



601 Pennsylvania Avenue, N.W.
 Suite 900, South Building
 Washington, D.C. 20004-2601
 Tel: 202-220-3172 Toll-Free: 1-866-360-7197
 Email: contact@nrln.org Website: www.nrln.org Facebook:
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March 7, 2023

The Honorable Chuck Schumer, Majority Leader
 United States Senate
 711 Hart Senate Office Building
 Washington, DC 20510-1304

Dear Majority Leader Schumer:

On behalf of the more than 2 million retirees and future retirees who compose the National Retiree Legislative Network (NRLN), I have commend Committee on the Judiciary Chairman Dick Durbin on the work of his Committee to report out of Committee on March 1, 2023, four very important bills. The NRLN encourages you to call for a vote on the bills very soon.

The bills the Committee members believed are important are also important to NRLN members. The bills are:

S.113, Prescription Pricing for the People Act of 2023 requires the Federal Trade Commission (FTC) to examine the effects of consolidation in the Pharmacy Benefit Managers (PBM) industry on pricing, as well as other potentially abusive behavior by PBMs. The bill instructs the FTC to provide policy recommendations to Congress to improve competition and protect consumers. While the FTC has initiated a 6(b) study into PBM business practices, it is important the FTC conduct a thorough and timely study of the pharmaceutical supply chain. Also, the bill bans deceptive unfair pricing schemes, prohibits arbitrary claw backs of payments made to pharmacies and requires PBMs to report to the FTC how much money they make through spread pricing and pharmacy fees.

S.142, Preserve Access to Affordable Generics and Biosimilars Act would limit anticompetitive “pay-for-delay” deals that prevent or delay the introduction of affordable follow-on versions of branded pharmaceuticals. Pay-for-delay deals happen when pharmaceutical drug companies pay brand name companies to delay the introduction of cheaper substitutes, increasing the cost of prescriptions and imposing significant costs on America’s healthcare system. The legislation covers pay-for-delay deals affecting biosimilar and interchangeable biologics in addition to generic drugs.

S.148, Stop STALLING (Significant and Time-wasting Abuse Limiting Legitimate Innovation of New Generics) Act would deter pharmaceutical companies from filing sham petitions with the Food and Drug Administration (FDA) in order to interfere with the approval of generic and biosimilar medicines that compete with their own brand products, a tactic that delays patient access to affordable medications. The bill would also give the Federal Trade Commission (FTC) enhanced authority to take action against those who file sham petitions.

S.150, Affordable Prescriptions for Patients Act of 2023. Some pharmaceutical manufacturers have been deliberately abusing the patent system to prevent potential competitors from entering the marketplace through tactics like “product hopping” and abuse of the “patent dance” process. This bill would stop abuses of America’s patent system and pave the way for generics and biosimilars to compete with branded drugs and aggressively lower drug prices for consumers in the process. The Federal Trade Commission (FTC) would be authorized to put an end to product hopping by drug manufacturers by imposing limits on patent litigation involving biological products.

If you or your staff would like to know more about why we support the above bills, let me know or contact Alyson Parker, Executive Director in Washington, DC at executivedirector@nrln.org or call 813-545-6792.

Sincerely,



Bill Kadereit, President
National Retiree Legislative Network
Email: president@nrln.org
Phone: 972-722-5928