

the fifth anniversary of the signing of the International Religious Freedom Act of 1998 and urging renewed commitment to eliminating violations of the internationally recognized right to freedom of religion and protecting fundamental human rights.

I want to thank my distinguished colleague from Virginia (Mr. WOLF) for his sponsorship of this resolution.

I agree with the provisions, the whereases in this resolution: whereas religious freedom is an absolute right and all people are entitled to do with their own souls as they choose; whereas the right of freedom of religion is expressed in the declaration on the elimination of all forms of intolerance and discrimination based on religion or belief adopted and proclaimed by the United Nations and many other organizations; whereas freedom of all individuals to adopt, believe, worship, observe, teach and practice a religion individually or collectively has been explicitly articulated; whereas religious persecution is not confined to a country, a region, or a regime; but whereas all governments should provide and protect religious liberty. I agree with all of those principles, but I feel compelled to point out that this House has not always followed the principles articulated in the resolution.

For example, just a few months ago, this House in the Head Start reauthorization bill, by a very close vote rejected the long-standing principle that teachers could not be fired or denied employment solely because of their religious belief. Instead, we adopted a provision which allows the 8 percent of the Head Start programs which are faith-based to discriminate based on religion, with Federal money, not the church money, but with the Federal money. Ironically, that vote to allow the discrimination came one day after congressional leaders participated in a ceremony praising the 40th anniversary of the March on Washington. Ironic because one of the few articulated purposes and successes of the March on Washington was a prohibition against employment discrimination with Federal money.

Head Start, since inception, has prohibited employment discrimination based on religion, and hopefully the Senate will reject the House action and reaffirm the prohibitions against discrimination with the Federal money.

So, Mr. Speaker, as we celebrate the International Religious Freedom Act and condemn religious intolerance, we ought to renew our own commitment to that principle here in the United States and condemn efforts to allow employment discrimination with Federal money based solely on religious beliefs.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. FRANKS), my good friend and colleague.

Mr. FRANKS of Arizona. Mr. Speaker, it has now been 5 years since the

International Religious Freedom Act was signed into law, and our view of the world has changed very dramatically since then due to a number of factors, primarily September 11 and the war against terrorism. The fundamental right of religious freedom is one of the very most critical foundations of this Republic.

Mr. Speaker, we must never forget that our Nation was founded by those who fled their country to preserve the inalienable right to religious liberty; and throughout the history of our Nation, people have left their homes in the cover of night to escape to the United States due to the religious persecution in their own countries. Unfortunately, in many places in the world today, the right to choose and practice one's faith is still not protected.

Mr. Speaker, it is so vitally imperative that we as a Nation continue to work to eliminate violations of religious freedom and human rights. One of the most compelling and pressing issues at this moment, and one where we have a great deal of leverage, is our responsibility to help establish true freedom in Afghanistan and Iraq. True freedom in those nations is absolutely impossible apart from provisions in their new constitutions that absolutely guarantee full religious freedom for every one of their people.

Our principal efforts in those countries, if we do nothing else, must center on preserving the right of religious freedom for every individual. It is critical, Mr. Speaker, even to the war on terrorism because constitutionally guaranteed religious freedom creates a vital framework for discussion and debate. It has the power to turn the war of weapons into a war of words. May we not forget that critical truth.

Mr. Speaker, Patrick Henry stated it this way. He said, "I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging the future but by the past." He understood the urgency and nature of the battle when he declared, "There is no longer any room for hope. If we wish to be free, if we mean to preserve inviolate those inestimable privileges for which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, we must fight!"

Mr. Speaker, indeed, we have fought but we now must ask ourselves what it was we were truly fighting for. I believe we fought, as President Bush said, for the "advance of freedom" because "we believe that freedom, the freedom we prize, is not for us alone; it is the right and capacity of all mankind." Guided by the lamp of our own experience of our own Nation, in those words, the President makes the most compelling argument that I can imagine for the United States to renew its commitment to eliminating violations of the right to religious freedom and to protecting fundamental human rights for every human being across the world.

Mr. PAUL. Mr. Speaker, I rise to oppose this legislation but want to make it clear that I am not doing so because I oppose religious freedom, as one might falsely conclude from the way this bill is crafted. My concerns with this bill are the same concerns I raise whenever Congress attempts to act in areas in which it has no constitutional authority: under the guise of promoting a laudable cause—religious freedom—this legislation seeks to impose our views of this topic on other sovereign nations. In short, it is yet another example of the U.S. meddling in the affairs of other countries.

Mr. Speaker, as Americans we have a special attachment to the idea of religious freedom. That is the reason many of our ancestors came to this land and fought for independence. But I don't think the way to advance religious freedom around the world is to demand that every country adopt our approach. I believe that so demanding will only engender ill-will toward the United States and, ironically, increased resistance to this idea. People generally do not like being told by foreign countries what to do or how they can worship. I believe the best way we can promote the idea of religious liberty abroad is to serve as a working, living example of the benefits of liberty. The United States has been admired historically in other countries because our system of government demonstrates the economic and other benefits of liberty. That is why other nations seek to emulate the United States, not because we demand that their religious laws conform to our notions of what is acceptable.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for speakers, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 423, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### FAIRNESS TO CONTACT LENS CONSUMERS ACT

Mr. BURR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3140) to provide for availability of contact lens prescriptions to patients, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3140

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Fairness to Contact Lens Consumers Act".*

**SEC. 2. AVAILABILITY OF CONTACT LENS PRESCRIPTIONS TO PATIENTS.**

(a) *IN GENERAL.*—When a prescriber completes a contact lens fitting, the prescriber—

(1) whether or not requested by the patient, shall provide to the patient a copy of the contact lens prescription; and

(2) shall, as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription by electronic or other means.

(b) *LIMITATIONS.*—A prescriber may not—

(1) require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of a prescription under subsection (a)(1) or (a)(2) or verification of a prescription under subsection (a)(2);

(2) require payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription under subsection (a)(1) or (a)(2) or verification of a prescription under subsection (a)(2); or

(3) require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

**SEC. 3. IMMEDIATE PAYMENT OF FEES IN LIMITED CIRCUMSTANCES.**

A prescriber may require payment of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but only if the prescriber requires immediate payment in the case of an examination that reveals no requirement for ophthalmic goods. For purposes of the preceding sentence, presentation of proof of insurance coverage for that service shall be deemed to be a payment.

**SEC. 4. PRESCRIBER VERIFICATION.**

(a) *PRESCRIPTION REQUIREMENT.*—A seller may sell contact lenses only in accordance with a contact lens prescription for the patient that is—

(1) presented to the seller by the patient or prescriber directly or by facsimile; or

(2) verified by direct communication.

(b) *RECORD REQUIREMENT.*—A seller shall maintain a record of all direct communications referred to in subsection (a).

(c) *INFORMATION.*—When seeking verification of a contact lens prescription, a seller shall provide the prescriber with the following information:

(1) Patient's full name and address.

(2) Contact lens power, manufacturer, base curve or appropriate designation, and diameter when appropriate.

(3) Quantity of lenses ordered.

(4) Date of patient request.

(5) Date and time of verification request.

(6) Name of contact person at seller's company, including facsimile and telephone number.

(d) *VERIFICATION EVENTS.*—A prescription is verified under this Act only if one of the following occurs:

(1) The prescriber confirms the prescription is accurate by direct communication with the seller.

(2) The prescriber informs the seller that the prescription is inaccurate and provides the accurate prescription.

(3) The prescriber fails to communicate with the seller within 8 business hours, or a similar time as defined by the Federal Trade Commission, after receiving from the seller the information described in subsection (c).

(e) *INVALID PRESCRIPTION.*—If a prescriber informs a seller before the deadline under subsection (d)(3) that the contact lens prescription is inaccurate, expired, or otherwise invalid, the seller shall not fill the prescription. The prescriber shall specify the basis for the inaccuracy or invalidity of the prescription. If the prescription communicated by the seller to the prescriber is inaccurate, the prescriber shall correct it.

(f) *NO ALTERATION.*—A seller may not alter a contact lens prescription. Notwithstanding the

preceding sentence, if the same contact lens is manufactured by the same company and sold under multiple labels to individual providers, the seller may fill the prescription with a contact lens manufactured by that company under another label.

(g) *DIRECT COMMUNICATION.*—As used in this section, the term "direct communication" includes communication by telephone, facsimile, or electronic mail.

**SEC. 5. EXPIRATION OF CONTACT LENS PRESCRIPTIONS.**

(a) *IN GENERAL.*—A contact lens prescription shall expire—

(1) on the date specified by the law of the State in which the prescription was written, if that date is one year or more after the issue date of the prescription;

(2) not less than one year after the issue date of the prescription if such State law specifies no date or a date that is less than one year after the issue date of the prescription; or

(3) notwithstanding paragraphs (1) and (2), on the date specified by the prescriber, if that date is based on the medical judgment of the prescriber with respect to the ocular health of the patient.

(b) *SPECIAL RULES FOR PRESCRIPTIONS OF LESS THAN 1 YEAR.*—If a prescription expires in less than 1 year, the reasons for the judgment referred to in subsection (a)(3) shall be documented in the patient's medical record. In no circumstance shall the prescription expiration date be less than the period of time recommended by the prescriber for a reexamination of the patient that is medically necessary.

(c) *DEFINITION.*—As used in this section, the term "issue date" means the date on which the patient receives a copy of the prescription.

**SEC. 6. CONTENT OF ADVERTISEMENTS AND OTHER REPRESENTATIONS.**

Any person that engages in the manufacture, processing, assembly, sale, offering for sale, or distribution of contact lenses may not represent, by advertisement, sales presentation, or otherwise, that contact lenses may be obtained without a prescription.

**SEC. 7. PROHIBITION OF CERTAIN WAIVERS.**

A prescriber may not place on the prescription, or require the patient to sign, or deliver to the patient a form or notice waiving or disclaiming the liability or responsibility of the prescriber for the accuracy of the eye examination. The preceding sentence does not impose liability on a prescriber for the ophthalmic goods and services dispensed by another seller pursuant to the prescriber's correctly verified prescription.

**SEC. 8. RULEMAKING BY FEDERAL TRADE COMMISSION.**

The Federal Trade Commission shall prescribe rules pursuant to section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) to carry out this Act. Rules so prescribed shall be exempt from the requirements of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 et seq.). Any such regulations shall be issued in accordance with section 553 of title 5, United States Code. The first rules under this section shall take effect not later than 180 days after the effective date of this Act.

**SEC. 9. VIOLATIONS.**

(a) *IN GENERAL.*—Any violation of this Act or the rules required under section 8 shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(b) *ACTIONS BY THE COMMISSION.*—The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

**SEC. 10. STUDY AND REPORT.**

(a) *STUDY.*—The Federal Trade Commission shall undertake a study to examine the strength of competition in the sale of prescription contact lenses. The study shall include an examination of the following issues:

(1) Incidence of exclusive relationships between prescribers or sellers and contact lens manufacturers and the impact of such relationships on competition.

(2) Difference between online and offline sellers of contact lenses, including price, access, and availability.

(3) Incidence, if any, of contact lens prescriptions that specify brand name or custom labeled contact lenses, the reasons for the incidence, and the effect on consumers and competition.

(4) The impact of the Federal Trade Commission eyeglasses rule (16 C.F.R. 456 et seq.) on competition, the nature of the enforcement of the rule, and how such enforcement has impacted competition.

(5) Any other issue that has an impact on competition in the sale of prescription contact lenses.

(b) *REPORT.*—Not later than 12 months after the effective date of this Act, the Chairman of the Federal Trade Commission shall submit to the Congress a report of the study required by subsection (a).

**SEC. 11. DEFINITIONS.**

As used in this Act:

(1) *CONTACT LENS FITTING.*—The term "contact lens fitting" means the process that begins after the initial eye examination and ends when a successful fit has been achieved or, in the case of a renewal prescription, ends when the prescriber determines that no change in prescription is required, and such term may include—

(A) an examination to determine lens specifications;

(B) except in the case of a renewal of a prescription, an initial evaluation of the fit of the lens on the eye; and

(C) medically necessary follow up examinations.

(2) *PRESCRIBER.*—The term "prescriber" means, with respect to contact lens prescriptions, an ophthalmologist, optometrist, or other person permitted under State law to issue prescriptions for contact lenses in compliance with any applicable requirements established by the Food and Drug Administration.

(3) *CONTACT LENS PRESCRIPTION.*—The term "contact lens prescription" means a prescription, issued in accordance with State and Federal law, that contains sufficient information for the complete and accurate filling of a prescription, including the following:

(A) Name of the patient.

(B) Date of examination.

(C) Issue date and expiration date of prescription.

(D) Name, postal address, telephone number, and facsimile telephone number of prescriber.

(E) Power, material or manufacturer or both.

(F) Base curve or appropriate designation.

(G) Diameter, when appropriate.

(H) In the case of a private label contact lens, name of manufacturer, trade name of private label brand, and, if applicable, trade name of equivalent brand name.

**SEC. 12. EFFECTIVE DATE.**

This Act shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BURR) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BURR. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, today is a great day for the 36 million contact lens wearers across the United States. Today, Republicans and Democrats have come together to help contact lens wearers by improving their access to the competitive contact lens marketplace in granting them the right to their contact lens prescriptions.

People who wear glasses may not recognize the importance of this legislation because, unlike contact lens wearers, they have had these rights since 1978. Now, 25 years later, contact lens wearers have the same rights to their prescriptions, without having to ask for them, and the ability to buy their lenses from any seller, be it an eye doctor, a discount club, or an Internet company.

I appreciate the support of the American Optometric Association, especially my optometrist in Winston Salem, North Carolina, Dr. Burke, who read through these drafts. He helped us as we put the bill together. He improved the legislation and put us where we are today.

Not only is this bill great for contact lens wearers, but it is, in my opinion, also good for eye doctors. I want them to listen. For the first time in Federal legislation, patients are told they must go back regularly to their eye doctors and get their contact lens prescriptions renewed. If patients try to buy contact lenses with expired prescriptions, sellers by law cannot fill their orders. This is a big deal, Mr. Speaker; and I am sure most physicians across this country would love Congress to pass legislation that required patients to come back to them on a regular basis. We do that in this legislation.

Additionally, H.R. 3140 will make it very hard for unlawful contact lens sellers to even stay in business. Right now, many contact lens sellers do not ask for physicians' contact information because the sellers have no intention of verifying the prescriptions. Multiple provisions in this bill will make this behavior illegal. Contact lens sellers will now be required to get all pertinent information from patients and call eye doctors' offices to verify that information. With the FTC enforcing this law, eye doctors should be assured that they will only have to do business with honest contact lens sellers.

Mr. Speaker, I want to thank the gentleman from California (Mr. STARK) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for first introducing this legislation 8 years ago during the 104th Congress. They were the initial leaders on this issue, and I appreciate their efforts and the subsequent sup-

port on this legislation. I also want to thank the dean of our House, the gentleman from Michigan (Mr. DINGELL), and his staff for the excellent help in drafting this compromise piece of legislation that benefits all parties involved in the contact lens marketplace.

Finally, I want to thank the gentleman from Florida (Mr. STEARNS) and the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman, and their staffs who shepherded this bill through the Committee on Energy and Commerce in record time.

Mr. Speaker, I urge my colleagues to support this.

Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself 5 minutes.

I rise in strong support and as an original cosponsor of H.R. 3140, the Fairness to Contact Lens Consumers Act. I am pleased that the House is taking action on this important measure before the end of the legislative session.

This is an important consumer rights issue. Thirty-six million Americans use contact lenses, and Congress must address the regulatory issues that impact the rights of those consumers and their ability to purchase contact lenses from their preferred vendors. We have a duty to make sure that consumers' interests are being met; that they have access to affordable and safe contact lenses; and that uniform standards regulate this process nationwide.

Several of my colleagues have spent a great deal of time studying the subject, including, of course, the gentleman from North Carolina (Mr. BURR), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. TOWNS), the gentleman from California (Mr. WAXMAN), and the gentleman from California (Mr. STARK); and I want to commend and thank them for their leadership.

□ 1500

As a contact lens user myself, I am glad to have the opportunity to take part in the debate and passage of this legislation and appreciate the opportunity to work with those who have crafted this legislation, as well as the distinguished chairman of the Subcommittee on Commerce, Trade and Consumer Protection, the gentleman from Florida (Mr. STEARNS). We appreciate the support also of the American Optometric Association for supporting this proconsumer legislation.

This bill will change current law to provide what we all agree to be needed changes, so that consumers are explicitly entitled to a copy of their contact lens prescription from their doctor. That way, they will have the freedom to shop around to get the best deal possible for filling their contact lens needs.

There have been reports of eye care providers unnecessarily preventing or delaying consumer access to their own prescriptions. There is some suggestion

patients may not even know they are entitled to ask for their prescription. Clearly, we need to address those problems, and the legislation we are discussing today includes strong language guaranteeing those rights.

The bill requires eye doctors and optometrists to provide parents with a copy of their contact lens prescription, regardless of whether or not the patient asks for a copy. Under this measure, eye doctors and other prescribers are prohibited from requiring that consumers buy contact lenses from them as a condition of performing an eye exam or providing the prescription.

While consumers have a right to shop for the best deal when purchasing contact lenses, Congress, doctors, and industry all have a duty and an interest in making sure that patient safety is not compromised in the process. The Food and Drug Administration mandates that contact lens sales require a valid prescription from an eye care professional. With the increasing prevalence of mail order contact lens providers, whether through the Internet or 1-800 numbers, I believe it is important we give consumers expanded access while adhering to the FDA requirements.

In the interest of fairness to consumers and doctors, this legislation establishes clear uniform rules that will guarantee fairness and safety to contact lens consumers in every State, regardless of existing laws.

The bill creates a verification system that will ensure prompt filling of contact lens prescriptions. Under the legislation, when consumers place orders with third-party contact lens vendors, those vendors must verify the prescription with their doctors. Their doctors will then have 8 hours to respond. If they do not, the prescription will be deemed valid by the vendor and the order filled. These safeguards, coupled with time requirements, will ensure prompt and safe access to contact lenses at affordable prices for consumers.

This legislation requires the FTC to issue rules implementing the bill's requirements and empowers the FTC to enforce these rules. The new rules will become effective within 60 days of enactment.

I want to again commend those who worked to bring this proconsumer legislation to the floor, and I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BURR. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the subcommittee chairman.

Mr. STEARNS. Mr. Speaker, I thank our distinguished colleague for yielding me this time, and thank him, of course, for H.R. 3140, the Fairness to Contact Lens Consumers Act.

As has already been pointed out, about 36 million Americans wear contact lenses, but those millions of Americans do not have a right to a copy of

their contact lens prescription. I think a lot of us did not realize that. This bill changes all of that, so doctors are required now to provide patients with a copy of their prescriptions whether they ask for it or not. So now it is their property, and they can use it as they wish.

Of course, with that prescription, the consumer now has an opportunity to be empowered so that the issue of competition is heightened in the contact lens market. Because unlike doctors who are prevented from filling drug prescriptions, eye doctors and optometrists are able to fill contact lens prescriptions. This sets up a conflict-of-interest situation, where third-party sellers are actually competing for the sale of lenses with the individual writing the prescription. That will all change under this bill.

So this bill requires doctors and optometrists to verify prescriptions with third-party sellers. If the doctor refuses, for example, to verify this prescription, then the verification is presumed. What this means is the consumer will no longer be caught between the doctor and the seller in a competitive tug-of-war where the consumer is always the loser. This bill gives power to consumers over their buying decisions and allows the consumer to make his choice.

I think it has been pointed out that the bill has also received the endorsement of the American Optometric Association and has received strong bipartisan support in the Committee on Energy and Commerce. It came out of the Subcommittee on Commerce, Trade, and Consumer Protection, which I chair, and it is a good piece of legislation. I support it and I commend the author.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. TOWNS), the lead Democratic cosponsor of the bill.

Mr. TOWNS. Mr. Speaker, let me begin by thanking the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN), and of course the ranking member of the full committee, the gentleman from Michigan (Mr. DINGELL), and to the gentleman from Florida (Mr. STEARNS), of course, and the ranking member as well, the gentleman from Illinois (Ms. SCHAKOWSKY).

Mr. Speaker, this legislation is long overdue. This legislation will allow sellers to work in coordination with optometrists and ophthalmologists across the Nation to ensure that every consumer has access to their prescription in a timely fashion while making the contact lens marketplace more competitive.

Consumers deserve the best possible prices and service. Therefore, Congress must involve itself, as it is doing with H.R. 3140. I am proud that both sellers and the doctors have come together in support of this legislation, and I urge all of my colleagues to support this bill.

In addition to my friend, the gentleman from North Carolina (Mr. BURR), I would also like to thank the following: Kelly Zerzan, Jonathan Cordone, Jenny Hansen, and Jesse McCollum for their hard work on this bill as well.

Once again, I urge all of my colleagues to support H.R. 3140. It is a great bill and deserves the support of this House. Any time we can make life better for consumers, then we should be anxious and eager to do so, and there is no doubt in my mind that this legislation makes life a lot better for consumers. So I am delighted to support it and encourage my colleagues to do likewise.

Mr. BURR. Mr. Speaker, I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. STARK), who worked hard on this legislation and over a long period of time.

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, I extend my thanks as well to the gentleman from North Carolina for his enterprise and efforts in seeing this bill brought to the floor, and to thank the gentleman from Illinois (Ms. SCHAKOWSKY) for her work, as well as the people who have been mentioned, the gentleman from New York (Mr. TOWNS), the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from California (Mr. WAXMAN), and others who have been concerned about it.

I think that I have today to give credit where credit is due. This bill should really be referred to as the Deborah Stark bill. Now, who is Deborah Stark? She happens to be the mother of my children and my long-suffering wife. And this bill has its genesis right down the road on Pennsylvania Avenue where she went one day, when we still lived in California full time, to have her eyes examined because her contact lenses were giving her problems and, hopefully, to get a new prescription and send it out to California to have it filled, so she would have her new contact lenses when she arrived home in California.

So she went to this physician down the road. And as she was about to leave, having then paid the bill, she was told that she could not have a copy of the prescription. She was, not surprisingly, incredulous. I was not only incredulous, I was mildly upset, and that led to this day.

So we do not sit back here, as many people think, as Members of Congress, and just dream up ways to make life complicated for ophthalmologists and optometrists. We respond, generally not to constituents quite so close to home, but we respond to the problems that people in this country have, and it takes us often a long time, in this case almost 10 years. But when we get there, we do a good job, as we see with the

many people who have worked to do this.

I would like to add that Consumers Union was one of the early supporters of this bill and helped us to work it through. It is the law in California already, and I am sure that the other 30 million people who do not reside in California who wear contact lenses, I am too cowardly to stick my finger in my eye, so I do not, but many people will be pleased, and it will be of great convenience to them. I am one who happens to believe in free enterprise, and I think it is going to create some competition in the world and perhaps make lives better for everyone concerned in this.

So, again, my thanks to those people who worked so hard. It is a good bill. The consumers will benefit. The advocates for all the providers involved have worked with us to support it, and I urge its adoption.

I'm pleased to join with my colleagues on both sides of the aisle in support of the Fairness to Contact Lens Consumers Act and urge every Member of Congress to join us in voting for this important consumer protection legislation.

This bill requires eye care professionals to provide their patients with a copy of their contact lens prescription so the patient can choose to purchase their contact lenses from that professional or seek an alternative provider. The bill also enforces a verification system for prescriptions that puts the onus on eye doctors to quickly verify their patients' contact lens prescriptions. This makes real the option for consumers to purchase their contact lenses through third parties—such as online vendors—which are often more affordable and convenient for consumers. This is a law my home State of California has already enacted and one that consumers deserve to have in all parts of our country.

This might not be a high profile issue, but it is important to the 36 million of contact lens wearers around the country. Eyeglass wearers have enjoyed unobstructed access to their eyeglass prescriptions since the Federal Trade Commission issued regulations in 1978 requiring their automatic release. Yet, 25 years later, similar action has yet to be taken for contact lens wearers. If this bill is enacted, we will finally have brought contact lens consumer protections up-to-date.

I got involved in this issue more than a decade ago when my wife asked her eye care provider in D.C. for her contact lens prescription so she would have it if she needed it while we were in California. To her—and my—astonishment, the provider refused to give her the prescription saying that the law did not require him to do so. We checked it out and he was correct. I've been working to fix this problem ever since.

The simple fact is that contact lenses are fast replacing eyeglasses as the corrective vision instrument of choice for consumers. Despite this trend, many States allow prescribing eye care professionals to refuse to release contact lens prescriptions to their patients. Eye doctors cite health concerns, but the fact is that they have a strong financial incentive to restrict consumer access to the contact lens market. Without their contact lens prescription in hand, consumers are forced to purchase

their lenses from their prescribing eye doctor—who obviously profits from each and every sale.

Over the years, I've introduced several bills to require the release of contact lens prescriptions. For the last several years, Representatives BURR, DINGELL, TAUZIN, WAXMAN, SCHAKOWSKY and I have been working together to fashion a bipartisan bill that can garner the support of a broad coalition to ensure its passage.

That day is here. I started out this effort with the support of Consumers Union and I'm pleased they have endorsed this version of the legislation as well. I'm also pleased that the American Optometric Association has been willing to come to the negotiating table and has also endorsed this final version of our legislation.

That tells you this is a good bill—we've got consumers and optometrists—the largest providers of contact lenses—agreeing that this day has come. It is time to update our consumer protection laws to ensure that contact lens wearers have the right to safely purchase their lenses from the provider that best meets their needs. Join us in support of H.R. 3140 to give consumers that right.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise to express my strong support for H.R. 3140, the Fairness to Contact Lens Consumers Act. I am pleased to have been an original cosponsor of this bipartisan legislation. It simply does the right thing for consumers.

This legislation will require eye doctors and optometrists to provide patients with a copy of their prescription for contact lenses, regardless of whether or not the patient asks for that copy. And the bill also requires that these prescribers to verify and provide a copy of the prescription to any person designated by the consumer to act on their behalf, such as third-party sellers.

What many people may not know, is that eye doctors have been required to provide patients with a copy of their prescriptions for eyeglasses since 1978, but the same requirement for some reason has not been in place for contact lens prescriptions. Today, with around 36 million Americans wearing contact lenses, ensuring that consumers are able to obtain their contact lens prescriptions and make a choice in where they purchase their contact lenses is simply the right thing to do.

I strongly support this bill and urge my colleagues to vote for it.

Ms. SCHAKOWSKY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BURR. Mr. Speaker, I yield myself such time as I may consume to once again reiterate that this is a tremendous bipartisan effort that, as the gentleman from California (Mr. STARK) said, is well overdue, but this legislation is ripe today. I urge my colleagues to support it unanimously.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion of-

ferred by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 3140, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MORAN of Kansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REGULATION OF NONCORRECTIVE CONTACT LENS AS MEDICAL DEVICES

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2218) to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of noncorrective contact lens as medical devices, and for other purposes.

The Clerk read as follows:

H.R. 2218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress finds as follows:

(1) All contact lenses have significant effects on the eye and pose serious potential health risks if improperly manufactured or used without appropriate involvement of a qualified eye care professional.

(2) Most contact lenses currently marketed in the United States, including certain plano and decorative contact lenses, have been approved as medical devices pursuant to premarket approval applications or cleared pursuant to premarket notifications by the Food and Drug Administration ("FDA").

(3) FDA has asserted medical device jurisdiction over most corrective and noncorrective contact lenses as medical devices currently marketed in the United States, including certain plano and decorative contact lenses, so as to require approval pursuant to premarket approval applications or clearance pursuant to premarket notifications.

(4) All contact lenses can present risks if used without the supervision of a qualified eye care professional. Eye injuries in children and other consumers have been reported for contact lenses that are regulated by FDA as medical devices primarily when used without professional involvement, and noncorrective contact lenses sold without approval or clearance as medical devices have caused eye injuries in children.

#### SEC. 2. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

"Regulation of Contact Lens as Devices

"(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

"(2) Paragraph 1 shall not be construed as having any legal effect on any article that is not described in that paragraph."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2218, the bill now under consideration.

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

There was no objection.

□ 1515

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2218, which amends the Federal Food, Drug and Cosmetic Act to provide for the regulation of noncorrective contact lens as medical devices, and I commend the gentleman from Arkansas (Mr. BOOZMAN) for his work on this legislation.

As the corrective contact lens industry has grown, so has the practice of using noncorrective contact lenses for cosmetic purposes. Currently, there is very little regulation of these lenses. However, all contact lenses have significant effects on the eye and pose health risks if improperly manufactured or used without the supervision of a qualified eye care practitioner. Both corrective and noncorrective contact lenses have been approved as medical devices by the FDA. It just makes sense that the FDA should have the authority to regulate these lenses.

Mr. Speaker, having said that, I would urge all of my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, colored and patterned contact lenses can be a fun way to express one's sense of style. Noncorrective contact lenses that are manufactured responsibly and worn under the supervision of a qualified eye care professional are useful and a perfectly safe commodity.

For years, the FDA saw it that way too and properly classified colored contact lenses as medical devices. In fact, just over a year ago FDA issued an official notification noting that noncorrective contacts "present significant risks of blindness and other eye injury if distributed without the involvement of a qualified eye professional."

But in April, for whatever reason, and we have seen an FDA that has become more and more politicized in the last couple of years, but for some reason the FDA flip-flopped deciding that colored contact lenses were not medical devices and were instead cosmetics. This quiet, but important, policy change opened the door to a new public health threat.