

THE CONTACT LENS PRESCRIPTION RELEASE ACT OF 1995

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1995

Mr. STARK. Mr. Speaker, in the final days of the last session of Congress, I introduced legislation to strengthen the ability of consumers to purchase contact lenses at lower prices, without compromising the quality of the products or services received. It was my hope that interested consumers, providers, and regulators would review and provide comment on the bill prior to reintroduction of the bill in the 104th Congress.

Over the past several months, I have received comments from constituents, consumers, providers and various other interested parties. The overwhelming message is that a Federal law requiring prescribers to release contact lens prescriptions will benefit consumers across American.

Today I am introducing "The Contact Lens Prescription Release Act of 1995." This legislation will require the Federal Trade Commission [FTC] to issue regulations mandating the release of contact lens prescriptions after the initial fitting process has been completed.

While some who provided comments favor mandating the immediate release of prescriptions, and others favor no requirements at all, the balance struck in this legislation ensures that consumers will have enhanced bargaining power when purchasing replacement contact lens without putting the quality of patient care in jeopardy.

Today, more than a dozen States require some form of contact lens prescription release. This experimentation by the States has allowed us to monitor whether unintended consequences have occurred—such as a reduction in the quality of patient care—as a result of mandatory release. To date, I have not seen reports that the quality of patient care has suffered as a result of requiring prescription release after the initial fitting process is complete.

While this legislation provides a minimum standard regarding prescription release, it is likely that some States will experiment with additional ways, such as immediate release of prescriptions, to advance the ability of consumers to purchase high quality contact lens products at the most competitive prices. This legislation allows States to continue to undertake such efforts. We in Congress would serve our constituents well if we continue to monitor these State efforts and follow-up with additional Congressional action if appropriate.

I'd like to take a moment to provide some background to "The Contact Lens Prescription Release Act of 1995."

In 1989, the Federal Trade Commission [FTC] restated their requirement that eyeglass lens prescriptions be released by ophthalmologists and optometrists. In the FTC's ruling on eyeglasses, their comments explaining why they did not require the release of contact lens prescriptions is instructive for why this legislation is necessary today. The Commission found the following:

While the record suggests that it is not uncommon for practitioners to refuse to give patients copies of their contact lens prescriptions, and that resulting costs to consumers could be significant, *we do not believe that the*

record contains sufficient reliable evidence to permit a conclusion that the practice is prevalent." [Emphasis added, Federal Register, Vol. 54, No. 47, Monday, March 13, 1989.]

One of the benefits and responsibilities of representing the 13th District of California is having constant contact with constituents. Over the past few years, I have had the opportunity to gather "sufficient reliable evidence" that nonrelease of contact lens prescriptions does result in higher costs for consumers and that this practice is sufficiently "prevalent" to warrant legislative action.

This legislation, Mr. Speaker, is rather simple—to allow greater competition in the marketplace. It achieves this goal by calling upon the Federal Trade Commission to issue a regulation requiring the release of contact lens prescriptions after the initial fitting process is complete. While there is strong sentiment in this body to forgo calling for any additional Government regulations, it would be short-sighted to turn aside this legislation for that reason. In enacting this legislation, this bill would eliminate dozens of State regulations that, however well-intentioned and well-suited to the technology and market conditions at the time, have come to block consumer choice today.

Mr. Speaker, I urge my colleagues to support this legislation. A copy of the legislation follows.

H.R. —

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 "Contact Lens Prescription Release Act of 1995".

SEC. 2. PRESCRIPTIONS FOR CONTACT LENSES.

(a) IN GENERAL.—The Federal Trade Commission shall amend its trade regulation rule on ophthalmic practice published at 16 C.F.R. 456 to require the prescriber to offer to release a copy of the prescriber's prescription for contact lenses—

(1) after the contact lens fitting process is completed, or

(2) in the case of a renewal of a prescription, immediately if there is no change in the prescription's specifications,

regardless of whether or not the patient requests a copy of the prescription. Such a prescription shall expire 2 years from the date of its issue unless the prescriber otherwise specifies based upon the medical judgment of the provider.

(b) DEFINITIONS.—For purposes of subsection (a):

(1) The term "prescription" means the specifications necessary to obtain contact lenses and includes data on the refractive status of patient's eyes and clearly notes that the patient is suitable for contact lenses.

(2) The term "prescriber" means an ophthalmologist or optometrist who performs eye examinations under a license issued by a State.

(3) The term "contact lens fitting process is completed" means the process which—

(A) begins after the initial eye examination and includes an examination to determine what the lens specifications should be, the purchase of lenses, and an initial evaluation of the fit of the lens on the patient's eyes and follow-up examinations, and

(B) is completed when the prescriber is satisfied that a successful fit has been achieved.

SEC. 3. EFFECT ON STATE LAW.

The prescription release requirement of section 2 does not affect any State law which permits the release of prescriptions for con-

tact lenses on terms which are not more restrictive than the terms of section 2 or regulates who is to be legally permitted to fit contact lenses.

THE CAREER PREPARATION EDUCATION REFORM ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1995

Mr. CLAY. Mr. Speaker, I rise today to introduce the administration's Career Preparation Education Reform Act.

The administration's legislation ensures that: First, funds for in-school youth are administered at the local level by schools; second, the governance structure for education which is determined by State law is respected; and, third, more funds are driven by a needs-based formula to local education agencies than in the current law.

I want to strongly emphasize that, as under the current Perkins Act, any State that receives a grant must designate an education agency or agencies to be responsible for administration. In addition, the State plan must be submitted by the State education agency. This requirement will ensure that funds are used to improve career education in our schools and help schools participate in the development of effective school-to-work opportunity systems to prepare students for college and careers.

I also want to emphasize that this bill ensures that funds will be distributed to local education agencies and postsecondary institutions based on need and directs more funds to local schools than before. It is critically important that we make sure that funds get down to those local schools and communities where the need is greatest.

One of my major concerns over the years has been to ensure that students who are members of special populations benefit from Federal education investments. The intent of this legislation is to focus on achievement for special populations and to ensure that they have the chance to participate in quality programs. The legislation requires that the State describe in its plan how it will serve special populations, and uses a substate allocation formula that drives funds to the neediest schools and communities. States must gather and disseminate data on the effectiveness of services and activities in meeting the needs of women and special populations. They must review applications and grants to ensure that the needs of women, minorities, and other special populations are addressed. They must work to eliminate bias and stereotyping in education, and recommend best practices for serving members of special populations and for training for nontraditional jobs. States must set performance goals for students and provide reports on their progress in achieving their goals, including information on the progress of students who are members of special populations.

I am committed to ensuring that students who are members of special populations receive quality services and the assistance they need to achieve the necessary skills to be successful. We intend to scrutinize this issue as legislation moves through the committee

process to ensure that every effort is made to meet the needs of educationally disadvantaged young women and men.

Let me highlight some other key features:

First, the bill will encourage States to use their vocational education, elementary and secondary education, and second-chance program funds to develop comprehensive, quality school-to-work and education systems.

Second, it proposes a State grant and a national program authority, and it will increase the amount of the formula-driven State grant distributed to schools and colleges.

Third, it proposes that vocational education support the development of the in-school part of school-to-work opportunity systems.

Nonetheless, as I introduce this legislation, there are several areas where I continue to have concerns, and I look forward to working with our colleagues on many of these provisions as this bill proceeds through the legislative process. Among these concerns are:

The Perkins legislation should build more on the vocational system in place and improve upon those systems.

Section 101 and 103—I want to work with our colleagues to strengthen these sections and write them so that the Federal investment is more focused and States and locals are held accountable for implementing the priorities.

Section 104—I would like to see standards and limitations in the section permitting States and local education agencies to combine funds for any purpose in order to carry out services and activities.

Section 113—I have another concern with regard to the option for States to develop alternative formulas to distribute funds to local education agencies.

OPPOSING THE REPUBLICAN TAX PLAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 1995

Mrs. MALONEY. Mr. Speaker, I rise to explain my opposition to the tax and spending cut plan offered by the Republican leadership.

There are several individual tax cuts in this bill that I support. Unfortunately, all tax cuts were lumped into one bill and could not be voted on separately, due to the procedural rule under which the bill was debated.

Therefore, Members were compelled to vote "yea" or "nay" on the entire plan. In the final analysis, the plan as whole was fiscally irresponsible, extremely damaging to New York City, and not in the long-term best interest of our children and grandchildren.

Over the next 5 years, this bill will cost more \$189 billion dollars, and over 10 years—because of the corporate tax giveaways tucked into the legislation—that cost will rise to as much as \$600 billion.

The bill provides only the most illusory plan of how to pay for these tax breaks in the first 5 years. The specifics that the new leadership has provided are devastating to urban areas in general and to New York City in particular.

Further, the plan offers no provision whatsoever to deal with budget-busting corporate tax breaks in the second 5 years, when the deficit is projected to skyrocket specifically because of those tax breaks.

The plan will eliminate the corporate minimum tax and change the rules on depreciation, significantly boosting the deficit beginning in the year 2001.

For example, the depreciation changes will actually increase revenues slightly between 1996 and 2000, but cause a revenue loss of more than \$120 billion between the years 2001 and 2005.

Only a small fraction of the tax breaks embodied in the bill—like indexing capital gains for inflation, which I support—will sufficiently stimulate the economy to begin to pay for themselves.

This year, interest on our national debt totals \$235 billion. It is the third largest portion of the Federal budget. By 1997, it will overtake defense spending as the second largest portion of the Federal budget, second only to Social Security.

Why? Largely because in 1981, the Reagan administration sought to provide tax cuts and increased defense spending before deficit reduction. And Congress went along with it. The result was an explosion in our annual budget deficit from \$40 billion in 1981 to nearly \$300 billion in 1992; and an increase in the national debt from approximately \$1 to \$4 trillion.

With the exception of tax cuts which truly pay for themselves, tax cuts should be our reward after we cut the deficit. But until we get our fiscal house in order, it is irresponsible to engage in a frenzy of tax cuts that are not credibly paid for.

We have made great progress in deficit reduction since President Clinton took office. We have reduced the deficit for 3 consecutive years, thanks to the budget package that I voted for in 1993. In so doing, we are reducing the cruelest tax of all on our children. Now is precisely the wrong time to take a U-turn on our road to successful deficit reduction.

That being said, there are several individual tax cuts in the package which I think are important and I might well have supported were they stand-alone bills that were responsibly paid for. It is likely that the Senate will overhaul this plan, restoring fiscal sanity to it before it comes back to the House for a final vote. If so, I will strongly consider voting for a bill or bills which include various forms of tax relief.

I have always supported expanding IRA contributions, so that all Americans will be encouraged to save. I also support allowing families to use their IRA—without penalty—for purchasing their home, in the event of illness or to help pay for the education of a spouse, child, or grandchild.

Since I came to Congress in 1993, I have been an advocate of reducing the marriage penalty, which charges couples more taxes than if they were two unmarried people filing independently. I have worked closely with my good friend, Congressman JIM MORAN, and have cosponsored legislation that would completely eliminate this problem.

In 1993, I was one of the staunchest opponents of the provisions in the Omnibus Budget Reconciliation Act to raise the amount of Social Security benefits that could be taxed on recipients earning more than \$25,000 a year or couples earning more than \$32,000 a year. I was very proud to play a role in changing those thresholds, thus sparing thousands of middle-class recipients around the country from a tax increase. And I continue to support rolling back the increased benefits tax on

those recipients earning more than \$34,000 or couples earning \$44,000.

Coupled with that change, I believe that we should also increase the amount that Social Security recipients can earn without losing their benefits. I think that raising that ceiling from \$11,000 to \$30,000 over the next 5 years is a good idea.

I emphatically support a meaningful capital gains tax reduction. I strongly believe that such a cut would provide a major boost to economic investment in the country and would be beneficial to individuals of all income levels.

Both individuals and corporations hold on to assets that have appreciated because they are unwilling to pay the Government almost 40 percent of the profits from their investment. This means that money that could be used for new investment or reinvestment remains locked into these assets and thus unavailable for the kinds of purposes that would help boost economic growth across the country.

But as much as I support these particular items, I could not, in good conscience, vote for a tax cut bill that will explode the deficit and result in massive tax increases to our children and grandchildren.

What few specific cuts that the new congressional leadership has specified to partially pay for these tax breaks will have a drastic, negative impact on New York City's economy.

Overall, the Republicans intend to squeeze \$62 billion from their welfare reform bill to pay for a portion of their tax cuts. In my opinion, that bill—which among many other things, cuts school lunches and takes away protection for children in foster care—is an unmitigated disaster.

I voted for a Democratic welfare reform bill that offered welfare recipients the tools of economic empowerment—training, education, child care—to help them get back to work and take charge of their lives. The bill demanded work, responsibility, and child support. That Democratic substitute could be described as "tough love." The Republican bill just told defenseless children, "tough luck."

It won't fix what is wrong with the welfare system. It won't empower people to go to work. It will only put families with children out on the street, which will increase homelessness and desperation in New York City and damage quality of life for all of its residents.

The cuts from the GOP welfare plan will take more than \$6 billion in Federal aid from the city and will cost tens of thousands of children—including many in my district—their basic nutritional benefits.

I recently issued a study on the welfare plan, which was reported in the New York Times, that stated the following:

Through cuts to Aid to Families with Dependent Children:

New York City will lose \$1.3 billion because title I freezes Federal funding at fiscal year 1994 levels over the next 5 years. That will result in over 280,000 New York City children losing their AFDC benefits through the planned Republican family-cap and time-limit provisions.

New York City will lose \$62 million in child care assistance because of the proposal's funding level cuts for fiscal year 1996 to 2000, resulting in 10,504 New York City children losing child care.