PRESCRIPTION DRUG FLEXIBILITY ACT FOR SENIORS

Mr. LARSON of Connecticut. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I rise this evening in strong support of the Prescription Drug Flexibility Act for seniors. You know, we ask an awful lot of our senior citizens, so many of whom, as Tom Brokaw has eloquently penned, are a part of the greatest generation ever.

After traveling home this past Thanksgiving for the break and having an opportunity to conduct hearings throughout my district and speak to seniors directly, they did not realize that what we have asked of them in signing up for the so-called prescription drug plan under Medicare part D, that they are now required to be accountants, attorneys and actuaries in order to be able to fill out this form. It is a travesty that for so many of our seniors they find this not only confusing and complicated, but very difficult as well, and are unsure as to whether or not they are going to receive any specific relief.

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That is why I have introduced legislation that I believe is both pragmatic and provides the opportunity for seniors to seek relief from the burdensome task that faces them.

Specifically, this legislation would accomplish three things. First and foremost it would extend for 2 years the time period in which seniors have to sign up. I think it is incredible to think that we could get 42 million people to sign up for a program in 6 months where in the State of Connecticut they have 44 choices in options to choose from. In many States it is as many as 60, 65 choices that people have to pursue in order to make sure they are making the right decision. And, of course, if they have not signed up in time or they are given misinformation, they receive a penalty for that starting at 1 percent a month and accumulating forward. Just out of simple fairness to the people we are sworn to serve, we ought to make sure that we are extending the time period, and this legislation calls for a 2-year extension.

The legislation further goes on to look at a provision that is commonly referred to as the ''lock-in provision.'' What that means for those that are struggling with this part D is that while the HMOs and insurance companies can opt out of their formularies or of their coverage, you are locked in for at least a period of a year. Well, common sense and fairness would say that if a company is covering you and say you are on Lipitor and then they opt out of that coverage, you ought to have the same right without penalty to opt out and get the kind of coverage that you need and desire.

The third thing that this bill does is also recognize that in the State of Connecticut, more than 44 choices, unfortunately there will be some companies that give misinformation and, again, maybe intentionally, maybe not, but the only people who will pay a penalty in this circumstance are the elderly. We think it is only fair that if they give out misinformation, if they tell people that they have a credible plan and they do not, that they ought to be subject to a fine.

In fact, the troubling thing about this whole piece of legislation, which I was proud to vote against, is that there are no fines for the HMOs or the insurance companies or the people that mislead the elderly. The only fine that this legislation seeks is to fine the elderly if they do not sign up for a program. So this legislation seeks a $10,000 fine per incidence for those who provide misinformation to the elderly.

Now, it is instructive, of course, as to how we got there. This vote, as many know, was passed on this House floor at 5:30 in the morning by one vote. The travesty of this legislation is that on page 59 of this 700-page document, it specifically excludes the Secretary of Health and Human Services from negotiating directly with the pharmaceutical companies. Now, that, by the way, is exactly what the VA Commissioner does on behalf of our veterans. In the State of Connecticut, our veterans pay a $7 co-pay. When we look at our senior citizens and when we look at this bill and when we think of the cost that has been incurred without the creation of any new bureaucracy but simply by having the Secretary of Health and Human Services negotiate directly with pharmaceutical companies, not even having to travel outside to Canada and becoming refugees within their own health care system, Americans ought to be entitled to get the same kind of deep discounts that we provide our veterans.

That, in fact, is exactly what other nations of the world see fit to do for each one of their citizens, which is why, as Mr. EMANUEL pointed out earlier, in the United States we are paying on average 60 percent more for prescription drugs than our neighbors in Canada and Mexico and, in fact, in all the industrialized nations of the world. Why? Because they negotiate directly. And the pharmaceutical industry is not losing any money abroad. So I think it is morally incumbent upon this Congress to take up that legislation that will correct that process.

But what passed that fateful day is law; so we must advise our seniors to proceed cautiously and hopefully providing them a window in time where they can make the correct decision. There will be, as some of the advertisements say that are paid for with Medicare and Social Security dollars, an opportunity for some to benefit; and I encourage them to do so.

URGING CONGRESS TO DEFEND THE CONSTITUTIONAL RIGHT OF MILITARY CHAPLAINS

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as I am on the floor tonight, I think about the great history of this country and the fact that this Nation was founded by people of faith; and yet in this great Nation today, our chaplains in the military are being told if they should be of the Christian faith that they cannot outside of their church pray in the name of Jesus Christ.

Mr. Speaker, to me this is very alarming when we have a President, President Bush, who is a man of faith, who went to China and criticized the Chinese, or at least encouraged the Chinese, to allow the Chinese to have more religious freedom.

This never seemed to be a problem until about 1998. For whatever reason, those in the leadership of the chaplain corps of the military decided that they needed to encourage those of faith, particularly the Christian faith, not to pray in the name of Jesus Christ outside of the church.

Mr. Speaker, I want to say I would be on the floor tonight if this were happening to the Jewish chaplains, to the Muslims chaplains in the military. I would be on the floor defending their first amendment right because that is exactly why our men and women in uniform are in Iraq and Afghanistan, to defend freedom; and yet within this country we are having our chaplains being denied their freedom to pray in the name of their faith.

Mr. Speaker, 72 of us have written a letter to the President of the United States, three Senators have joined us, and we have asked the President to please use his executive authority as Commander in Chief to say that as long as I am Commander in Chief that I will guarantee that the chaplains in this great military will have their first amendment rights protected, whether they be Muslim, Jewish, or Christian. Mr. Speaker, I include this letter for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2005.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are disappointed and gravely concerned to learn that the Christian military chaplains are under direct attack and that their right to pray according to their faith is in jeopardy. As you may know, the Air Force leadership recently released proposed guidelines that will restrict