



11/05/2021

The Honorable Chair Patrick J Leahy
The Honorable Ranking Member Richard Shelby
Members of the United States Senate Appropriations Committee
S-128
The Capitol
Washington DC 20510

Dear Chairman Leahy, Ranking Member Shelby, and the distinguished members of the Senate Appropriations Committee,

The Coalition for Contact Lens Consumer Choice has been working for years to protect and strengthen the rights of the close to 50 million Americans in this country who wear contact lenses. From think tanks to consumer and taxpayer groups to companies who compete against each other in the marketplace, we have come together to promote competition in the marketplace and to ensure consumers and taxpayers have access to lower prices, better service and the ability to shop for lenses in the place of their choosing.

For years we have fought off the entrenched interests of the optometric lobby, who have attempted to roll back consumer protections and undermine the bipartisan Fairness to Contact Lens Consumers Act (FCLCA), that Congress passed on a basis in 2003 and the FTC's recently updated Contact Lens Rule which went into effect at the end of 2020. Unlike medical doctors, who are prohibited from profiting from their prescriptions, optometrists are exempt from this prohibition.

One strategy that the optometric lobby has employed to preserve this advantage is to insert report language in the FSGG Appropriations bill that dilutes the vital consumer protections that close to 50 million contact lens consumers count on. For the past five years, they have not succeeded in doing so. This year, while we were successful in striking a careful fair balance in the House language, we were unable to remove some very troubling words in the Senate FY 22 FSGG report.

We are deeply concerned that the report language that has been added to the Senate FY 22 Financial Services and General Government Appropriations bill regarding contact lenses, contains language about so-called "patient safety gaps" designed to weaken the FCLCA and the Contact Lens Rule. These so-called "gaps" are fictitious.

The FTC and their professional, nonpartisan staff conducted a thorough, comprehensive and transparent rule review process over the course of the past five years that included numerous options for public comments and an FTC workshop where leading experts testified. In the end, they came down squarely on the side of consumers, taxpayers, competition, and choice and rejected these so-called patient safety gap arguments from the optometric lobby.

We respectfully ask that the Senate Appropriations Committee do the same and revert to report language in House FY 22 FSGG spending bill as you complete negotiations over final FY 22 Appropriations language.



COALITION *for* **CONTACT LENS
CONSUMER CHOICE**

Consumers and taxpayers are counting on your leadership to protect their rights, ensure competition in the marketplace and to protect both a law and a Rule from the FTC that enjoys wide bi-partisan support in Congress and among millions of Americans.

Thank you for your leadership, your consideration, and your support. Please don't hesitate to reach out to any of our organizations if you have questions as you consider this matter.

The Coalition for Contact Lens Consumer Choice

Cc: Senate Leadership

