



NRLN Review



NRLN Review, Summary for April 2023

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

NRLN President's Forum – Protecting Spouse's Rights to Retirement Benefits

An NRLN President's Forum message on April 5 reported that the NRLN had co-signed a letter with more than a dozen other advocacy organizations to the Internal Revenue Service/Treasury Department's opposing its proposed rule to eliminate the physical presence requirement for the witnessing of spousal consents to surrender the spouse's rights to retirement benefits.

The federal government's proposal would sacrifice critical legal protections for spouses' (most often a woman) retirement security. The groups signing the letter believe IRS/Treasury needs to strengthen spousal protections applicable to both in-person and, if permitted, remote witnessing of spousal consents.

The Employee Income Retirement Security Act (ERISA) provides that the spouses of retirement plan participants will automatically receive a surviving spouse pension from a traditional defined benefit pension plan and must be the named beneficiary of a 401(k)-style retirement account, unless the spouse provides witnessed, signed consent to give up those rights. This requirement for properly witnessed spousal consent to surrender guaranteed rights to retirement benefits has been a cornerstone of protecting spousal pension rights for nearly four decades and must be retained.

Congress Needs to Strengthen Funding for Social Security and Medicare

An email to NRLN members on April 3 provided key information from the annual Social Security and Medicare Trustees' reports issued March 31, 2023. The Social Security and Medicare programs both continue to face significant financing issues.

Based on the Trustees' best estimates, this year's reports show that:

-- **The Social Security Old-Age and Survivors Insurance (OASI) Trust Fund** will be able to pay 100 percent of total scheduled benefits until 2033, one year earlier than reported last year. At that time, the fund's reserves will become depleted and continuing program income will be sufficient to pay 77 percent of scheduled benefits.

-- **The Disability Insurance (DI) Trust Fund** is projected to be able to pay 100 percent of total scheduled benefits through at least 2097, the last year of this report's projection period. By comparison, last year's report projected that the DI Trust Fund would be able to pay scheduled benefits through at least 2096, the last year of that report's projection period.

-- **The Hospital Insurance (HI) Trust Fund (Medicare Part A)** will be able to pay 100 percent of total scheduled benefits until 2031, three years later than reported last year. At that point, the fund's reserves will become depleted and continuing program income will be sufficient to pay 89 percent of total scheduled benefits.

-- **The Supplemental Medical Insurance (SMI) Trust Fund (Medicare Part B)** is adequately financed into the indefinite future because, unlike the other trust funds, its main financing sources--premiums on enrolled beneficiaries and federal contributions from the Treasury--are automatically adjusted each year to cover costs for the upcoming year. Although the financing is assured, the rapidly rising SMI costs have been steadily increasing demands on beneficiaries and general taxpayers.

The Trustees stated lawmakers have many options for changes that would reduce or eliminate the long-term financing shortfalls. As did the Trustees, the NRLN continues to urge Congress to consider options to strengthen the funding for both Medicare and Social Security. With each year that lawmakers do not act, the public has less time to prepare for the changes to the programs.

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 April 3 conference call. The LAPC includes Bill Kadereit, Chairman, Judy Stenberg, Alyson Parker, Martha Deahl and Ed Beltram. The LAPC's actions included:

H.R.704/S.260, Promoting Access to Diabetic Shoes Act, would improve diabetic patients' access to therapeutic shoes by allowing nurse practitioners (NPs) and physician associates/physician assistants (PAs) - who often act as sole primary care providers for many patients with diabetes – to prescribe this important health care device. Diabetes can be a serious disease that can lead to health complications including the amputation of toes, feet, or legs. In addition to managing the disease through physical activity, diet, and medication, diabetic patients often benefit from the use of therapeutic shoes, which are intended to prevent complications like foot ulcers, calluses, or amputations.

-- Letters requesting Committee votes on the bills were sent on April 3, 2023, to Committee on Ways and Means, Chairman Jason Smith (MO-06) Ranking Member Richard Neal (MA-01) and Committee on Energy and Commerce, Chairwoman Cathy McMorris Rodgers (WA-05) Ranking Member Frank Pallone (NJ-06) and Committee on Finance Chairman Ron Wyden (OR) Ranking Member Mike Crapo (ID).

H.R.875, Protecting Social Security and Medicare Act and **S.213, Keep Our Promises Act**, would in the event of a debt limit crisis, ensure that Social Security and Medicare payments would be made in full and timely by authorizing the Treasury Department to issue debt obligations even though the debt limit had been reached.

-- Letters requesting Committee votes were sent on April 3, 2023, to Committee on Ways and Means, Chairman Jason Smith (MO-06) Ranking Member Richard Neal (MA-01) and Committee on Finance Chairman Ron Wyden (OR) and Ranking Member Mike Crapo (ID).

H.R.977/S.470, Patient Access to Higher Quality Health Care Act of 2023, would repeal the Affordable Care Act's ban on new physician owned hospitals. Since 2010, a provision in Affordable Care Act has prohibited physicians from opening new hospitals or expanding hospitals they already own. Lawmakers inserted this disastrous provision because of a concerted campaign from hospital lobbyists to ban highly skilled physicians from offering an affordable alternative to expensive hospital care. As a result of the big hospitals' anti-patient lobbying efforts, the ban imposed an immediate

halt on the construction of high-quality hospitals. Several analysis by Physician Hospitals of America found that 75 new hospitals and 45 hospital expansion projects were terminated by this policy. Furthermore, this policy prevented 30,000 new healthcare jobs from opening across the country.

-- Letters requesting Committee votes were sent on April 3, 2023, to Committee on Ways and Means, Chairman Jason Smith (MO-06) Ranking Member Richard Neal (MA-01) and Committee on Energy and Commerce, Chairwoman Cathy McMorris Rodgers (WA-05) Ranking Member Frank Pallone (NJ-06) and Committee on Finance Chairman Ron Wyden (OR) Ranking Member Mike Crapo (ID).

S.663, Metastatic Breast Cancer Access to Care Act, would waive 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.

-- On March 7, 2023, the NRLN issued an Action Alert on **H.R.549, Metastatic Breast Cancer**, asking Representatives to be a co-sponsor of the bill and asking Senators to introduce a companion bill. Unknown to the LAC and LAPC **S.663, Metastatic Breast Cancer Access**, was introduced on March 6, 2023. Letters were sent on April 3, 2023, requesting a Committee vote on **S.663** in the Committee on Finance Chairman Ron Wyden (OR) Ranking Member Mike Crapo (ID).

H.R.735, Susan Muffley Act of 2023, would provide backpay for the pension payments that should have been received for the past 13 years via a lump sum payment equivalent to the difference between any benefits that have paid out and what retirees would have been paid without limitations, plus 6 percent interest. It would also restore full pension payments going forward as if never disrupted. There are more than 21,000 Delphi retirees impacted by this legislation.

-- The NRLN will coordinate with the Delphi Salaried Retirees Association and the NRLN Delphi Retirees Chapter on when to send an NRLN Action Alert asking NRLN members to urge their Representative to support **H.R.735**. During the previous 117th Congress the House passed the **Susan Muffley Act** but it was not passed by the Senate.

H.R.831, Medicare Medically Necessary Dental Care Act of 2023, would provide coverage under Medicare part B for medically necessary dental procedures in conjunction with treatment of patients requiring prosthetic heart valve replacement and organ transplantation or the diagnoses of cancer of the head or neck, lymphoma, and leukemia.

-- The LAPC decided to table **H.R. 831** and the LAC will review and make a recommendation to the LAPC on **S.842, Medicare and Medicaid Dental, Vision, and Hearing Benefit Act of 2023**, which would enable more Medicare and Medicaid beneficiaries to access comprehensive dental, vision, and hearing coverage.

The bills have been posted on the NRLN's website Bills webpage at: <https://nrln.org/legislative-action-network/#/bills> .

The letters have been posted in Archives on the NRLN website in Letters to Washington at: <https://nrln.org/letters-to-washington-2/> .

Key News Articles Posted in February

During April 28 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 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.

[Government to launch \\$300M Alzheimer's research database](#) – Apr 3

['Bending the Knee' to Insurance Lobby, Biden Admin Delays Medicare Advantage Reforms](#) – Apr 1

[What Raising the Retirement Age to 70 Would Mean for You](#) – Apr 4

[Insolvency is on the horizon for Social Security, Medicare funds, expert says. These changes may help](#) – Apr

5

[Most Oppose Social Security, Medicare Cuts: AP-NORC Poll](#) – Apr 7

['Medicare Advantage Has Never Delivered on the Promise'](#) – Apr 5

[Affordable health care, drug use grow as top American concerns: Gallup](#) – Apr 6

[7 Social Security Mistakes to Avoid](#) – Apr 10

[Congress Bill Designed to Help Prevent Elder Financial Fraud](#) – Apr 12

[Final Rule Makes Important Changes to Medicare Advantage and Part D](#) – Apr 13

[Merck-Moderna vaccine helps reduce chances of skin cancer](#) – Apr 17

[New COVID vaccine guidance explained: Are you due for a shot?](#) - Apr 18

[The New Road to Retirement](#) – Apr 20

[Lawmakers line up behind plan to save Medicare](#) - Apr 24

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[The shortage of injectable penicillin is the latest in a series of drug supply issues](#) - Apr 27

[Mediterranean diet may protect against diabetes more than realized, study finds](#) – Apr 27

[CDC Data: Omicron Subvariant 'Arcturus' Responsible for 12% of New COVID-19 Cases](#) – Apr 28

[General Mills Issues Flour Recall After Salmonella Discovery](#) – Apr. 29