

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).