

drug manufacturers to get a better deal on prescription drug prices for seniors.

I believe Congress must do something about the high costs of prescription drugs, for Medicare beneficiaries and all Americans. That's why I'm introducing this legislation.

The Fair Balance Prescription Drug Advertisement Act will empower the FDA to determine whether pharmaceutical companies present information about their products in a fair manner, balancing risks and benefits. Any advertisements found to violate this standard would be denied currently allowed tax deductions.

Under this bill, print ads would be required to display pros and cons in equal typeface and space, and on the same or facing pages. If the advertisements ran onto additional pages, those pages would have to be consecutive with the first pages. In television and radio ads, risk and benefit descriptions would be allotted equal airtime and volume level.

Since the FDA relaxed restrictions on television advertising in 1997, DTC advertising has soared. Drug companies' advertising expenditure doubled between 1998 and 2000, and is expected to reach seven billion dollars annually by 2005.

As a consequence of such large-scale advertising, consumers have been led to demand drugs that may not be medically necessary or appropriate for their conditions. According to the National Institute for Health Care Management, 86% of patients who requested a prescription for Clarion from their doctor received one (this drug is now available over-the-counter). Similarly, a 2000 study showed that nearly half of the increased spending on pharmaceuticals was attributable to the fifty most advertised prescription drugs, and also that DTC advertising has increased the prices of prescriptions.

DTC advertising not only drives up the costs of prescriptions, but also increases demand for more expensive drugs in cases when a cheaper alternative will do. The cost of prescription drugs is heavily impacting our country. We all know the problems facing seniors and their ability to afford their medications. States are finding the costs of providing comprehensive drug benefits so expensive that Illinois has announced that they will contract with a Canadian pharmacy to get a better deal for their state employees. Employers are facing similar dilemmas. Given this cost crisis, we need to take every step we can to reduce increasing drug costs. That's why making sure that advertisements aid consumers in making informed decisions, rather than simply increasing demand for the newest drug, makes so much sense.

The Fair Balance Prescription Drug Advertisement Act is endorsed by the California Public Employees' Retirement System, which provides health benefits to more than 1.3 million members. They know far too well the difficulties facing consumers and employers due to increasing drug prices. Their President, Sean Harrigan, says, "Representative STARK's bill is the best medicine for reining in the costs of drugs while ensuring consumers get the real truth about the benefits and the risks of direct-to-consumer advertised drugs."

The new guidelines this bill sets forth will help the pharmaceutical industry educate consumers by enabling them to make informed decisions based on a fair and balanced presentation of risks and benefits. Today's DTC

ads simply don't meet that standard. One advertising executive with significant experience with DTC ads said, "we want to identify the emotions we can tap into to get that customer to take the desired course of action." That's not a decision based on facts.

In a survey of 1,872 people who viewed drug advertisements, 70 percent said they had learned little or nothing more about the conditions the drug is supposed to treat, and over half said they learned little or nothing more about the drug being advertised. Very few ads informed viewers of how successful the treatment is, what alternative treatments are available, how long a patient needs to take the drug, or attempt to correct common misconceptions about the disease the drug treats. Predictably, a strong majority of doctors—75 percent—said that the ads caused patients to think that advertised drugs work better than they do.

Physicians themselves have voiced their frustration with the way DTC ads have harmed their ability to provide the best medical care to their patients. In fact, the American Medical Association has asked the FDA to require pharmaceutical companies to include a disclaimer in all ads stating that physicians may suggest other alternative, medically appropriate treatments.

The bill I am introducing today is simple. It would eliminate the tax deduction for ads that do not fairly present the risks and benefits of prescription drugs. Only ads that truly and honestly provide balanced information that enables consumers to make informed, educated decisions would continue to qualify for a business tax deduction.

Since the pharmaceutical industry already argues that their ads educate consumers, they should have nothing to fear by this bill. This bill will provide an incentive for advertising to provide education rather than blatant promotional material that spurs patients to demand drugs that may be medically inappropriate for their condition and drive up costs. This is a bill we should be able to support on a broad bipartisan basis. We should pass it immediately and take a concrete step to reduce prescription drug price increases for America's consumers now. The American public is sick of rhetoric on prescription drug price. They want action. Join me in support of the Fair Balance Prescription Drug Advertisement Act.

#### SURFACE TRANSPORTATION EXTENSION ACT

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. DINGELL. Mr. Speaker, I rise today to call upon the President and House Leadership to work with Chairman YOUNG and Ranking Member OBERSTAR to craft a comprehensive transportation bill that addresses the needs of our nation. While I will vote for the short-term extension for our transportation program, I do so reluctantly.

We have had months to prepare a good bill that does right for the nation. I believe my dear friends, Chairman YOUNG and Ranking Member OBERSTAR are headed in the right direction, but, unfortunately, a select few have

held up any attempt at crafting a good bill, bringing us to this impasse.

Mr. Speaker, I also want to reiterate my support for Chairman YOUNG's and Ranking Member OBERSTAR's \$375 billion proposal. In my home state of Michigan, 1 in 5 roads have been rated as being in "poor condition". In Southeast Michigan, Metro Detroit ranks fifth for motorists who pay the most annually in additional vehicle maintenance because of poor road quality. The only way to help alleviate the problems in my state is to ensure that we grow the program so Michigan and all the other donor states receive their fair share of highway dollars. The longer we wait to pass a comprehensive bill the longer it will take to improve our nation's infrastructure.

For some, they will say, DINGELL, it is only six months. But I have been here long enough to know how the cow chews the cabbage, and a delay puts us into an election year. That delay could easily be extended and put our state department's of transportation planning process in serious jeopardy. We cannot continue to operate our government through continuing resolutions. To do so not only puts our infrastructure in jeopardy, but the well being of our nation.

We must craft a comprehensive bill that helps our nation's infrastructure, puts people to work, and gets our economy moving again. Many people understand this, a few do not. It is time the few stop blocking the path to progress, and help kick start our economy with a bill that my Transportation and Infrastructure Chairman and Ranking Member support.

#### MAY NEWBURGER, AN ICON OF PUBLIC SERVICE

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor an icon of public service, May W. Newburger, for her exemplary career, dedicated to the people of the Town of North Hempstead, Nassau County and New York State.

May Newburger has had a long and distinguished career, to the great benefit of the people. May spent eight highly productive years, from 1978 to 1986, in the New York State Assembly. She served as Town Councilwoman in North Hempstead from 1991 to 1993, and was the first woman to be elected chief executive of a Nassau County town. Now in her fifth term, she has served as Town Supervisor of North Hempstead since 1993.

As Town Supervisor, May Newburger has been the driving force behind long-term strategic financial planning in North Hempstead, most notably through the Debt Management and Capital Plans. She has already transformed a \$7-million budget deficit into a surplus of \$7.7 million, and through her leadership and foresight, she will have reduced the Town's debt by \$107 million over the next ten years. This planning has helped move the Town from the lowest bond rating in its history to its highest ever.

Mr. Speaker, under May Newburger's dynamic leadership, North Hempstead was named "Town of the Year 1999" by the Long Island Development Corporation, and received

the "Quality of Life" award from the Long Island Division of the American Society of Civil Engineers. May also spearheaded the initiative to reclaim the Morewood Property, an environmentally damaged area, turning it into the Harbor Links municipal golf course. This prescient, breathtaking project is one of America's most environmentally friendly championship level golf courses, winning the "Environmental Stewardship Award" as well as the prestigious "Audubon Signature Distinction." Supervisor Newburger also successfully lobbied the Environmental Protection Agency for \$200,000 to designate New Cassel as a Brownfields Pilot Community.

Throughout her career in public service, May Newburger has served on many state and national committees and has received innumerable awards and honors. In 1981, she served as a New York State Delegate to the White House Conference on Families; from 1987 to 1989 she chaired the American Jewish Congress' National Commission on Women's Equality. She was also a member of the State Judicial Committee on Women in the Courts, the Governor's Commission of Domestic Violence and the State Commission on Child Care.

Mr. Speaker, the good citizens of North Hempstead and Nassau County are truly blessed to have had the great benefit of May Newburger's vision, leadership, dedication and drive for these many years. Her commitment to her constituents has never flagged; she has been indefatigable in the cause of improving the lives of others. I am awed by her accomplishments, humbled to have known her, and very proud to call her my friend.

Mr. Speaker, I ask my colleagues in the House of Representatives to please rise and join me now in honoring May W. Newburger, in celebrating her outstanding career in public service, and in extending our best wishes to her as she goes on to meet new challenges.

IN RECOGNITION OF THE  
MARINETTE JAYCEES' 50TH AN-  
NIVERSARY

**HON. MARK GREEN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I'd like to recognize and honor the Marinette Jaycees as they celebrate fifty years of dedicated service to the Marinette community.

Since their establishment in 1920, the United States Jaycees have helped thousands of young men and women develop personal and leadership skills through community service. Their positive presence across the country has touched millions of lives, and furthered the causes of some of our nation's most noble organizations.

For fifty years the Marinette Jaycees have carried on that tradition of service and leadership in northeast Wisconsin. They've organized countless volunteer activities, given young folks an opportunity to learn more about business and government, and fostered a greater sense of pride in their community. There's no question, Marinette is a better place because of their efforts.

Mr. Speaker, it is an honor and pleasure to recognize today the Marinette Jaycees on

their 50th anniversary. On behalf of my constituents, we say thank you, and we wish them another fifty years of overwhelming success.

A DEMON FOR OUR TIMES

**HON. MICHAEL G. OXLEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2003*

Mr. OXLEY. Mr. Speaker, it is rare that an issue as important as homeland security is written with such cogency and realism as the following column by Dorothy Rabinowitz, a member of the Wall Street Journal editorial board. I recommend it to all of my colleagues.

[From the OPINION, Sept. 22, 2003]

A DEMON FOR OUR TIMES

(By Dorothy Rabinowitz)

Frenzy mounts uncontrolled over John Ashcroft, now considered—in those quarters touched by the delirium—enemy number one of the Bill of Rights, the Constitution and all that Americans hold dear. What is the cause of these fevers? Is there a doctor in the house?

We may exclude Dr. Howard Dean, running for the Democratic presidential nomination, who has already offered his findings, to wit: "John Ashcroft is not a patriot. John Ashcroft is a descendant of Joseph McCarthy." Sen. John Kerry, once properly—and eloquently—infuriated over the campaign of cretinous slanders mounted against John McCain in the last Republican presidential primary, has in turn offered his views on the attorney general. During the Democrats' debate in Baltimore, Candidate Kerry said he saw before him "people of every creed, every color, every belief, every religion. This is indeed John Ashcroft's worst nightmare here." Richard Gephardt, eyes similarly on the prize, has let America know which of our great national concerns he considered most pressing—a good thing to know about a candidate. The national priority looming largest in his mind is, Mr. Gephardt has let it be known, to fire John Ashcroft in "my first five seconds as president."

On the subject of the attorney general, no candidate has waxed more passionate than John Edwards, who warned, "we cannot allow people like John Ashcroft to take away our rights, our freedoms, and our liberties." And further: John Ashcroft and this administration can "spin their wheels all they want about the Patriot Act . . . they, have rolled over our rights for the past two years," says Mr. Edwards, one of the most uncompromisingly staunch Senate supporters of the Patriot Bill when it was passed after September 11—a fact the candidate seems to have found little or no occasion to mention in the course of his current crusade. Also among those voting for the bill were Rep. Gephardt, and Sens. Kerry, Lieberman and Graham.

It's hardly necessary by now to list all the charges and the alarms being raised about Mr. Ashcroft, by those portraying the attorney general as the menace to civil liberties that should haunt the dreams of all Americans who want to preserve our way of life. This is no exaggeration; the fever has spread wide, fed largely by the American Civil Liberties Union and allied sentinels of freedom, its signs clear in the ads calling on citizens to "Save Our Constitution," in emergency rallies led by the ACLU, and such groups as "Families for a Peaceful Tomorrow," and "The New York Bill of Rights Defense Committee."

The attorney general has declared the New York Civil Liberties Union, "led a massive assault on our most basic rights." Indeed, to hear the aforementioned groups, John Ashcroft is a greater threat to our national life and our freedoms than that posed by terrorists—a view that itself speaks volumes about the character and disposition of the Constitution-protectors up in arms over Mr. Ashcroft.

Then there is the issue of the facts—a scarce commodity in the oceans of oratory now spilling forth about our threatened Bill of Rights, and about agents spying on Americans' reading habits. In none of the descriptions of the out-of-control attorney general, and accompanying suggestions of incipient Fascism on the march, is there to be found any mention of the truth that the attorney general did not, of course, arrogate to himself the power to extend security measures: he went to the courts for permission. They were put in place only after scrutiny by judges.

Likewise, current hair-tearing about secret investigations and library spies notwithstanding, it remains a fact that for decades now, in its pursuit of crimes like money-laundering, the government has been free to prohibit banks from informing clients they were under investigation—and has done so without any outcry from the ACLU about civil rights violations. The Patriot Act could be said to be imperfect in some areas, a dissident member of the ACLU recently informed me—but so dishonest was his organization's portrayal of it as a threat to our basic freedoms, he could hardly bring himself to join any argument against it.

That ACLU dissidents harbor feelings of disgust at their leadership and its policies shouldn't come as news. For some 20 years now, control of the organization has rested securely in the hands of activists devoted to issues dear to the hearts of the left. No one was surprised when the ACLU of Southern California—home to the organization's most far-out activists—undertook the lawsuit to delay the state's recall vote.

The ACLU was the first to charge, after Sept. 11, that the government's anti-terrorist measures and detention of terror suspects threatened civil liberties. Even as workers struggled to pull bodies from the mountain of rubble in downtown Manhattan, the ACLU and like-minded allies had begun issuing warnings that government efforts to prevent more terrorist assaults posed greater dangers to the nation—would destroy our Constitution and the America we have always known—than the terrorists could possibly do.

The arguments found instant acceptance, not surprisingly, among faculty ideologues on the campuses. Who can forget the instantly organized teach-ins, where speakers argued, even as the nation mourned nearly 3,000 dead, that the United States had received just deserts for its policies? Efforts to protect ourselves with rational means of defense—investigations and apprehension of likely suspects, increased security measures, profiling—all connected with the spirit of these arguments: We—not the terrorists so avid for our destruction—were the enemy that would cause the demise of our democracy.

This was, and remains, claptrap of the rankest kind, which the great mass of sane Americans would never buy—and still, it cannot be ignored. It cannot be ignored, that is, that we are in a time never before seen in this country—a time produced in part by what remains of the politics and values of the 1960s, but only in part. For even in the '60s, we did not see what we do today—namely significant quarters of the culture, elite and popular, sympathetic to the views of