

AWP prices. To illustrate this, I have attached, as Composite Exhibit "1", copies of advertisements by Rhone-Poulenc Rorer ("RPW") which accurately communicates its price of Dilacor XR in the form of AWP and compares the higher AWP price of the competing drug Cardizem. RPR then emphasizes that the physician should prescribe Dilacor over Cardizem in order to save the patient money:

"Now DILACOR XR provides potential cost savings when angina patients are prescribed diltiazem."

Attached as Composite Exhibit "2" are examples of Bayer Pharmaceutical advertisements for its drug Cipro where the drug company again accurately describes its price in the form of AWP and touts the cost savings to the patient in comparison to five competing drugs. Bayer explained it as follows:

"New CIPRO Cystitis Pack reduces the cost of branded therapy"

It is important to note that both RPR and Bayer use accurate AWP to urge physicians to consider the cost to the patient when exercising medical judgment in selecting from competing brand drug therapies. Price, as expressed in the industry standard format of "AWP", is clearly an important characteristic that is considered in evaluating drug products. Indeed, Bayer's AdalatCC advertisement attached as Exhibit "3", which features the popular "Dragnet" star Jack Web, drives home this point:

"Just the Facts

Powerful blood pressure control
Comparable to Procarida. XL or Norvasc
At a more affordable price" (footnotes omitted).

Footnote 6 of the ad's accompanying materials cites the Red Book—indicating that the AWP is considered a relevant benchmark when evaluating the drug's price.

Composite Exhibit "4" demonstrates that physicians seek the lowest drug prices when there is no financial incentive to utilize the highest price drugs. PDR Generics provides pricing information on prescription drugs in "one comprehensive, authoritative volume." The accompanying documents state the following:

"PDR GENERICS is the drug reference designed to help you find the most cost-effective generic alternatives for any prescription medication. . . ."

Exhibit "4" also provides further evidence that AWP prices are widely used as a reference tool:

"All detailed NDC and AWP pricing information is drawn from the authoritative RED BOOK database, Pharmacy's Fundamental Reference."

Ordinarily, drug companies ensure that their AWP's are an accurate reflection of price when engaging in such marketing and advertising activities. Clearly, such advertisements would be misleading if the drug company were aware that the published AWP's had no factual basis and could not be realistically considered as a benchmark for prices. I strongly believe that if any of the above ads used falsely manipulated AWP's to fraudulently indicate that the advertised drugs were less expensive when in fact the drug company was aware that it is more expensive, FDA or FTC enforcement would be warranted.

Unfortunately, such AWP manipulation is at the heart of the misconduct that Congress has uncovered in its investigation. As I have noted previously, the acts are being committed by some drug companies who know that the drug will be reimbursed by Medicare and that a health care professional will profit if the price is inflated. Advertising an AWP in the Red Book that falsely overstates a drug's price is as misleading as advertising an AWP that falsely understates the price.

One form of false advertising misleads third parties to pay more for a drug and induces doctors, who submit the claim themselves, to prescribe the most profitable drug. The other form misleads the doctor into believing that a drug, to be dispensed at a pharmacy and not claimed by the doctor, is cheaper for the patient when it is not. I believe both actions should be considered violations of the Federal Food, Drug, and Cosmetic Act.

AWP information is created by drug manufacturers for the express purpose of influencing decisions about their drugs. Although it appears most AWP representations are accurate and are affirmatively used to inform about cost savings, some drug manufacturers have chosen to inflate AWP's to exploit the Medicare and Medicaid Programs and thereby expand sales. Medicare and Medicaid relies on AWP's because the drug industry employs AWP to communicate prices. Drug manufacturers must not now be permitted to misconstrue the facts revealed in Congressional investigations by contending that the reimbursement system is flawed when they themselves provided the misleading information.

Following up on my last two letters on this same issue, I reiterate that my reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to these misleading drug company actions. Accordingly, I request that the FDA conduct a comprehensive investigation into drug company business practices that includes the additional exhibits referenced above.

Sincerely,

PETE STARK,
Member of Congress.

IN HONOR OF OLGA CHORENS AND
TONY ALVAREZ, "OLGA AND
TONY"

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Olga Choren and Tony Alvarez ("Olga and Tony"), two very special and talented entertainers, who have been in show business for six decades.

Olga and Tony began their careers as singers in Cuba during the early 1940's. When they married in 1945, their celebrity status turned the wedding into a popular social event.

After the wedding, Olga and Tony went on a 5-year tour through Latin America, which began in Panama and ended in Argentina. Upon returning to Cuba, they were offered the opportunity to host a daily 1-hour television and radio program for CMQ and Radio Progreso, which they did with great success from 1951 to 1959, while also recording many successful albums. Because of their popularity, Olga and Tony were named Miss and Mr. Cuban Television.

Olga and Tony fled communist rule in Cuba for New York City and Puerto Rico, where they again performed on television. From 1965 to 1972, they performed on Telemundo, Channel 7, Channel 11, and WNJU Channel 47 in New York.

For the past 20 years, Olga and Tony have lived in South Florida, where they maintain a

large fan base and where their voices can be heard every Saturday morning on Radio Mambi. They also star on "El Show de Olga y Tony," which airs twice a week on Tele-Miami. In 1999, they were awarded a Star on the "Calle Ocho" Walk of Fame.

As entertainers, Olga and Tony have always promoted family values. They have been married for 55 years, and their parents and children often participated in bringing family-based entertainment to the television audience.

Today, I ask that my colleagues join me in honoring Olga Choren and Tony Alvarez for entertaining so many for so long, and for being inspirational role models to Hispanics throughout Latin America.

TRIBUTE TO STAN JENNINGS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MORELLA. Mr. Speaker, I rise to salute Stan Jennings, a multitalented writer, illustrator, cartoonist, and photographer from Silver Spring, MD. His new book, *The Capitol and the Kids* focuses on Congress, Washington, and Montgomery County, MD, the district I have had the honor to represent in the U.S. House of Representatives since 1987.

The Capitol and the Kids is a refreshing, delightful look at the history of Washington through the eyes of Stan Jennings over the past 75 years. Stan, a native Washingtonian was born at Forest Glen, grew up in the shadow of the Capitol dome on Jenkins Hill, or, as he calls it his "kindergarten and entertainment center." The Capitol and the Kids gives the reader an unusual and heartwarming glimpse of the city, its great figures, and its not so greats. Through his pictures, sketches, and sense of humor he has observed the highlights and lowlights of the past 75 years.

The Kids are the folks in Washington. They include 435 Congressmen, 100 Senators, 9 Justices, a President, a Vice President, and numerous newspaper men and women. Stan Jennings has the unique ability to offer a thoroughly enjoyable trip through this century's historic times from Franklin Roosevelt's New Deal era to the current administration.

To quote Robert Frost, *The Capitol and the Kids* "begins in delight and ends in wisdom." Stan Jennings has written an exciting, informative, and humorous book on the history of Washington over the past three quarters of a century. I salute him.

HONORING BISHOP-DESIGNATE
AUBREY BAKER, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Bishop-Designate Aubrey Baker, Jr., the son of the late Bishop and Mrs. Aubrey Baker, Sr.

Aubrey was born on November 19, 1932 in Brooklyn, NY. At that time, his parents were members of Brooklyn No. 1 at First Church of

God in Christ, under the leadership of the late Bishop Frank Clemmons. The family remained there for 5 years until 1937, when they moved to a little mission in Brownsville, Brooklyn under the pastorate of the late Bishop Frank Edward Cook. Aubrey was reared and nurtured in the church, and he received Jesus Christ as his personal savior at an early age. He was baptized and filled with the precious Holy Ghost at the Holy Trinity Church of God in Christ.

Bishop-Designate Aubrey Baker, Jr. matriculated through the New York City Public School system, receiving his higher education at Long Island and New York Universities. He furthered his religious education at Shelton Bible College and the O.M. Kelly Religious Institute. In 1958, Bishop-Designate Aubrey Baker married Mildred Josephine Butler, and they were blessed with two beloved children: Aubrette and Renwick.

As a loyal and faithful servant of the Lord, the late Bishop O.M. Kelly ordained Aubrey Baker, Jr. in 1959 at the Holy Trinity Church of God in Christ in Brooklyn, NY. Continuing his faithful service, Bishop-Designate Baker, Jr., served as District Secretary Brooklyn No. 1, Assistant Financial State Secretary assisting the late Elder S.A. White, and State Y.P.W.W. President of ENY jurisdiction.

In May 1973, Bishop-Designate Aubrey Baker, Jr., was appointed to the Keystone Church of God in Christ and, in August 1977 under the leadership of the late Bishop O.M. Kelly, he merged Keystone and Zion Temple Church of God in Christ. His service in the jurisdiction included serving as Assistant Superintendent to the late Bishop F.D. Washington in the Brooklyn Hill District. Thereafter, he succeeded the late Bishop F.D. Washington as the Superintendent. Under the leadership of the late Bishop F.D. Washington, he served as a member of the Finance Board.

Mr. Speaker, Bishop-Designate Aubrey Baker, Jr. is a man of God and a true servant of the people. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man.

NEW JERSEY INSTITUTE OF TECHNOLOGY'S STORMWATER MANAGEMENT PROJECT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today regarding a matter of great importance to my district and the entire State of New Jersey. My home state is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the over development of land, had become especially concerning because of the impact it is having on our watersheds and floodplains, as well as its resulting impact on economic activity.

As many of my colleagues already know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. The total figure for

damages in Sussex and Morris Counties has been estimated at over \$50 million, and area residents are still fighting to restore some degree of normalcy to their lives.

While the threat of future floods continues to plague the region, one New Jersey institution is taking concrete steps to prevent another catastrophe. The New Jersey Institute of Technology (NJIT) has been studying the challenges posed by flooding and stormwater flows for some time, and is interested in forming a multi-agency federal partnership to continue this important research.

NJIT is one of our state's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public-policy challenges such as environmental emissions standards, aircraft noise, traffic congestion and alternative energy. More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis.

An excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control has presented itself in the 2000 Water Resources Development Act (WRDA). At my request, the final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in New Jersey and report back to Congress within three years on its progress. While the Corps of Engineers is familiar with this problem at the national level, it does not have the firsthand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service to the people of my district and state. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

Therefore, I urge the New York District of the Corps of Engineers to work closely with my office and NJIT to ensure the universities full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support my efforts in this regard.

SUPPORT FOR THE EFFORTS OF CHANNEL ONE TO TEACH OUR CHILDREN ABOUT DEMOCRACY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. HILLEARY. Mr. Speaker, at a time in which we hear so much about what's wrong with our children and young adults, it is easy forget all of the positive things taking place. The truth is that most of our children are doing well—they are growing up in loving homes, they are receiving a high-quality education, and they are becoming tomorrow's leaders. And while it is right to point out instances

where we can improve, I believe it is equally important to call attention to positive developments.

In that vein, today I would like to commend the Channel One Network and the 900,000 young adults who participated in Channel One's "OneVote", the largest online vote ever. "OneVote" allowed students in Channel One middle and high schools across the country to cast online ballots for President, for Governor, and for Senate in states where statewide races are taking place. The students also were polled on important national issues. Each student was assigned a special registration number so that only registered students could vote and that no student could vote more than once.

Now I know my colleagues are skeptics—and will think I enjoyed this poll solely because Governor Bush defeated Vice President GORE in a landslide. That's not true, although it did make me feel better about our future.

Seriously, the simple truth is that this vote should be celebrated no matter who won or lost. Channel One's "OneVote" undoubtedly gave many young Americans their first taste of democracy on a national scale. Students in one small school in rural Tennessee were able to see how their votes compared not just with their friends across the hallway, but with kids across the country, from California to Missouri to Maine.

Young adults also were encouraged to think about important issues facing our country, including education, world affairs, and integrity in government. They were urged to think about how these issues impact their lives and the lives of those around them. More than just a quick poll, OneVote is part of Channel One News' ongoing process of education and involvement for millions of teens.

Mr. Speaker, these activities should be recognized and encouraged. Staying informed, thinking about concerns greater than one's self interest, and participating in our nation's decision-making process are excellent habits for our young adults to develop.

There is a great deal of cynicism in our country about whether our government really does the work of the people. Recent history shows that this cynicism has led to lower and lower voter turnout at elections. This is a shame, Mr. Speaker, because the only way to make sure the government does the people's work is if the people stay informed and actively engaged in the affairs of government.

The power of the people to control this country's future can take many shapes and forms—from writing letters to the editor to serving in office. But the greatest power comes from perhaps the simplest of acts: voting. When all the campaigning speeches are over and the television ads are gone, each and every American gets their say when they step into the voting booth and pull the lever. We need to constantly remind our fellow citizens, especially those in the next generation, that voting is both an important right and responsibility.

Mr. Speaker, the Channel One Network's "OneVote" gave hundreds of thousands of young Americans an important first lesson in democracy—and I would like to recognize Channel One and the thousands of participating schools and their students for this outstanding success.