



# NRLN Review

**NRLN**  
NATIONAL RETIREE  
LEGISLATIVE NETWORK

## **NRLN Review, Summary for March 2023**

The NRLN Review provides a monthly report on National Retiree Legislative Network actions, events in Congress and important retirement news.

### **NRLN and PRC Launch 2023 Pension De-Risking Proposal to Safeguard Annuities**

After a successful 2022 when legislation included three NRLN proposals, Bill Kadereit announced in a President's Forum message on March 28 that NRLN and the Pension Rights Center (PRC) have developed a [de-risking whitepaper](#) solution and a draft statute. The PRC joined to offer added input, legal advice, edits and support. The joint NRLN/PRC team then produced a set of [talking points and included our revised statute proposal](#) that would require that parties to an annuitization must reinsure annuities through a certified third-party insurer. This would be a binding agreement to follow the assets and therefore applies to successor firms and would protect plan participants and their beneficiaries. It would apply to all defined benefit pension plans protected by Employee Retirement Income Security Act (ERISA).

The NRLN's success with legislation in 2022 included: (1) single payer plans Annual Funding Notice modifications; (2) Changes to Section 420 transfers that can protect retiree healthcare and life insurance, and (3) If a pension plan sponsor does recoupment of over payments, it must be done within three years of initial overpayment; it may not recoup more than 10% of overpayment per year, and it may not recoup against a beneficiary.

### **NRLN Action Alert – Two Medical Bills Should Be Passed**

An NRLN Action Alert was issued on March 7. It requested that NRLN members ask their U.S. Representatives to co-sponsor:

**H.R.35, Close the Medigap Act of 2023** which prohibits discriminatory pricing and coverage denials for patients seeking supplemental Medigap coverage. The bill expands "guaranteed issue rights" to require that a Medigap policy be offered to any eligible applicant without regard to health status. The NRLN had lobbied for this legislation.

**H.R.549, Metastatic Breast Cancer Access to Care Act.** This bill would eliminate the 5-month waiting period for Social Security Disability Insurance (SSDI) benefits and the subsequent 24-month waiting period for Medicare coverage for individuals with metastatic breast cancer.

The Action Alert also requested that NRLN members ask their U.S. Senators to introduce companion bills for **H.R.35** and **H.R.549**.

If you have not responded to the Action Alert go to <https://nrln.org/action-alert/#/home/> and click on TAKE ACTION.

## **NRLN Legislative Committees' Work**

The NRLN's Legislative Advisory Committee (LAC) composed of Judy Stenberg, Chairwoman, Deb Morrisett, Joe Mazzei and Al Duscher submitted the following bills for the Legislative Action Planning Committee (LAPC) to consider for action during its March 6 conference call. The LAPC includes Bill Kadereit, Chairman, Judy Stenberg, Alyson Parker, Martha Deahl and Ed Beltram. The LAPC's actions included:

**H.R.35, Close the Medigap Act of 2023.** When Congress passed the Affordable Care Act (ACA) in March 2010, healthcare insurance companies could no longer deny Americans under age 65 insurance coverage due to a pre-existing condition. That protection was not extended in the ACA to seniors on Medicare. **H.R.35** prohibits discriminatory pricing and coverage denials for patients seeking supplemental Medigap coverage. The bill expands "guaranteed issue rights" to require that a Medigap policy be offered to any eligible applicant without regard to health status.

**H.R.549, Metastatic Breast Cancer Access to Care Act** would eliminate the 5-month waiting period for Social Security Disability Insurance (SSDI) benefits and the subsequent 24-month waiting period for Medicare coverage for individuals with metastatic breast cancer. In 2022, it is estimated that 43,780 people died from breast cancer in the United States – 90% as a result of metastatic breast cancer.

-- An NRLN Action Alert was issued on March 7, 2023. It asked Representatives to be a co-sponsor of **H.R.35** and **H.R.549**, It asked Senators to introduce companion bills.

**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.

-- On March 7, 2023, NRLN President Bill Kadereit sent a letter to Chairman Dick Durbin (IL), Committee on the Judiciary, commending him and the members of the Committee who voted to report out of Committee on March 1, 2023, the above four bills: **S.113, S.142, S.148** and **S.150**. Chairman Durbin was asked to follow up his Committee's efforts by encouraging Senate Majority Leader Chuck Schumer (NY) to call for votes on the bills very soon.

-- On March 7, 2023, NRLN President Bill Kadereit sent a letter to Senate Majority Leader Chuck Schumer (NY) asking him to call for votes very soon on **S.113, S.142, S.148** and **S.150**.

The six bills have been posted on the NRLN's website's bills page which feeds the NRLN Report Cards. The letters to Chairman Durbin and Majority Leader Schumer have been posted on the Letters to Washington webpage in NRLN Archives at <https://nrln.org/letters-to-washington-2/> .

## Key News Articles Posted in February

During March 109 links to news articles related to retirement issues were researched and posted daily IN THE NEWS on the NRLN website home page. The headlines below are links to the articles. Or read the articles at [www.nrln.org](http://www.nrln.org) under IN THE NEWS in the right column. Scroll down the right column and click on the headline to access the article you want to read. Below are some of the headline links.

[\*\*A popular sweetener may be linked to heart attack risk, study says\*\*](#) – Mar 1

[\*Inside FDA's 'milestone' decision for at-home diagnostic tests\*](#) – Mar 1

[\*\*Eli Lilly will cut insulin prices by 70% and cap costs at \\$35 a month\*\*](#) – Mar 1

[\*Product safety commission requests information on gas stoves, taking possible step toward regulation\*](#) – Mar 1

[\*\*Medicare Special Needs Plans: Coverage and Eligibility\*\*](#) – Mar 1

[\*Nearly 70 percent of motorists nervous about self-driving cars: AAA survey\*](#) – Mar 2

[\*\*What 11 minutes of exercise a day could do for your health\*\*](#) – Mar 3

[\*Charted: The 'alarming' rise in colon cancer rates among younger adults\*](#) – Mar 3

[\*\*Senate group eyes Social Security changes as Biden hits Republicans over benefits\*\*](#) – Mar 3

[\*Sen. Joe Manchin floats 'better program' for future Social Security, Medicare beneficiaries\*](#) – Mar 3

[\*\*Though Often Prescribed, Diuretic Pills May Not Prevent Kidney Stones\*\*](#) – Mar 6

[\*A combined COVID-19 and flu shot likely won't be ready in 2023\*](#) – Mar 7

[\*\*How to decide between a virtual and in-person visit\*\*](#) – Mar 7

[\*Economists, activists warn lawmakers of looming debt default if Congress cannot agree to raise the debt ceiling\*](#) – Mar 7

[\*\*Biden budget proposal would increase Medicare tax for Americans earning more than \\$400K\*\*](#) – Mar 7

[\*FDA-Mandated Tweak to Common Rx Painkillers May Have Saved Lives\*](#) – Mar 8

[\*\*House unanimously sends COVID-19 origins declassification bill to Biden's desk\*\*](#) – Mar 10

[\*House conservatives issue new list of demands that could upend debt ceiling talks\*](#) – Mar 10

[\*\*Prostate Cancer Treatment Can Wait for Most Men, Study Finds\*\*](#) – Mar 11

[\*More Retiree Health Plans Move Away From Traditional Medicare\*](#) – Mar 11

[\*\*New Nasal Spray for Migraines Approved by FDA\*\*](#) – Mar 13

[\*Veterans Affairs will cover pricey experimental Alzheimer's drug\*](#) – Mar 14

[\*\*Novo Nordisk becomes second company to announce cuts to US insulin prices\*\*](#) – Mar 14

[\*Biden administration names first round of drugs to face Medicare rebate penalties\*](#) – Mar 15

[\*\*Denied by AI: How Medicare Advantage plans use algorithms to cut off care for seniors in need\*\*](#) – Mar 15

[\*Biden, divided Congress seek common ground on health care reforms\*](#) – Mar 17

[\*\*Medicare is being privatized right before our eyes\*\*](#) – Mar 17

[\*Biden uses first veto to defend rule on ESG investing\*](#) – Mar 20

[\*\*Drug shortages are rising and pose a national security risk, new report warns\*\*](#) – Mar 22

[\*Democrats blast Moderna CEO over plans to quadruple price of COVID-19 vaccine\*](#) – Mar 22

[\*\*Study: Vaccination Cuts Risk of Long COVID-19 Nearly in Half\*\*](#) – Mar 23

[\*75% of Medicare beneficiaries worry about affording costs beyond premiums. Here's how high out-of-pocket costs can go\*](#) - Mar 24, 2023

**Senate Dems Blast Medicare Advantage Giants Over ‘Exorbitant’ CEO Pay** – Mar 24

*How Cigna Saves Millions by Having Its Doctors Reject Claims Without Reading Them* – Mar 25

**Congressman Seeks to Plug ‘Shocking Loophole’ Exposed by KHN Investigation** – Mar 28

*Here is where the debate on Social Security and Medicare stands in Congress* – Mar 29

**Pharmacy benefit managers caught in crosshairs of battle to reduce drug costs** – Mar 30

*Medicare, Social Security Could Fall Short Over Next Decade* – Mar 31

**Republicans divided over tackling Medicare Advantage overpayments** – Mar 31