

July 31, 2017

WASHINGTON UPDATE FOR UNPA MEMBERS

ACA Repeal/Replace: In a spectacular end to the legislative equivalent of a roller coaster ride, last week Senator John McCain (R-AZ) raised, then dashed, Republican hopes of re-writing or repealing the Affordable Care Act in a stunning defeat to GOP leadership. As you may be aware, the Arizona Senator was recently diagnosed with an almost-always-fatal brain tumor, in fact the same type of rare cancer that took McCain's often-ally Senator Ted Kennedy in 2009. Despite being in Arizona for treatment, McCain flew to DC in a much publicized, much heralded journey on Tuesday, just in time to cast the deciding vote on a parliamentary measure that would allow the Senate to take up a repeal bill and thus move it forward.

After three days of wrangling on amendments designed to get the requisite majority for passage, at almost two a.m. on Friday morning, the Senate finally took the vote on passage. Vice President Pence waited in the wings to cast the decisive vote to break a 50-50 tie. But as the votes were called, cheers erupted from the Democratic side when McCain gave a thumb's down and a quiet "no." Joining Alaska Senator Lisa Murkowski (R-AK) and Maine Senator Susan Collins (R-ME), both of whom were expected to vote no, McCain's vote meant that effort was defeated 49-51.

A dejected Senate Majority Leader, Senator Mitch McConnell (R-KY), took the floor and said, "It's time for our friends on the other side to tell us what their ideas are and we'll see how the American people respond. Our only regret is that we did not achieve what we set out to accomplish." It's anyone's guess what happens next on the ACA, and for now it appears Congress will turn to tax reform and other legislation.

DS Legislation: There are some takeaways for the dietary supplement industry from last week's activities. It is obvious that the Republican majority is struggling to find enough consensus to pass substantial legislation in an increasingly partisan atmosphere. That said, as the September 30 end of the fiscal year rapidly approaches, enacting government funding bills is a must-do exercise, and we are always vulnerable to riders. The heightened partisanship also will be a challenge for for passage of non-controversial proposals that the industry supports (see discussion of SNAP bill to follow).

Healthcare Savings Accounts: Buried in the last version of the ACA repeal bill was language to expand dramatically limits on HSAs and FSAs. A key priority of the industry is allowing purchases of vitamins and minerals to be made with HSA/FSA accounts. The Senate Republicans' reliance on HSAs does offer us the opportunity to pursue our legislative goal of expanding eligibility to vitamin/minerals.

Tea Leaves for Tax: . All Washington was excited last week when there was word that the "Big Six" were going to make an announcement on tax reform. They are: the Speaker of the House; the Chairman of Ways and Means, the tax writing committee; the Senate Majority Leader; the

Chair of Senate Finance Orrin Hatch, and from the Administration Treasury Secretary Steve Mnuchin and Director of the National Economic Council Gary Cohn.)

When the release finally came out on Thursday afternoon, the statement turned out to be six paragraphs, long on commitment, but short on details. Indeed, beyond stating a commitment to reform, there was one detail of keen interest to UNPA members: recognition that the controversial border adjustment tax was dead. Where this goes now after the ACA repeal defeat is anyone's guess as congressional Republicans scramble to find a new direction, but it is pretty clear the "BAT" is dead.

SNAP and WIC: The DS industry has been pursuing expanded coverage of DS products in government-funded food programs. There are two developments on that front. First, Rep. Mike Rogers has announced he will introduce the "SNAP Vitamin and Mineral Improvement Act of 2017" (SNAP is what they are calling food stamps now) shortly after the August recess. The bill would allow purchase of multivitamins in SNAP. The industry has been working with Rogers and will support him in an effort to secure cosponsors. A copy of the "dear colleague" letter Rogers sent to his colleagues is included below.

From: e-Dear Colleague

Sent: Monday, July 24, 2017 9:43 AM

To: Wilson, Haley

Subject: e-DearColleague: Be an Original Cosponsor of the SNAP Vitamin and Mineral Improvement Act of 2017

Be an Original Cosponsor of the SNAP Vitamin and Mineral Improvement Act of 2017

Sending Office: Honorable Mike Rogers

Sent By: Haley.Wilson@mail.house.gov

Request for
Cosponsor(s)

Be an Original Cosponsor of the SNAP Vitamin and Mineral Improvement Act of 2017

Supporting Organizations: Council for Responsible Nutrition

Sponsor: Rogers (AL)

Dear Colleague:

Today, I invite you to become an original cosponsor of the SNAP Vitamin and Mineral Improvement Act of 2017 which I will introduce before the August recess. This act adds an additional healthy option for SNAP participants by removing the prohibition against using benefits to purchase multivitamin-mineral supplements, **while adding no additional costs to the SNAP program.**

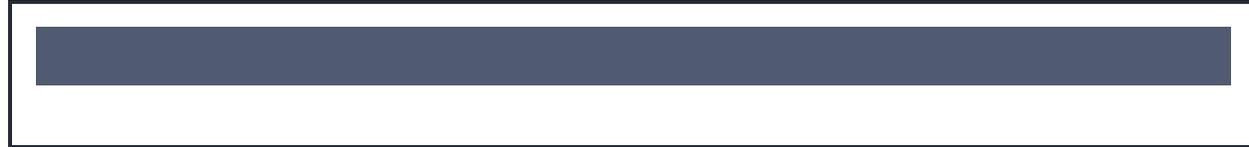
Did you know that the dietary patterns of millions of Americans do not comply with the daily intakes of vitamins and minerals recommended by the Food and Drug Administration? Data from the 2015-2020 Dietary Guidelines Advisory Committee Scientific Report show that calcium, magnesium, and vitamins A, D, E, and C are nutrients that are consumed below the recommended levels. Iron is also under-consumed by adolescent girls and many women. Infants who do not receive adequate intakes of iron and iodine may suffer from impaired mental and behavioral development. Low-income families and older Americans are at higher risk for inadequate intake of nutrients.

Fortunately, a low-cost daily multivitamin provides shortfall nutrients and has been shown to help Americans safely fill nutrient gaps. However, one barrier exists for low-income families.

SNAP recipients have numerous food choices, but they are currently **not allowed** to use their benefits to purchase multivitamins. This bill would fix that oversight. All dietary supplements are required to meet safety and quality standards established by the Food and Drug Administration, and as such, they should be available to purchase. SNAP users deserve the freedom of choice for healthy options. I urge you to join me in cosponsoring this bill. If you or your staff have any questions about this bill, please have them contact Haley Wilson on my staff at 202-225-3261.

Mike Rogers

Member of Congress



Finally, on Friday, July 28, Rep. Dave Brat (R-VA) dropped in a bill, the “WIC Improvement Act,” that would pave the way for access to multivitamin dietary supplements as part of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). The bill is intended to give low income families the opportunity to access high nutrient, low-cost products like multivitamins. This legislative effort is a bit more complicated than the SNAP proposal; the way WIC is written in statute, a change on covered products cannot be made until the National Academies of Sciences studies the need for this change.