks about reimportation with his amendment. Let me talk about what they do in Europe. In Europe they have something called parallel trading. We have actually Europeans testify on that. If you are in France and want to buy a prescription drug from Spain, that is not a problem. They have parallel trading. If you are in Germany and want to buy a prescription drug from Italy, that is not a problem. They have run that for a couple of decades, and there are not any safety issues involved. This spirited defense of the pharmaceutical industry, by raising this specious, nonsense issue of safety, is almost unbelievable. It is a Trojan horse for those who want to keep prices high for the American consumer.

Let's have a real debate on the floor, not with a funding limitation. I will support this because it is probably the only way to pry the lid off this issue. But let's have a real debate with the larger bill that we thought had been promised to be debated. Let's decide to stop blocking the ability of the American people to access FDA-approved drugs at lower prices. Let's have the market system work. If the market system works for the big interests, what about the little interests? What about the little guy?

Bob Wills of the Texas Playboys back in the 1930s had a line that applies to

much of what goes on around here: The little bee sucks the blossom and the big bee gets the honey. The little guy plucks the cotton and the big guy gets the money. Isn't that always the way it goes? And doesn't that apply to this issue of charging the highest prices in the world for prescription drugs to the American people?

It is wrong. Everybody in here ought to understand it is wrong. We ought to begin to pry the lid off this issue and fix it. My colleague from Louisiana has offered an amendment. It would not be my first choice, but I will support it. He has offered it, I assume, because it is the only way to get into this issue—this issue being reimportation of prescription drugs—by using a funding limitation to get there. He can do that without requiring 60 votes on this bill.

That is the purpose, I assume, of my colleagues from Louisiana and Florida offering this amendment. I think they, too, would probably prefer that we would get an agreement from the majority leader to schedule a time for debate on a larger bill, but that has not been the case. As a result, we will consider this issue and debate this issue now for some while.

I will at some point during the deliberations on this appropriations bill ask by unanimous consent that we bring up S. 334 before the August recess and debate that bill. In the meantime, I will be here to offer support to those who are trying to pry the lid off this issue by offering a funding limitation bill, and between coming over to the floor of the Senate, I will watch the proceedings of the Senate on a television set and be entertained by the spirited defense of the pharmaceutical industry by some of my colleagues offering excuses for supporting the highest prices in the world for prescription drugs being charged to the American people, a position that is highly unsupportable, in my judgment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Dakota raised a few issues, some of which are actually subject to rule XIX. I did not make the point, but I probably should have.

The fact that under this regime one would be able to set up a process where people could ship drugs into this country which would not be reviewed by the FDA and would not be stopped by Customs and Border Patrol is not an issue of defending the drug industry. It is an issue of making sure that the person who gets that drug is actually getting what they paid for, is getting something that is safe, and that this process has not blown a gaping hole in our capacity to develop adequate security for people who might want to ship into this country biological agents which could kill thousands of Americans.

This amendment, as it was originally offered—and I just asked reasonable questions. I didn't make allegations of purpose, as was the representation of

the Senator from North Dakota. This amendment, as it was originally offered, would have allowed drugs to come into this country through the Internet which would not have been reviewed by the FDA. We wouldn't know where they were manufactured, whether the label that claimed it was one drug was accurate to what was in them. It would have simply said that Customs and Border Patrol could not stop those drugs from coming into this country.

It is pretty obvious that under this amendment as it was originally drafted, there were serious health risks for the people who were receiving those drugs. FDA wasn't going to review them, and Customs and Border Patrol was not going to be able to stop them. Think about that. A drug produced in some kitchen in Indonesia could be put in a bottle that was made to look like an American product, purchased over the Internet on an alleged Canadian site, and shipped into the United States, and the person who got those drugs would take them. There was a lot of anecdotal evidence when we had this bill before our committee that said most of the drugs that were coming in over the Internet were not as represented and some of them were actually poison.

In addition, of course, there is the very serious concern of national security. Maybe the Senator from North Dakota doesn't believe it is a concern. Maybe he only thinks big drug companies are the people who are being protected when the FDA determines whether a bottle of Lipitor is really Lipitor coming from Pakistan or Afghanistan. I don't. I happen to think the people who are being protected when that bottle comes into this country are the people who are getting it and the public at large if it has an agent in it which would basically kill people.

There is no question at all but that if I were a creative terrorist—I wouldn't even have to be all that creative—I could fill hundreds, thousands of alleged prescriptions with anthrax, ship them to my cohorts in the United States, and then let my cohorts do with that anthrax as they wished, or other agents which would be even more violent and more communicable.

There is a reason why we have the safest drug delivery system in the world, why people, when they go into the local drugstore, have absolute confidence that what they are buying is what is on that label. It is because we have the FDA policing the industry and making sure that as it is manufactured, labeled, and delivered, it is what it says it is. This amendment, as it was originally offered, did not accomplish that. For the Senator from North Dakota to come down here and allege people who might oppose it do so because they simply wish to carry the water of big drug companies is a discredit to those of us who are trying to address the issue of safety for the American

people, not only on specific drugs that are delivered to them but as this bill is supposed to do on our homeland security.

So let's move on to the specifics. I understand the Senator from Louisiana has a modification to the amendment that is going to basically limit it to Canada, and it is going to make sure it is structured in a way that conforms with the Cosmetic Act. I congratulate him for that modification. I appreciate him being responsive on that point. It will dramatically improve this amendment.

There is still the issue out there that has to be addressed of, if Customs and Border Patrol is charged with not looking at this stuff which is going to come in from Canada, who is going to look at it?

I have a bill which actually accomplishes this, by the way. It says FDA will have the authority to go into these foreign countries—and if you limit it to Canada, it will be very manageable—and will have the money and resources—it is more a resource issue, the Senator from Louisiana is correct. It is not really an authority issue. What they need is money to review the distribution process.

Under my bill, what would happen is a Web site would have to have FDA-certifiable approval. In other words, if you went to a site from which you can allegedly buy Canadian drugs, FDA would have reviewed that Web site, reviewed the people who are selling through that Web site, reviewed the product coming through that Web site, and the Web site would receive something like a Good Housekeeping seal on it which couldn't be forged and which would basically be monitored, so that when you were buying off a Web site from Canada or directly from Canada by mail order or going into a Canadian pharmacy, you would know that the product was what it said it was and FDA had actually reviewed it.

That is a very doable event. It takes a regime. It takes money. All that is actually going to have to be grafted on top of this amendment to make the amendment work. It is too complex to do at this level. However, if the Senator from Louisiana is going to modify his amendment, my representation would be that when we get to conference we will not take the amendment or, alternatively—which would be my druthers—put this modification on top of it which is the language I developed relative to giving FDA the regime authority and the financial authority to monitor Canadian-delivered drugs.

I understand the Senator may move in that direction. If he does move in that direction, I congratulate him and thank him for making such a constructive change in his amendment. I appreciate it. We will proceed from there.

The PRESIDING OFFICER. The Senator from Louisiana.



AMENDMENT NO. 4548, AS MODIFIED

Mr. VITTER. Mr. President, at this point I would like to revise my amendment with the language which is at the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment (No. 4548), as modified, is as follows:

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Food, Drug, and Cosmetic Act.

Mr. VITTER. Mr. President, as modified, as the subcommittee chairman indicated, this will limit the effect of the amendment to transactions involving Canada only.

Having done that, let me close with a few remarks. First, I appreciate the offer and the commitment of the Senator from New Hampshire to work on this issue because, in fact, if he truly has these safety concerns he was outlining—I tend to think the nature of some of these scenarios he outlined were overly dramatic and not very well grounded in reality, but if he thinks these scenarios are accurate, then we need to act. The FDA needs to act today because even if my amendment is defeated—and I am very hopeful it will not be; I am very hopeful it will get a resounding vote on the Senate floor—even if it is defeated, these transactions are going on every day in the thousands.

The Senator knows that Customs and Border Patrol will never stop all of these personal-use medicines from coming into the country. So this is going on every day, thousands upon thousands of cases a day. Therefore, if there are safety issues involved—and there are some—the FDA needs to act now and we need to act now to put a regime in place.

Unfortunately, many of us, including myself, including the Senator from North Dakota and others, have tried over and over and have been blocked procedurally from moving that type of legislation to the Senate floor. That, as the Senator from North Dakota indicated, is what provoked this amendment. But I welcome the offer and the commitment of the Senator from New Hampshire to work in conference to put a full-blown regime together with regard to reimportation, and I welcome us bringing, either through this vehicle or through a stand-alone measure, this important debate to the Senate floor.

There are some safety issues, but those issues exist even if my amendment is defeated. Those issues exist because those transactions are going on every day, and they are growing in number because of the huge price disparity between the cost of drugs in the United States and the cost of those

same FDA-approved equivalent drugs in places such as Canada.

Defeat of this amendment will not take care of those issues. The only thing that will take care of those issues is action, long overdue action by the FDA—and they have the authority now—or action by us in the Congress to put together an entire reimportation regime. I look forward to doing that. It is long overdue. It is important because of the very safety issues the Senator from New Hampshire outlines. It is also important because of the tremendous price pressure our constituents are under because we, unfortunately, labor under the highest prescription drug prices in the world, even though we offer the manufacturers the largest marketplace for those very same drugs in the world.

I yield back my time and look forward to the adoption of this amendment.

Mr. GREGG. Will the Senator yield for a question?

Mr. VITTER. Absolutely.

Mr. GREGG. We are checking with the Democratic side, but if the Senator is agreeable, the Senator from North Dakota is going to speak for half an hour, and at the conclusion of his speech, I suggest we go to a vote, if the Senator from Louisiana wishes to have a recorded vote, or we can accept the amendment.

Mr. VITTER. I do wish to have a recorded vote.

Mr. KENNEDY. Mr. President, I support the Vitter amendment to stop the Customs and Border Protection agency from using its funds to block the personal importation of prescription drugs from Canada that comply with requirements of the Federal Food, Drug, and Cosmetic Act. We all know that drugs distributed in Canada are as safe and effective as drugs distributed in the United States.

Each of us has constituents who obtain prescription drugs from Canada. The reason is obvious. They are tired of being gouged by exorbitant U.S. prices for their medicines, when the identical drugs are available in Canada at half the price and are just as safe. Drugs from Canada are certainly a better choice for hard-pressed patients than cutting their U.S. pills in half or taking them every other day to make them more affordable or not taking needed drugs at all.

Innovative senior citizens first alerted the Nation several years ago to the opportunity available in Canada by organizing bus trips across the border from many of our Northern States.

In Massachusetts, the city of Springfield began using Canadian pharmacies to provide drugs for its city employees and retirees. Springfield's example led the way for other city and State governments across the country to do the same. The Internet revolution vastly expanded the opportunity by enabling patients across America to go to Canada on the internet and save thousands of dollars a year on their prescriptions.

The administration should not be using the Customs agency to block patients from getting safe drugs from Canada. Yet recently it has been using the Customs agency to avoid a current requirement that the Food and Drug Administration give special notice to a patient if it detains the patient's imported drug at the border. This amendment should stop that abuse, but this amendment is not the real answer on importation. It is time for Congress to allow safe imports from Canada—and from other developed countries, too.

S. 334, the Dorgan-Snowe drug importation bill, will do this, and the Senate needs to act on this bill. Patients will be able to import drugs from exporters in Canada who are registered with FDA and regularly inspected by FDA. Wholesalers and pharmacies will be able to import drugs from other developed countries if they register with FDA and agree to regular inspections by FDA. The imported drugs will fully meet FDA standards for approval and will have FDA-approved labeling.

S. 334 also prevents drug companies from blocking imports, as several major drug companies have been doing to shut down the rising tide from Canada.

The high price Americans pay today for prescription drugs is unacceptable and unfair. The bipartisan Dorgan-Snowe importation bill is a practical solution to bring drug prices down for patients at no risk to the safety of our drug supply. That is the measure we should have voted on today, but our Republican leadership keeps denying us a debate and a vote on that needed bill.

Mr. GRASSLEY. Mr. President, I wanted to take a moment to note my vote for the amendment offered to H.R. 5441 by Senator VITTER. Senator VITTER's amendment would prohibit the U.S. Customs and Border Protection from using funds to prevent individuals from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act, FDCA.

The strong support demonstrated today for Senator VITTER's amendment reemphasizes the importance of the issue of allowing Americans to import prescription drugs.

I have long advocated allowing American consumers access to safe drugs from other countries. In 2000, 2002 and 2003 I supported amendments permitting reimportation of prescription drugs from Canada. In 2004, Senator KENNEDY and I offered bipartisan legislation to authorize reimportation. And, last year, I introduced a reimportation bill with Senators SNOWE, KENNEDY, DORGAN and others. Our bill, S. 334, the Pharmaceutical Market Access and Drug Safety Act, permits the importation of prescription drugs and includes very important safeguards to help ensure that those drugs are safe and obtained from legitimate pharmacies. I look forward to continuing to pursue Senate passage of our comprehensive,

bipartisan bill. Allowing importation will increase competition and keep the domestic pharmaceutical industry more responsive to consumers.

Senate approval of the Vitter amendment represents another development in an ongoing effort to help reduce the cost of life-saving drugs for American consumers. We need to do more to foster competition by allowing imported medicine and to make sure that those prescription drugs are safe. S.334 should be the next step on this issue.

Mr. BUNNING. I would like to explain my opposition to amendment No. 4548 to the fiscal year 2007 Homeland Security appropriations bill. This amendment would prohibit the U.S. Customs and Border Protection from preventing an individual not in the business of importing prescription drugs from importing an FDA-approved prescription drug. I oppose allowing uninspected pharmaceuticals to be imported into the country.

I understand some prescription drugs are expensive, and many Americans struggle to afford their medications. That is why Congress passed a bill in 2003 to create a prescription drug benefit in Medicare. The drug program has greatly reduced the amount seniors spend on prescription drugs. This Medicare prescription drug bill also includes several provisions aimed at reducing the cost of pharmaceuticals, specifically by getting generic drugs to the market faster. These are important changes aimed at reducing costs for everyone.

I have concerns about the safety of bringing prescription drugs into the United States from other countries without meeting the safety criteria currently in law. Under the current system, Americans can feel secure when they purchase pharmaceuticals in this country. They know the pills they are taking are safe and effective and that they have been approved by the Food and Drug Administration, which uses some of the highest approval standards in the world. Congress should not put the safety of our pharmaceutical supply in the hands of a foreign government which may not recognize counterfeit or expired medicines or may not have the same safety standards that we do. The last thing we want to do is to undermine the integrity of our drug supply.

In fact, in December of 2005, a Food and Drug Administration operation found that nearly half of the imported drugs FDA intercepted from four selected countries were shipped to fill orders that consumers believed they were placing with "Canadian" pharmacies. Of the drugs being promoted as "Canadian," based on accompanying documentation, 85 percent actually came from 27 countries around the globe. A number of these products also were found to be counterfeit.

I believe this amendment will put our Nation's drug supply at risk and it is not even necessary. As this year goes on, more and more seniors are getting

excellent and affordable coverage under the new prescription drug plan that we passed in 2003, which means allowing potentially unsafe drugs into our country is an unnecessary risk that we do not need to take.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from North Dakota be recognized for half an hour, that no amendments be offered during his term of speaking and that at the conclusion of his speaking, 2 minutes be equally divided on the amendment of the Senator from Louisiana, that we proceed to a rollcall vote, that the yeas and nays be deemed as ordered, and no second-degree amendments.

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

#### MIDSESSION BUDGET REVIEW

Mr. CONRAD. Mr. President, I want to thank the managers of the bill for this time allocation. I appreciate it very much. I thank the chairman and the ranking member.

Today is the day of the so-called midsession review in which the administration takes a middle-of-the-year look at our budget circumstances. The President has already held a press conference in the White House, the Budget Director is speaking to the National Press Club, and they are heralding the improvement in the deficit outlook as proof that their fiscal plan is working. That is an interesting spin. That is an interesting way of looking at these facts.

Let me give you what I consider to be the other side of the story, or perhaps it is better described as the rest of the story. The President is saying there has been a \$100 billion improvement in the deficit outlook. Well, not really because that is based on his earlier projection that many of us said, at the time, overestimated what the deficit would be, for the very purpose of later this year, when the deficit wasn't that big, to claim great success. That is exactly how things have played out. But if you compare the new deficit projection with what the actual deficit was last year, instead of getting into the projection game, the actual deficit last year was \$318 billion. Now they are saying the deficit this year will be \$296 billion.

Is this cause for some great celebration? Is this some dramatic improvement in the deficit? I wish it was, but I think people can reach their own conclusion. I think it is a pretty modest improvement over last year's deficit.

At the same time, the thing that is getting no attention is the real threat to our long-term economic security, and that is the debt of the country. And the debt increase last year was \$551 billion. With these new numbers this morning, the debt this year will increase by \$593 billion. So the amount of the debt increase is actually growing. The debt is getting bigger, and it is getting bigger than it was last year. That is even with these new numbers. This is almost a \$600 billion increase in the debt.

The White House is saying: Well, there has been this dramatic improvement in revenue, and that proves that if you cut taxes, you get more revenue. No, that is not what it proves. I wish it would prove that because then we really would have the tooth fairy working for us. That would be great. Wouldn't it be wonderful? You cut taxes, you get more money. But here is what has happened. Here is the historical record.

In 2000, revenue, as a percentage of gross domestic product, was about 21 percent. It is true that this year we are getting an increase over last year's revenue, but it is still way below what it was back in 2000. If you look at it on an inflation-adjusted basis, you look at the revenues that we have received, you adjust it for inflation, what you see is now, in 2006, we are getting back to the revenue we had in 2000. So in 2000, we had over \$2 trillion in revenue. We had massive tax cuts in 2001 and revenue went down. In 2003, revenue went down some more. We had another big tax cut. Revenue stayed down for 2004 and 2005. Now, only in 2006, are they projecting that revenue will go beyond what it was in 2000.

This is not proof of the theory of the tooth fairy that if you cut taxes, you get more revenue. In fact, if you look at individual income taxes, where most of the tax cuts have been, you see—and this is not adjusted for inflation; this is in nominal terms—we had \$1 trillion of individual income tax revenue in 2000. You can see every year after that: 2001, 2002, 2003, 2004, 2005, every one of those years we had less revenue than we had all the way back in 2000. It was not until this year that they are now projecting that we will have somewhat of an increase over the level of revenue in 2000.

If one wants to talk about projections, if you go back to their projections in January of 2001, they said this year we would have \$2.7 trillion of revenue. Instead, we are going to have \$2.4 trillion in revenue. So we are far below what they projected back in 2001.

This is from the New York Times of July 9:

Revenues are still below historical norms. One reason the run-up in taxes looks good is because the past five years looked so bad. Revenues are up, but they have lagged well behind economic growth. Compared with the size of the economy, tax revenues are still below historical norms and far below what the administration predicted as recently as 2003.

"Far below." This is not this magic supply-side epiphany that some are now claiming today. In fact, if one looks at the debt, the increase in the debt, here is what one sees. When President Bush took office at the end of his first full year—because obviously he is not responsible for the first year; he is inheriting a budget—at the end of his first full year, the debt was \$5.8 trillion. At the end of this year, they are now saying it will be \$8.5 trillion. And in 2011, they are now saying the debt will reach \$11.5 trillion. This is an explosion of debt, and they are claiming great success. Excuse me. This is a

great success? What would a failure be? They will have doubled the national debt.

When we look at foreign holdings of U.S. debt, here is what we see. It took 42 Presidents—all these Presidents pictured here—224 years to run up \$1 trillion of external debt—U.S. debt held abroad. This President has more than doubled that amount in just 5 years. This is a success? I don't think so.

Looked at another way, it is stunning. Here are the world's biggest borrowers. If you look at all of the money that is being borrowed in the world, you see the United States in the No. 1 position. We are borrowing 65 percent of all of the money that is available to borrow. Let me repeat that. The United States is borrowing 65 percent of all of the money that is available to borrow. Look at this. We have the United Kingdom borrowing about 4 percent of what is available; Spain, 7 percent; Australia, 3 percent; France, about 3 percent; Italy, 2 percent; Turkey, 2 percent. And the United States is borrowing 65 percent of all of the money being borrowed in the world. This is not a sustainable course. This is not something that can be continued.

So while the White House is out bragging about their achievements, let's just remember their budget record: Four years in a row of record deficits, debt projected to soar to more than \$11 trillion by 2011. They have more than doubled foreign-held debt in 5 years. There is very little real revenue growth since 2000. Revenues in 2006 are still far below original projection. And every penny of Social Security surplus is projected to be spent on tax cuts and other things over the next 10 years. Again, \$2.5 trillion of Social Security money is going to be spent on other things. On the other hand, they say there is a big shortage of Social Security? Well, they are helping to create it.

A new budget process proposal has been made by our friends on the other side that would circumvent Social Security protections and fast-track a Social Security privatization plan. They have repealed and increased the spending caps for next year that they put in place last year. They have come out with a big, new plan, more spending caps, more budget points of order, but they just repealed the spending caps they put in place last year. Now we are told they will not have a budget this year at all. The country simply will not have a budget.

The Comptroller General of the United States has warned that the budget outlook is getting worse, not better. This is what he said: Our problem is our large, long-term deficit, and the sooner we deal with that, the better.

Walker, the Comptroller General, warned of a false sense of security: "We're in much worse shape fiscally today than we were just a few years ago." He said this on July 11.

Mr. President, the Comptroller General is telling the truth. Our budget

situation is not getting better; our budget situation is getting much worse.

Here is what is happening to the debt. You didn't hear the President mention anything about the debt. They don't want to talk about the debt because the debt is exploding. The debt is going up, up, and away. And this is before the baby boomers retire. If the budget were to pass that has gone through both Houses of Congress—which we are now told is not going to pass, we are not going to have a budget—if it were to pass, they would add \$3 trillion to the debt over the next 5 years. It is simply stunning.

The former CBO Director who, by the way, was an economic adviser to the President before he was CBO Director, said this: "The long-term outlook is such a deep well of sorrow that I can't get much happiness out of this year," said Douglas Holtz-Eakin, a former Director of the Congressional Budget Office and a former White House economist under President Bush. He is telling the truth.

This notion that there has been some dramatic decrease in the deficit just misses the fact. The fact is the deficit last year—the actual deficit—was \$318 billion. Now they are forecasting it is going to be \$296 billion this year. That is not some great improvement. That is an improvement, but it is very modest.

At the same time the deficit is getting a little better, the debt is getting a whole lot worse. Last year, the debt increased by \$551 billion. This year, the debt is going to increase by \$593 billion.

All this happy talk today from the administration about how great things are reminds me a little of somebody holding a press conference to brag about the new lifeboats on the Titanic. Yes, it is a nice thing that the deficit numbers are a little better, but it misses the larger reality. The larger reality is this ship of State is in deep trouble. We are in an ocean of red ink, and nothing substantial is being done about it under this administration. Instead, the debt is growing and growing dramatically.

Even with these new numbers, that is what is happening to the debt of our country. It is skyrocketing, and it is skyrocketing at the worst possible time—before the baby boomers retire. Remember, the baby boomers are going to start retiring—the leading edge—those eligible for Social Security, in 2008, and we are going to leave them a legacy of debt unprecedented in our Nation's history.

The President does a disservice to the country, as do members of his administration, when they talk about the fiscal circumstance dramatically improving. It is not. It is not. The deficit has improved modestly over the deficit of last year, but the debt is actually growing more rapidly than the debt grew last year. And there is absolutely no relief anywhere in sight. The President and this administration owes it to the American people to come forward

with a plan to address this crisis of debt.

Mr. President, I yield back the remainder of my time, and I yield the floor.

Mr. GREGG. Mr. President, it is my understanding that we are going to proceed to vote on the Vitter amendment at 12:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, let me quickly respond to some of the points made by the Senator from North Dakota, whom I greatly admire and enjoy working with on the Budget Committee because I think the context of those comments have to be put in proper form. There is no question but that the revenues of this country dropped significantly at the beginning of this administration. There is obviously a significant argument as to why those revenues dropped. The point that I made earlier, and which I think is very valid, is that coming out of the 1990s we had experienced an explosion of growth, much of which was unsupported. It was called a bubble, the Internet bubble. What is a bubble? That is when people are speculating irrationally—as at the time Chairman Greenspan said, irrational exuberance—irrationally in a way that is basically creating stock, in this instance, which has no substance behind it but is still being sold at a higher and higher price.

That bubble burst. When a bubble bursts, the history of economics is that there is a severe contraction in the economy that is experiencing the bubble. That is what happened to us. We saw a severe recession begin.

We followed the Internet bubble bursting with the attacks of 9/11. That was a huge catastrophe for us as a nation, a vicious attack killing thousands of Americans, but it was also an attack on our economy.

These two events together would have led to a massive slowdown in our economy had not the President had the foresight to reduce the tax rates to a more fair level so that entrepreneurs, people who are willing to take risks, were willing to go out and do exactly that. The tax cuts were put in place, and the tax cuts benefitted everybody who paid taxes. It is hard to do a tax cut to benefit people who do not pay taxes, which seems to be the position of the people on the other side of the aisle. Essentially, the tax cuts benefitted all who pay taxes, but, importantly, it was to create an atmosphere where the entrepreneurs in our Nation, the people who are willing to take risks and as a result create jobs, did exactly that. They were rewarded for being risk takers and job creators. As a result a recession which should have been severe in its slope ended up being shallow.

We are now seeing ourselves coming out of that recession. Now, for 39 months, we have had a very strong recovery, a recovery which is played

down by the other side of the aisle but cannot be played down by the facts—5.4 million jobs created, 39 months of economic growth, some of the strongest growth periods we have had in the post-World War II period, and that has been driven in large part by tax rates which have generated more revenues to the Federal Government.

The theory on the other side of the aisle, and their whole *modus operandi* for economic activity, is you should raise taxes in order to raise revenue for the Federal Government to meet spending. You can always expand spending because you can always raise taxes. That is basically the philosophy of the other side of the aisle, coined as “tax and spend,” or “spend and tax.” But the fact is—and it has been proven by three Presidents of both parties—that if you reduce rates to a level which gives people an incentive to go out and be productive, you actually generate more revenue for the Federal Government than if you overtax them.

Why is that? It is human nature. If you say to a person: 70 percent of the next dollar you earn, or 50 percent of the next dollar you earn is going to go to the Federal Government or to the State government or the local government or a combination, a person doesn't have a whole lot of incentive to go out there and take a risk with their money or to work harder to produce that extra dollar. But if you say to a person: We are going to tax you at a fair rate so when you go out and take risks with your money you are going to get a fair return and the Government is going to get a fair return in taxes, then a person is willing to go out and take that risk and do those things that create those jobs.

That is exactly what has happened under the tax laws that President Bush has put in place with the support of the Republican Congress. We have taken those elements of the tax law which are most related to creating economic activity—capital formation, risk-taking activity and thus resulting in job creation—and put those rates at reasonable levels, capital gains being the best example of that. The other side of the aisle wants to raise all these taxes again. What they are unwilling to acknowledge is that by having a fair rate of those taxes, at those tax levels, we have actually generated a huge increase in revenues. If you combine the last 2 years, we have the most significant increase in revenues that we have seen anytime in the post-World War II period for a 2-year period in rate of growth of revenues. It is because there has been an incentive for people to go out and be productive, create jobs, and as a result generate more income for the Federal Treasury.

There is another effect, for example, of the lower capital gains rate which I mentioned earlier today. Not only does it create economic activity. In other words, if you are sitting on some stocks or sitting on a piece of real estate or you have a small family busi-

ness, you are afraid to sell it because you don't want to pay the Government 30 percent, which was the rate, or 20 percent, which was the rate. Now the rate is 15 percent, and you say: I guess I can sell that asset.

All right, you go out and sell that asset. The Federal Government would have never gotten any revenue from that asset because you were going to sit on it as long as the rates were too high, so by selling the asset the Federal Government got income it didn't expect, by having a fair rate.

But more important, or equally important, you have that cash. You are going to go out and reinvest it in something that is going to produce more money and, as a natural flow of human nature, it is going to be more productive. You are going to get more productivity out of those dollars. What does that do? It creates more jobs. It creates more economic activity which creates more jobs.

And it works. It has been proven to work by President Kennedy, by President Reagan, and now by President Bush. It worked so well that over the last 2 years, the CBO estimated that the revenues from capital gains would be half of what they actually were because they used the static model. They didn't factor in human reaction. So we generated almost \$100 billion more revenue just from capital gains than we expected to get as a result of the CBO estimates. That is because human nature inherently, certainly in America at least, is entrepreneurial. It is risk taker and job creator oriented, and people who are risk takers are rewarded for that, and as a result jobs are created.

So we have had this explosion of jobs in America. We have created more jobs in this country in the last 2 years than Europe and Japan combined—I believe is the statistic. Equally important, we have generated huge amounts of new revenues for the Federal Government. That is reflected in the midterm report which came out today and which is so dismissed by the other side of the aisle.

You just can't dismiss the fact that we reduced the deficit by \$126 billion, approximately, in 6 months, over what it was supposed to be, what we expected it to be. Why did it come down \$126 billion? Because people were paying more in taxes because there was more job activity out there.

Interestingly enough, most of that new revenue came from the highest income taxpayers in America today. In fact, they are paying more in taxes today than they have ever paid, that group of individuals.

But the attitude of the other side of the aisle is, let's just raise taxes again. It doesn't work. It actually reduces revenues if you get taxes too high. What we have to do is control spending. That is why this side of the aisle has been talking about a comprehensive package to accomplish that.

I see the Senator from Pennsylvania is here. I know he wished to speak. We have about 6 minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 4548, AS MODIFIED

Mr. SANTORUM. Mr. President, I rise to speak on the amendment that I understand we are going to be voting on in about 6 minutes. I am not particularly pleased we are voting on this amendment in 6 minutes, that I only have 6 minutes to talk about this amendment on the importation of prescription drugs. I think what we are potentially about to do is something that is very dangerous, something that is a risk to consumers and patients in this country.

We have seen exposes written by newspapers. We have seen reports from the Surgeon General. We have seen reports by numerous government agencies, of the risk associated with drugs coming into this country from potentially dangerous foreign sources, prescription drugs, that are being used by people in this country. There is a profound risk of them being impure, contaminated, and having potency problems. Now we are back here on a quick amendment, and a quick time agreement, and we are going to have a vote on something that I think is life threatening to potentially thousands of individuals in this country.

This is an amendment that says, to my knowledge—I have it in front of me, but I understand it has been modified, and I have not yet seen the modification—that none of the funds in this bill will be made available for the Customs and Border Protection agents to prevent individuals from importing prescription drugs.

I understand it has been modified to say just from Canada. But, of course, how do we know they are from Canada? If a border agent sees a box that says “from Canada” or “FDA approved” or whatever, does that mean they can't look at it or can't examine it?

This is a very crude attempt to try to get around an issue that we have been debating for a long time, and that is, whether it is safe to allow people to get drugs, from other countries, that do not have the FDA safety and efficacy approvals.

We have huge concern in this Chamber, huge concerns around the United States with drug safety. There is a pill called Vioxx that has a small chance of causing certain side-effects in some individuals. Yet we want to allow importation of potentially dangerous drugs from other countries.

Let's look at the reports of analysis of some so called “Canadian generics” seized at the boarder. Experts in drug safety tell us that these drugs often have problems with potency, don't dissolve correctly, or have dangerous impurities. These are potentially dangerous drugs, and the United States Senate wants to say: Go ahead and bring those drugs in, but by the way, we have to take Vioxx off the market if there is even a 1-percent chance of hurting somebody.

Drug importation done this way has a nearly 100-percent chance of hurting

somebody, and we are going to come to the floor of the United States Senate and say that is a good idea because it might save a few dollars.

We addressed this issue for our most vulnerable population. We addressed it for seniors. We passed a Medicare prescription drug bill that is working. It is working very well. It is lowering costs of prescription drugs to our seniors. Providing affordable drugs of quality, FDA approved, we know they are safe, we know they are effective, they are made here in the United States.

We have folks who are going to vote for this amendment who complain night and day about exporting jobs around the world. What do you think this is? When these drugs are made in the United States they are made safe and effective. They are made by American workers. And we know they work for people who need these drugs. We are going to export these jobs to Bangladesh or Ghana or Belize—pick a country—which happens to mark the drug “from Canada”?

If you write “Canada” on there, assume a border guard, just to be safe, will say don’t open it because we may be breaking the law according to this amendment.

This is a dangerous piece of legislation for potentially thousands if not more persons who are looking for a cheap prescription and could get a prescription for ineffective treatment, which could lead to more problems, or potentially lethal treatment if there are dangerous side effects from impure drugs.

We should not be voting on this amendment, in my opinion. But the vote has been locked in—without my consent, I might add. What we are to do here—let’s not muddy the water—this is not about cheap drugs. We have dealt with that issue for seniors. We have dealt with that issue by putting up huge amounts of money to make sure that our seniors get good-quality, American-made drugs, made by Americans who have good-quality jobs making them. This is about hurting those Americans making these drugs as well as hurting people who are going to be consuming these drugs.

I am not happy, even though I understand we will look at this in conference and it can be striped out in conference. This is bad public policy. This is dangerous to the health of American citizens, and it hurts our economy. It says to a border guard or the Customs Service that is already overburdened, that already has too much of a job to do—how are they going to know whether it is made in Canada or not? How are they going to know whether it came from Canada or not? This is a potentially monstrous problem. This is an enforcement problem. This is going to create huge problems on a number of levels.

I hope Members vote against this. I am going to vote against it. This is not the right way to do this, No. 1, to withhold money from the Border Patrol so

they don’t do their job. If you want to debate the issue of whether we should adopt Canadian-style drug pricing, fine; let’s do that. We did that last session of Congress, and 38 Senators voted to allow Canada to set prices for drugs in America. That is how bad things are, in my opinion, in this Chamber when it comes to this issue.

This country’s pharmaceutical industry is the envy of the world. We are the envy of the world for our biotech and pharmaceutical treatments and cures. We discover over 50 percent of the new drugs in the world. We have research jobs. We employ the best and brightest scientists in the world here in the United States. What do we want to do? We want to destroy that. We want to completely go around safety and effectiveness, completely go around the FDA and bring in counterfeit, bogus drugs to let our seniors or let other people use those drugs because it is a political advantage to doing it, to saying we are for cheap drugs. You are for harming people if you vote for this amendment.

I yield the floor.

Mr. GREGG. Mr. President, I understand that the unanimous consent request did not include the yeas and nays. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the Vitter amendment, as modified.

Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise in support of this amendment. I thank Senators Nelson and Coburn and others for their support.

This is very simple and straightforward. It will simply say in the post-9/11 world to Customs and border security that they should not be spending precious time and precious resources confiscating prescription drugs from seniors as they come back into this country from Canada. That is the only thing the amendment does. It is only about Canada. It is only about the personal use of prescription drugs. It doesn’t involve wholesale, and it doesn’t involve large quantities which can be resold in this country. It is only about FDA-approved drugs or their equivalent or what would be FDA-approved drugs if FDA did not define their approval process to specifically exclude drugs from other countries.

I ask for strong support of this very commonsense amendment.

The PRESIDING OFFICER. Who seeks time in opposition to the amendment?

Mr. SANTORUM. Mr. President, the Senator from Louisiana said it only concerns Canadian drugs. Let’s take a look at what FDA said when they looked at so-called Canadian generic drugs ordered from a website claiming to sell drugs from Canada.

Where was the website registered? China. Where was the post office address? Dallas, TX. Where was the return address? Miami, FL. Where was the credit card billed? St. Kitts. And where was the phone number listed? Belize. Canadian pharmacies, legal under this new amendment coming in from Canada. Canadian? Really? Where was this stuff made? We don’t know. Probably China. Maybe not. Is it FDA approved? Is it licensed? Safe and effective? No, no, no.

This is dangerous stuff.

For U.S. Senators to stand up and say, We have concerns about Vioxx if there is even a 1-percent potential problem for somebody who uses it, but we are going to let drugs come in from God knows where, that are potentially ineffective and deadly, is a travesty.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—68

Akaka	Feingold	Murkowski
Allard	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inhofe	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Brownback	Johnson	Reid
Burns	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Kohl	Sarbanes
Carper	Landrieu	Schumer
Chafee	Lautenberg	Sessions
Clinton	Leahy	Shelby
Coburn	Levin	Smith
Collins	Lieberman	Snowe
Conrad	Lincoln	Specter
Craig	Lott	Stabenow
Dayton	Lugar	Talent
DeMint	Martinez	Thune
Dodd	McCain	Vitter
Dorgan	Menendez	Wyden
Durbin	Mikulski	

NAYS—32

Alexander	DeWine	Isakson
Allen	Dole	Kyl
Bennett	Domenici	McConnell
Bond	Ensign	Roberts
Bunning	Enzi	Santorum
Burr	Frist	Stevens
Chambliss	Graham	Sununu
Cochran	Gregg	Thomas
Coleman	Hagel	Voivovich
Cornyn	Hatch	Warner
Crapo	Hutchison	

The amendment (No. 4548), as modified, was agreed to.

Mr. THUNE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOCICH).