



Vision Council – Legislative Update

April 17, 2024



VENABLE LLP

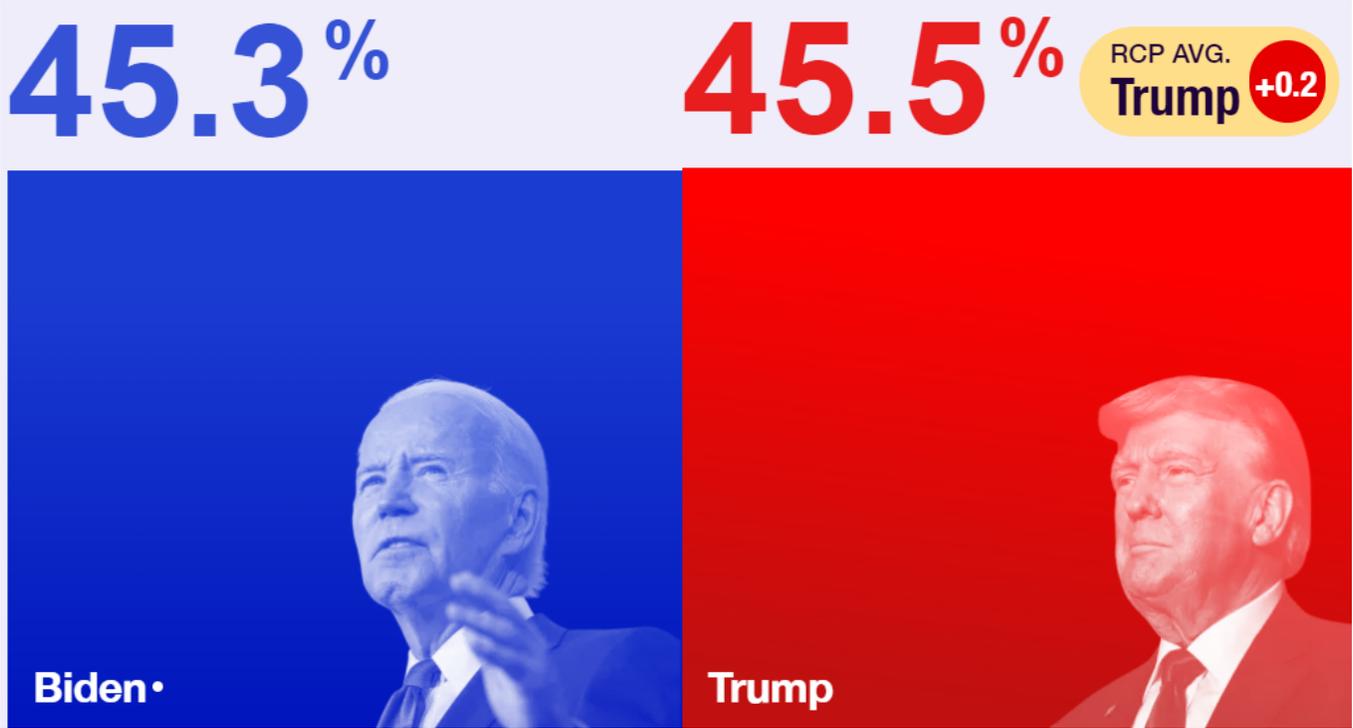


2024 Presidential Elections

Latest Nationwide Polls

Should November's election take place tomorrow, **neither candidate has a commanding nationwide lead**, according to the most recent polling data...

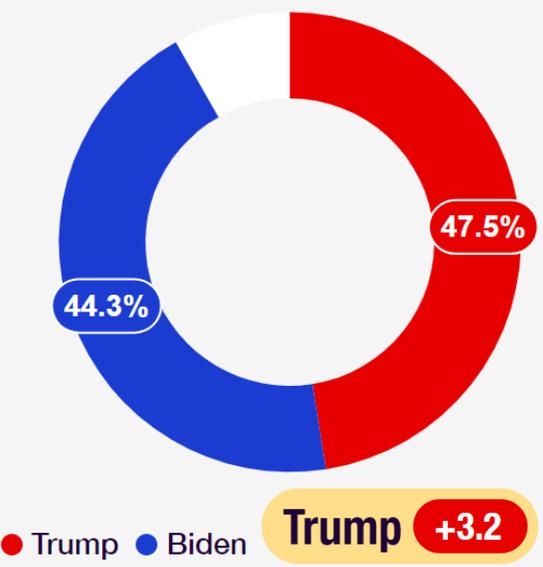
General Election: Trump vs. Biden



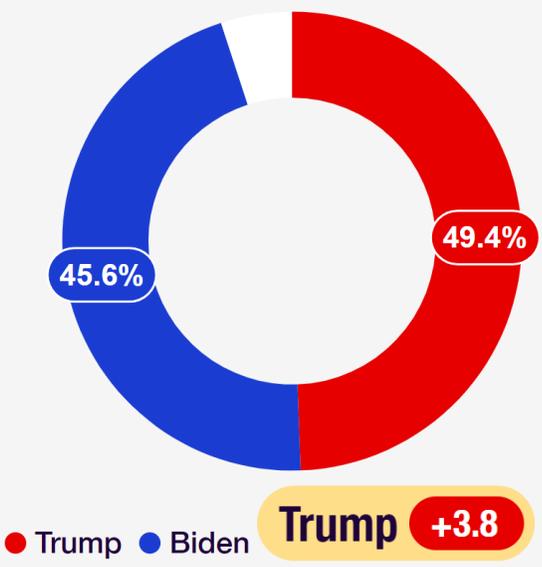
Battleground States

... however, Trump holds a **more significant lead** over President Biden in **key battleground states**.

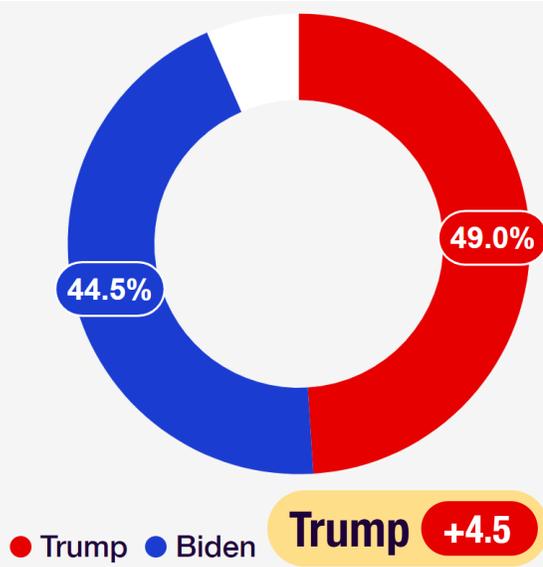
Nevada



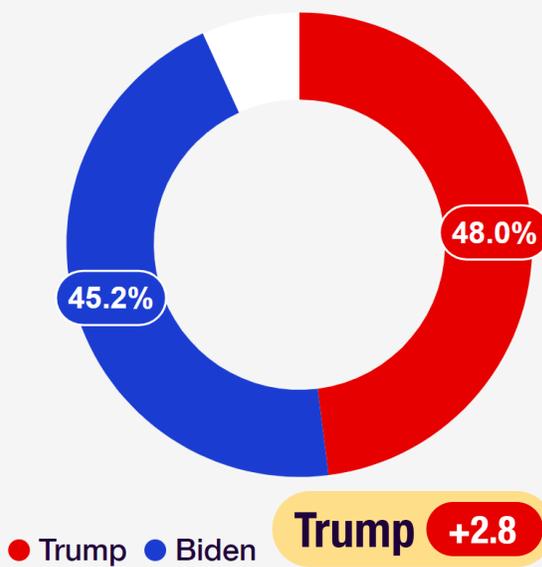
Georgia



Arizona



Michigan



Biden Policy Positions

Biden's healthcare policies prioritize protecting and expanding the Affordable Care Act and lowering healthcare costs. His trade policies emphasize a multilateral approach, diplomacy, and cooperation with allies, while also reassessing Trump-era tariffs and trade agreements.



Healthcare policy

- ✓ Strengthening and expand Medicare, Medicaid, and the Affordable Care Act (ACA)
- ✓ Expanding telehealth services
- ✓ Lowering prescription drug prices and premiums

Trade policy

- ✓ Multilateral and diplomatic approach to deals
- ✓ Strengthened coordination on technology export controls with key stakeholders
- ✓ Climate change and labor standards in trade agreements

Trump Policy Positions

Trump's healthcare policies aimed to repeal and replace the Affordable Care Act while promoting alternative healthcare options. His trade policies focused on unilateral actions such as imposing tariffs and renegotiating trade agreements, particularly with China.



Healthcare policy

- ✓ Repealing the Affordable Care Act (ACA)
- ✓ Expanding telehealth services
- ✓ Expanding health insurance options
- ✓ Lowering prescription drug prices

Trade policy

- ✓ Unilateral approach
- ✓ Tariffs on foreign imports, most significantly on China
- ✓ Renegotiation of trade agreements

Policy Position Comparison

While there are some similarities in the goals of both administrations regarding healthcare and trade, there are **significant differences** in their approaches and priorities.



Agree

- ✓ Expanding telehealth services
- ✓ Lowering prescription drug prices
- ✓ Address trade imbalances and unfair practices, particularly with China



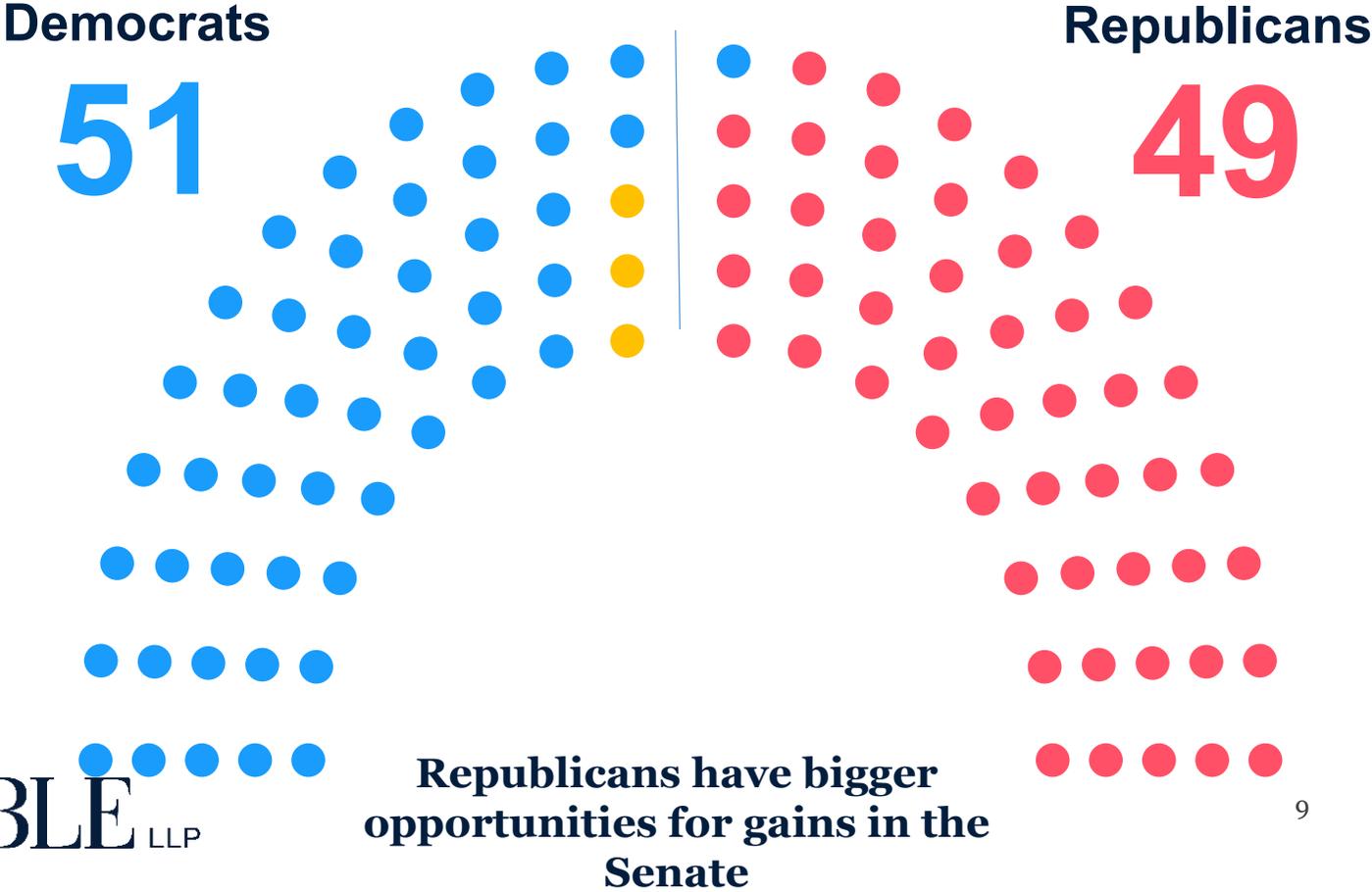
Disagree

- ✓ Unilateral vs. multilateral trade approach
- ✓ Repealing vs. expanding the Affordable Care Act (ACA)
- ✓ Expanding Medicare and Medicaid vs. alternative healthcare options
- ✓ Diplomatic vs. tariff threatening trade approach

Looking ahead – *Senate*

Balance of Power – Senate

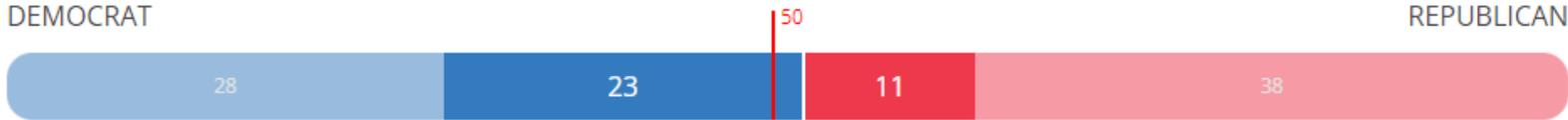
In the Senate, where Democrats cling to a **slim 51-49 edge**, the majority is almost certain to be determined in three deep-red states — Montana, Ohio and West Virginia — where Trump will likely win.



Senate Elections 2024

Elections in November offer **Republicans** a strong opportunity **to control the Senate**. Trump could aid in flipping the Senate to Republicans just by essentially matching his losing effort four years ago.

Democrats have all but given up on West Virginia, with Sen. Joe Manchin (D) retiring and the popular governor, Jim Justice (R), running in a state that Trump won by an average of 40 points the previous two elections. Sens. Sherrod Brown (D-OH) and Jon Tester (D-MT) are facing tough elections in states that Trump won by, respectively, an average of 8 and 18 percentage points.



There are currently **48** Democrats, **49** Republicans and **3** Independents in the Senate. The 3 independents caucus with the Democrats, giving Democrats a 51-49 seat majority.

- **Solid:** These races are not considered competitive and are not likely to become closely contested.
- **Likely:** These races are not considered competitive at this point but have the potential to become engaged.
- **Lean:** These races are considered competitive races, but one party has an advantage.
- **Toss Up:** These races are the most competitive; either party has a good chance of winning.

Senate leadership

Current Chairman: **Sen. Chuck Schumer (D-NY)**

Current Minority Leader: **Sen. Mitch McConnell (D-NY)**



Sen. Schumer

Sen. McConnell

During the 118th Congress:

- *Healthcare* – Passed bills to address healthcare coverage, payment structures, reproductive rights, and Medicare expansion
- *Tax* – Passed bills focused on providing relief to taxpayers, protecting small businesses, and addressing the impact of inflation on the tax code



Looking ahead...

- Schumer becomes Minority Leader. Priorities include:
 - Defending Medicare, Medicaid and the ACA
 - Working with Republicans on lowering the cost of prescription drugs
- Next Majority Leader?

Senate HELP leadership

Current Chair: **Sen. Bernie Sanders (I-VT)**

Current Ranking Member: **Sen. Bill Cassidy (R-LA)**



Sen. Sanders

Sen. Cassidy

During the 118th Congress:



- Legislative activity:
 - Passed several bills aiming to improve mental health services, maternity care, and research on conditions like sickle cell disease and diabetes
 - Strong focus on maternal and child health as well as advancing public health and education

Looking ahead...

- Ranking Member Cassidy would become Chairman of the Committee
 - Former physician who helped treat the uninsured and underinsured
 - Focused on lowering the costs of healthcare

Senate Small Business leadership

Current Chair: **Sen. Jeanne Shaheen (D-NH)**

Current Ranking Member: **Sen. Joni Ernst (R-IA)**



Sen. Shaheen

Sen. Ernst

During the 118th Congress:



- *Healthcare* – Bill to expand childcare services in rural areas (*Expanding Childcare in Rural America Act of 2023*)
- *Tax* – Bill to repeal the estate and generation-skipping transfer taxes (*Death Tax Repeal Act of 2023*)

Looking ahead...

- Ranking Member Ernst becomes chair:
 - Focused on lowering the cost of prescription drugs
 - Introduced a bill to prevent brand-name pharmaceutical companies from stifling competition by blocking the entry of lower-cost generic drugs into the market (*CREATE Act*)
 - Strong advocate for telehealth in rural areas
 - Introduced the *Protecting Rural Telehealth Act* which ensures rural Americans can continue accessing telehealth to receive care

Senate Appropriations leadership

Current Chair: **Sen. Patty Murray (D-WA)**

Current Vice Chair: **Sen. Susan Collins (R-ME)**



Sen. Murray



Sen. Collins

During the 118th Congress:



Looking ahead...

Labor, Health and Human Services

- Subcommittee Chair: **Sen. Tammy Baldwin (D-WI)**
- Subcommittee Ranking Member: **Sen. Shelley Moore Capito (R-WV)**
- *Vision and eye health:* Provides \$2,500,000 and encourages CDC to update national prevalence estimates on vision impairment and eye disease through use of the National Health and Nutrition Examination Survey
 - Recommendation for \$896,549,000 for the National Eye Institute (NEI)

- Ranking Member Collins chairs full committee
- LHHS chair?

Senate Commerce leadership

Current Chair: **Maria Cantwell (D-WA)**

Current Ranking Member: **Ted Cruz (R-TX)**



Sen. Cantwell

Sen. Cruz

During the 118th Congress:



- *Vision and eye health:* Introduced the *Contact Lens Prescription Verification Modernization Act*
 - Strengthens requirements for online sellers of contact lenses to enable electronic transmission of prescriptions and encryption of protected health information.

Looking ahead...

- Ranking Member Cruz would become Chair:
 - Self-proclaimed “leading voice” on repealing the ACA
 - Focused on reforming Health Savings Accounts; allowing the purchase of insurance across state lines
 - Prioritizes the reassessment of the U.S.-China trade relationship
 - Has proposed abolishing the IRS and implementing a simple flat tax



Looking ahead – *House of Representatives*

Balance of Power – House of Representatives

The House majority, with **Republicans clinging to a margin of only four seats**, will most likely get determined by a couple dozen seats in blue-leaning states like New York, New Jersey and California where President Biden will win by comfortable margins, with little effort by ex-president Donald Trump's team to compete there.

House Elections 2024

Elections in November offer **Democrats** a strong opportunity **to control the House**. Biden could help flip the House to Democrats just by performing close to how he did in 2020.

Of the 22 toss-up seats, eight of them are in districts that favored Trump in the 2020 race, with six of those giving him a narrow margin of four percentage points or less.



- **Solid:** These races are not considered competitive and are not likely to become closely contested.
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House of Representatives leadership

Current Speaker: **Rep. Mike Johnson (R-LA)**

Current Minority Leader: **Rep. Hakeem Jeffries (D-NY)**



Speaker Johnson Leader Jeffries

During the 118th Congress:



- Plagued by divided partisan control and infighting within the House Republican majority.
- 27 bills signed into law in 2023, including must-pass bills raising the debt ceiling and keeping the government funded.
- Shrinking Republican majority

Looking ahead...

- Jeffries becomes Speaker of the House. Priorities include:
 - Uphold Biden era health reforms; protect and strengthen Social Security and Medicare.
 - Growing the economy from the middle out; upholding Biden tax code.
- Next Minority Leader?

House Ways and Means leadership

Current Chair: **Rep. Jason Smith (R-MO)**

Current Ranking Member: **Rep. Richard Neal (D-NJ)**



Rep. Smith

Rep. Neal

During the 118th Congress:



- *Tax* – Creating new tax policy geared toward providing tax relief to working families and small businesses (*Tax Relief for American Families and Workers Act*).
- *Health* – Reforming tools at CMS (*Real Time Benefit Tool Implementation Act*).
- *Trade* – Securing U.S. supply chains; countering China's trade and investment agenda.

Looking ahead...

- Ranking Member Neal would become Chairman of the Committee.
- Less protectionist approach toward China.
- Emphasis on China WTO compliance and closing loopholes in customs laws.

House Energy and Commerce leadership

Current Chair: **Rep. Cathy McMorris Rodgers (R-WA)**

Current Ranking Member: **Rep. Frank Pallone (D-NJ)**



Rep. Rodgers

Rep. Pallone

During the 118th Congress:



- *Health* – Increase price transparency throughout health care system (*Lower Costs, More Transparency Act*)

Looking ahead...

- Rep. Rodgers is retiring; succession race includes:
 - Rep. Brett Guthrie (R-KY) – Chair of E&C Health Subcommittee
 - Rep. Bob Latta (R-OH) – Next most senior Republican on E&C
 - Rep. Richard Hudson (R-NC) – Chair of the National Republican Congressional Committee

Looking ahead...

- Ranking Member Pallone to take over if House flips
 - Top Democrat on Health Subcommittee 2007-2014
 - Helped pass Medicare Access and CHIP Reauthorization Act, ACA, and FDA User Fee Reauthorization

House Small Business leadership

Current Chair: **Rep. Roger Williams (R-TX)**

Current Ranking Member: **Rep. Nydia Velazquez (D-NY)**



Rep. Williams

Rep. Velazquez

During the 118th Congress:



- *Health* – Cutting regulatory red tape to keep small, private health care practices afloat; shift away from a top-down, consolidated health care system
- *Tax* – R&D tax incentives for small businesses (*American Innovation and R&D Competitiveness Act*)

Looking ahead...

- Ranking Member Velazquez becomes chair:
 - Previously chaired the Committee from 2006-2011
 - Emphasis on limiting the impact of rising energy costs; reducing regulatory and tax burdens
 - Increasing regulatory authorities to police small business financing and bring enhanced transparency to small commercial originations; stop predatory lending
 - Assisting small firms secure affordable health insurance

House Appropriations leadership

Current Chair: **Rep. Tom Cole (R-OK)**

(as of April 10th; previously Rep. Kay Granger)

Current Ranking Member: **Rep. Rosa DeLauro (D-CT)**



Rep. Cole

Rep. DeLauro

During the 118th Congress:



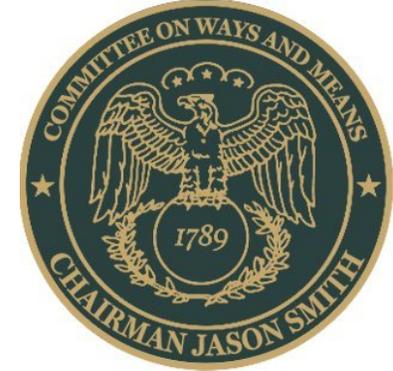
Looking ahead...

Labor, Health and Human Services

- Subcommittee Chair: **Rep. Roger Aderholt (R-AL)**
- Subcommittee Ranking Member: **Rep. Rosa DeLauro (D-CT)**
- FY24 Priorities:
 - Strengthen congressional oversight of agency funds/taxpayer dollars
 - Prevent funding from going to foreign adversaries
 - *Vision and Eye Health* – Recommended \$6.5 billion for relevant activities; emphasis on child and maternal vision health

- Ranking Member DeLauro chairs full Committee
- LHHS Chair?

Legislative plan



Tariffs – House Ways and Means Committee

- Force committee action to pressure USTR on the parity between FDA and USTR
- *Legislation:* Ongoing committee work

Action Item

- *Goal:* Plant questions with the Ways and Means Committee to ask the USTR Ambassador
- *Question:* “Will you commit to considering an exclusion from the Section 3021 tariffs for all Class I medical devices?”

Rep. Steele Letter to the Committee

- *Goal:* The Ways and Means Committee has asked to hear from its Members on this issue.
 - It would be good to have Rep. Steele send a letter to the Committee considering she has been very involved in the medical device space.
- *Action:* We are meeting with her staff on Thursday 4/18.

Buy American Act

- *Goal:* Force the FTC to establish a more defined metric on “Made in the USA” claims
- *Language:* Amend 15.U.S.C. 45a on Made in USA to read: “The Commission (FTC) must consider an appropriate percentage of imported components which may be included in the product and still be reasonably consistent with such decisions and orders.”
- *Possible Champions:*
 - Mike Kelly (PA)
 - John Curtis (UT)
 - Gary Palmer (AL)
 - Gus Bilirakis (FL)
 - Dan Crenshaw (TX)



Tariffs – Action by Committee

House Armed Services Committee (HASC)



- *Goal:* Open the tariff exclusion process for as many Vision Council Members as possible.
- *Language:* Any supplier, manufacturer, or distributor of eyewear or eye safety technology with a Department of Defense (DOD) contract are to be excluded from Section 301 duties.
- *What We Need:* Comprehensive list of Vision Council Members that supply the DOD -- We can then cross reference with Members of Congress on HASC.

House Small Business Committee



- *Goal:* Have the House Small Business Committee hold a hearing on the disparate impact the Section 301 duties are having on domestic small businesses.
- *Possible Champions:*
 - Marc Molinaro (NY)
 - Wesley Hunt (TX)
 - Beth Van Duyne (TX)
 - Nick LaLota (NY)
 - Aaron Bean (FL)
 - Maria Salazar (FL)
 - Dan Meuser (PA)

Tariffs – House Appropriations Committee



- Commerce, Justice, Science Subcommittees have jurisdiction over the USTR.
- *Goal:* Target language in the House Report that holds USTR’s accountable.
- *Language:* “We require the USTR to follow the FDA medical device classification system when determining exclusions for Section 301 duties.”
- *Possible Champions:*
 - Hal Rogers (KY)
 - Mike Garcia (CA)



VisionPAC

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Overview

VisionPAC is a non-partisan political action committee that supports federally elected officials in Washington, DC, who champion The Vision Council's agenda for vision care access, products, and business interests.

Why?

- PACs provide the tools for members to collectively advocate for vision community interests with elected officials more effectively than personal donations.

Contributions?

- Individuals can voluntarily contribute up to \$5,000 per year to VisionPAC, and federal law permits the PAC to contribute \$5,000 per election cycle to a candidate, while individuals can only donate up to \$2,900 per election.



Overview



Which candidates?

- VisionPAC evaluates candidates based on their history, voting record, and committee positions relevant to the vision care agenda, prioritizing effective use of contributions, and operates on a bipartisan basis without favoring any political party.

To join VisionPAC or learn more please scan here:



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Why ask only members?

- The FEC limits who VisionPAC can solicit, to what is known as the “solicitable class.”
- The solicitable class includes:
 - The executive/administrative personnel and stockholders of member corporations who have given VisionPAC prior approval to be solicited.



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