

Americans at risk by seizing prescription drugs en route to patients. Second, it underscores the hypocrisy between agencies. The FDA on one hand is demanding absolute safety for prescription drugs from Canada, notwithstanding the fact that there is no evidence of any danger to the public health. Meanwhile, another agency is fighting to reopen the border for Canadian beef when worldwide 150 people, including one American, have died from Mad Cow Disease. Apparently, the U.S. cattlemen do not enjoy the same political clout as the pharmaceutical industry.

Finally, they have opened the door, as I said, to a class action suit. Several top lawyers have told me they are drooling at the prospect of getting a case into Federal Court. By using discovery powers, they could uncover documents and information terribly damaging to the administration and the pharmaceutical industry. It is altogether likely that the courts will stop the FDA from treating law-abiding citizens in the United States like common criminals.

The law is vague, but congressional intent is clear: the FDA is wrong in the law, it is wrong on safety, and the courts and Congress can now make that crystal clear.

Mr. Speaker, I submit for the RECORD the article from the Chicago Tribune to which I earlier referred:

U.S. BLOCKS DRUGS SENT FROM CANADA
(By John Chase and Christi Parsons)

The Bush administration has begun selectively seizing prescription drugs imported under a program created by Gov. Rod Blagojevich, ratcheting up pressure to stop a practice that the governor says will save money for consumers but regulators contend is unsafe and illegal.

The Canadian firm that manages Blagojevich's I-SaveRx initiative says the federal Food and Drug Administration in the first two weeks of February blocked more than one-fourth of the foreign drug shipments it mailed to consumers in Illinois and four other states that participate in the governor's plan.

"I won't say the FDA has targeted I-SaveRx, but that's an unbelievable coincidence," said G. Anthony Howard, president and CEO of Ontario based CanaRx Services Inc.

Operators of other Canadian pharmacies that ship drugs to U.S. consumers also said they have noticed an upsurge in seizures in recent weeks.

The FDA has long opposed drug imports yet has done little to stop them. But the reports could signal an aggressive new phase by regulators in their battle to stop Americans from getting their prescriptions from abroad. Officials involved with Blagojevich's program also fear the sporadic seizures may be designed to deter customers for I-SaveRx by creating uncertainty over whether ordered drugs will actually arrive.

In the past, "the FDA has said, 'If it is for personal use, we'll allow them to go into the country,'" said Howard. "Now they're seizing their medication and not allowing it to go through."

The FDA and Blagojevich have been battling since 2003 over his push to end restric-

tions on drug imports from Canada and Europe, where prescriptions cost less because of price controls.

The Bush administration opposes importation because it says it cannot guarantee the safety of medicine from other nations, but Blagojevich and others argue that much of the medicine is manufactured overseas and the only difference is the price. Pushing the importation issue, they argue, will force drug companies to lower the cost of drugs in the U.S.

William Hubbard, the FDA's associate commissioner of policy and planning, denied the agency was targeting the program. Though he said the agency considers all of I-SaveRx's shipments illegal, the FDA is focused on seizing drugs from overseas that can easily be counterfeited, such as the cholesterol-lowering drug Lipitor.

"The inspectors' instructions are to open and inspect these foreign shipments when they have the time and capacity to do it," he said.

FAILED FLU VACCINE PURCHASE

Blagojevich's run-ins with the FDA have extended beyond I-SaveRx.

Last fall, shortly before the November election, he announced that he had purchased millions of dollars in European-made flu vaccine to help ease shortages expected because of the sudden closure of a plant that was to have produced half the U.S. supply.

His maneuver backfired, however, because the FDA dragged its feet on approving the imports. The flu season remained mild and vaccine shortages never got as bad as feared.

Blagojevich launched I-SaveRx in October and sold it as a way for all 12 million Illinois residents to save money on their medicine. Since then, Wisconsin, Kansas, Missouri and Vermont have also joined, potentially opening the door to millions more consumers.

But the drug seizure controversy has highlighted how few people have opted to use the program despite its promise of great savings.

Howard said the total number of shipments seized for customers in the I-SaveRx states in the first two weeks of February was 54, and that represented 26 percent of all shipments sent to customers of the program during that time frame.

Since the October start, consumers in the five states have ordered just 4,700 prescriptions.

Blagojevich spokeswoman Abby Ottenhoff downplayed the number of seizures by the FDA, describing them as "minuscule" when viewed in the context of the number of shipments made since the program started.

"This is not extraordinary that this would happen at some level," she said. "The program has overwhelmingly been working smoothly. In a few instances where shipments weren't received, they were re-sent at no cost to the consumer."

THEY HAD MY MEDICINE

One of those seniors who missed a shipment was Robert Wuerth, a 79-year-old retiree from Arlington Heights.

Wuerth had been expecting a three-month supply of Lipitor to arrive in the mail, but instead he got a letter from the FDA informing him that it had sent the medicine back to Canada.

"I couldn't believe it," said Wuerth, who is recovering from three heart procedures. "I just got this letter telling me they had my medicine."

Wuerth said he was lucky he still had medicine left when he learned of the seizure and had time to call CanaRx and ask for a new shipment, which he said is \$80 less than U.S. prices.

Not only did the FDA let that one through, but when it came it bore two labels. One read that it had been rejected for delivery. On top of that was another that said it had been released for delivery.

Officials with CanaRx fear the FDA might be picking on I-SaveRx to embarrass Blagojevich. But officials with other Canadian pharmacies said they too have noticed a considerable upsurge in the number of seizures of their imports, mostly at airports in Los Angeles and Chicago.

Randy Stephanchew, vice president of standards for the Canadian International Pharmacy Association, which is unaffiliated with the I-SaveRx program, said more than 50 shipments from his Winnipeg pharmacy in recent weeks have been detained from customers in California because they were considered an "unapproved, misbranded drug."

A former official with Health Canada, the Canadian government's equivalent to the FDA, Stephanchew said the FDA has long held a policy permitting individual American citizens to import drugs from foreign countries.

EXCHANGE OF SPECIAL ORDER TIME

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PAKISTANI RAPE VICTIM AND SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tonight I want to tell the story of Mukhtar Mai, a Pakistani woman who was gang-raped by four men at the direction of the local village council. She committed no crime whatsoever, not a single violation of any kind; yet she was punished by allowing neighboring men to rape her.

Why did the village council encourage the gang rape of Mukhtar Mai? They say it is because her brother was accused of having sex with an older woman from a more prominent family. So the family's punishment was through Miss Mai. But even worse is that the accusation that Mukhtar's brother had sex with an older woman was not true. The accusation was floated to cover up the fact that her brother was actually sexually assaulted by a group of men.

Everyone in the world should be offended by these horrific acts. Mukhtar is a 33-year-old schoolteacher dedicated to educating her nation's children, and she was viciously attacked as punishment for a crime that her brother was accused of, but never committed. Sadly, Mukhtar is not alone. Extreme violence against women happens every