

The reason I think it is so important is that these workers were true patriots. They were people that loved their country, cared about their country, and worked for their country at a critical time for us. We now need to do something for them.

THE REVEREND DR. ERROL A.  
HARVEY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 13, 2000*

Ms. VELÁZQUEZ. Mr. Speaker, today I recognize a man whose faith defined his character and whose character is considered a model for modern social justice.

Mr. Speaker, Helen Keller once said, "Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, ambition inspired, and success achieved."

The Reverend Dr. Errol A. Harvey was born in the great city of Grand Rapids, Michigan in 1943. As the second of four sons born to Fred and Elizabeth Harvey, young Errol lived in Grand Rapids until 1965 when he graduated from Aquinas College with a degree in history and political science.

However, Errol, whose character was shaped at a very early age by the death of his dear mother Elizabeth, decided to answer the call of his faith and his God. Father Harvey entered Seabury-Western Theological Seminary and received a Bachelor's of Divinity degree in 1969. His work as a Catholic Priest took him from the Trinity Cathedral Church in Newark, New Jersey to Dorchester, Massachusetts to the infamous Bronx in New York.

And in every area in which he has lived, worked and taught, Father Harvey has left a legacy of community leadership, social justice and acted as a tireless champion of those who are less fortunate.

For instance, while Vicar of St. Andrew's Church in the Bronx, Father Harvey was instrumental in building St. Andrew's House, a 75 unit apartment complex for senior citizens and the physically challenged. St. Andrew's House became a beacon in a community long known as one of the poorest areas in New York City and in America.

Throughout his life, Father Harvey, armed with the courage of his convictions and the strength of his character, became a pioneer in the fight against homelessness, police brutality, labor exploitation and worldwide human rights abuses. He has fought against racial injustice and has been a vocal advocate for people with disabilities and those suffering from AIDS.

Today, Father Harvey continues to serve his adopted home of New York City as a member of the Board of Directors of Housing Works, Inc, the largest provider of housing and services for people with AIDS.

And while he has never sought out praise or any kind of honor, Father Harvey has been honored with such esteemed honors as the Outstanding Service Award from the Council of Churches of the City of New York and The Reverend Patrick D. Walker Leadership Award

given by the Black Caucus of the Dioceses of New York.

And today, we honor Father Harvey one more time. Not with a glowing award or gold statue, but with a simple "Thank You and God Bless You Father."

DRUG PRICE COMPETITION IN THE  
WHOLESALE MARKETPLACE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 13, 2000*

Mrs. EMERSON. Mr. Speaker, today I am introducing legislation that will preserve drug price competition in the wholesale marketplace, prevent the destruction of thousands of small businesses across America and avoid a possible disruption in the national distribution of prescription drugs to nursing homes, doctors offices, rural clinics, veterinary practices and other pharmaceutical end users. As befitting such legislation, I am pleased to note that this bill has cosponsors from both political parties, a number of different committees and many different areas of the country.

Our objective is to prevent and correct the unintended consequences to prescription drug wholesalers of a Final Rule on the Prescription Drug Marketing Act (PDMA) issued by the Food and Drug Administration in December, 1999. This regulation will require all wholesalers who do not purchase drugs directly from a manufacturer to provide their customers with a complete and very detailed history of all prior sales of the products all the way back to the original manufacturer. Absent such sales history, it will be illegal for wholesalers to resell such drugs. But in a true "Catch 22" fashion, the regulation does not require either the manufacturer or the wholesaler who buys directly from the manufacturer to provide this sales history to the subsequent wholesaler. In addition, the wholesaler who does not purchase directly from a manufacturer has no practical way of obtaining all the FDA required information needed to legally resell RX drugs. The result of this rule will be that most small wholesalers will be driven out of business. The FDA has estimated that there are about 4,000 such secondary wholesalers who are small businesses.

The FDA's Final Rule will also upset the competitive balance between drug manufacturers on the one hand and wholesalers and retailers on the other by granting the manufacturers the right to designate which resellers are "authorized" and which are not, quite apart from whether the reseller buys directly from the manufacturer or not. The original intent of the PDMA was that wholesalers who purchase directly from manufacturers be authorized distributors, exempt from the requirement to provide the sales history information to their customers. However, the FDA's regulation has separated the designation of an authorized distributor from actual sales of product, and will allow manufacturers to charge higher prices to wholesalers in exchange for designating them as authorized distributors. Drug price competition will also be significantly reduced if thousands of secondary whole-

salers are driven out of business. The result of the FDA's regulation will be that consumers and taxpayers will pay even higher prices for prescription drugs.

Seems to me that the FDA is protecting the drug companies at the expense of the American public at a time when these companies must be encouraged to lower their outrageous prices so that our seniors and others in need can afford to pay for their medicine.

Thus, while the Congress wrestles with difficult questions regarding drug pricing for seniors, expanded insurance coverage for prescription drugs and the like, the PDMA Rules is a drug pricing issue that is relatively uncomplicated, easy to solve and not expensive.

The bill would make minor changes in existing language to correct the two problems described above. First, the bill would define an authorized distributor as a wholesaler who purchases directly from a manufacturer, making the definition self-implementing and removing the unfair advantage given to the manufacturer by the regulation. Secondly, the bill will add language to the statute which will greatly simplify the detailed sales history requirement for most wholesalers. If prescription drugs are first sold to or through an authorized distributor, subsequent unauthorized resellers will have to provide written certifications of this fact to their customers, but will not have to provide the very detailed and unobtainable sales history. For any product not first sold to or through an authorized distributor, a reseller would have to provide the detailed and complete sales history required by the FDA Rule. This would protect consumers against foreign counterfeits or any drugs which did not enter the national distribution system directly from the manufacturer, while eliminating a burdensome and expensive paperwork requirement on thousands of small businesses which has no real health or safety benefit in today's system of drug distribution.

My cosponsors and I invite and encourage Members to add their names to this bill and look forward to its prompt enactment this year. Unless the FDA regulation is reopened and significantly modified by the agency, overturned in court or, as I hope, corrected by this bill, wholesalers will have to start selling off their existing inventories as early as May because the products will be unsalable when the regulation goes into effect in December 2000. This forced inventory liquidation will be accompanied by an absence of new orders by thousands of wholesalers, and the result could easily be disruptions in the supply of prescription drugs to many providers and end users. Let us then move quickly to fix this problem and save consumers, taxpayers and thousands of small business men and women across the land from higher drug prices, potential health problems due to supply interruptions and significant economic loss and unemployment.