

If there are no other surplus governmental receipts, policymakers would have three choices: raise taxes or other income, cut spending, or borrow the money. Mirroring this adverse outlook are public opinion polls showing that fewer than 50% of respondents are confident that Social Security can meet its long-term commitments. There also is a widespread perception that Social Security may not be as good a value in the future as it is today.

While it is accepted that Social Security reform is needed without undue delay, there clearly is no consensus on how this should be accomplished. This was evident by the Report of the 1994–1996 Social Security Advisory Council, which provided three very different plans but none of which received a majority's endorsement. It also is reflected by the many bills introduced in the 105th and 106th Congress and proposals by the Administration that represents a diversity of approaches to Social Security reform. As a result of differences within Congress and no clear direction from the outgoing Administration during the last 8 years, there has been no movement on Social Security reform.

This state of affairs shows the need for to develop consensus legislation between Congress and the Bush Administration that can be enacted into law without undue delay. To accomplish this goal, Mr. CONDIT and I are re-introducing a bill we offered last year to establish a Bipartisan Commission on Social Security Reform charged with developing a unified proposal to ensure the long-term retirement security of Americans. It is important to note that President-elect Bush has endorsed the concept of a bipartisan commission to pave the way to a consensus on Social Security reform.

The Commission we propose will consist of 17 members to be appointed by the House and Senate majority and minority leadership and the President. The commissioners are to be individuals of recognized standing and distinction who can represent the multiple generations who have a stake in the viability of the Social Security system. They also must possess a demonstrated capacity to carry out the commission's responsibilities. At least 1 of the commissioners will represent the interests of employees and 1 member will represent the interests of employers.

Reforming Social Security needs to be addressed sooner, not later, to allow for phasing in any necessary changes and for workers to adjust their plans to take account of those changes. Further delay simply is not acceptable, and it is my hope that we will take up the Bipartisan Commission on Social Security Reform Act of 2001 as one of the first pieces of business in the 107th Congress. Mr. CONDIT and I will be working with the leadership and the Bush Administration to make this goal a reality.

## EXTENSIONS OF REMARKS

### INTRODUCTION OF DRUG PRICE COMPETITION IN THE WHOLESALE MARKETPLACE

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

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 wholesalers 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. Second, 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 2001. 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.

### RE-INTRODUCTION OF THE COLLEGE STUDENT CREDIT CARD PROTECTION ACT

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. SLAUGHTER. Mr. Speaker, today my colleague Representative JOHN DUNCAN and I are proud to re-introduce the College Student Credit Card Protection Act.

I drafted this legislation in 1999 in response to a growing number of horror stories about