



# NRLN Review

**NRLN**  
NATIONAL RETIREE  
LEGISLATIVE NETWORK

## NRLN Review, Summary for September 2021

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

### **Social Security and Medicare Trustees' Reports**

In his President's Forum message on September 3, NRLN President covered key elements of the annual reports by Social Security and Medicare Trustees.

This year the total annual cost of Social Security is projected to exceed the program's total annual income, for the first time since 1982.

The Trustees projected the Social Security Old-Age and Survivors Insurance (OASI) trust fund will deplete its reserves by 2033, one year sooner than last year's estimate, with 76 percent of benefits payable at that time. The Social Security Disability Insurance (SSDI) trust fund will become insolvent by 2057, eight years earlier than last year's estimate, with 91 percent of benefits still payable.

The year when the combined trust fund reserves are projected to become depleted, if Congress does not act before then, is 2034 – one year earlier than last year's projection. At that time, there would be sufficient income coming in to pay 78 percent of scheduled benefits.

According to the Medicare Trustees, Medicare Part A (inpatient hospital services) is expected to run cash deficits in 2021 and every year after until it is exhausted in 2026. At that time provider and insurer payments would have to be cut by 9 percent to bring spending in line with revenue.

The Supplemental Medical Insurance (SMI) Trust Fund has two accounts: Part B, which pays for physician and outpatient services, and Part D, which covers prescription drug benefits. SMI is adequately financed into the indefinite future because current law provides financing from general revenues and beneficiary premiums each year to meet the next year's expected costs.

### **NRLN Action Alert - Enact Medicare Multi-Cancer Early Detection Screening Coverage**

An NRLN Action Alert was issued on September 14 asking NRLN members to ask their members of Congress to support enacting H.R.1946/S.1873, Medicare Multi-Cancer Early Detection Screening Coverage Act of 2021. The bill would create a covered benefit for multi-cancer early detection screening tests to ensure Medicare beneficiaries have access to these tests without unnecessary delay once approved under the Federal Food, Drug, and Cosmetic Act (FDA).

Without this legislation, it could take several years after FDA approval for Medicare to cover new early

detection technologies for cancer. H.R.1946/S.1873 would establish a defined benefit category and reduce such delays.

Currently, early cancer detection screening for Medicare beneficiaries is limited to five cancers. According to the National Cancer Institute's Surveillance, Epidemiology, and End Results program, 71% of the 600,000 cancer deaths each year are from types of cancer without a Medicare-covered early detection test.

Early detection of cancer through screening saves lives.

### **Grassroots Leaders Inform Congressional Staffs**

During the COVID-19 pandemic the NRLN hasn't traveled to Washington, D. C. The last time was February 2020 right before everything was shut down. The NRLN normally goes to Washington, D. C. twice a year to hold meetings which enables those in attendance to make visits with many congressional leaders from their state on Capitol Hill. Therefore, according to Bob Martina, VP – Grassroots, the NRLN Grassroots Committee decided to send an email to all Chiefs of Staff and Legislative Directors in every Congressional District to remind them of the important issues that retirees are still facing and of the pending legislative bills which affect them. Among the highlights in the Grassroots Leaders' letters were:

**Pensions** - The NRLN's proposal on pension recoupment is in House and Senate bills. It clarifies that a pension plan fiduciary does not have to recoup overpayments, but if it does, it must be done within three years of the initial overpayment. (Now there is no limit to back years.) The company may not recoup more than 10% of the amount of the overpayment per year, and it may not recoup against a beneficiary of a participant. The House bill would require a study on ways to improve the annual pension funding notices (AFNs). The Senate bill includes the NRLN's proposal that would promote the funding of retirees' healthcare and life insurance benefits with surplus dollars when a pension plan is funded at 110% or more. The NRLN is lobbying to get these bills passed. The NRLN is optimistic that its proposal for improving AFNs will be in a future Senate bill on pensions.

**Prescription Drugs** - We are lobbying for **passage of the Elijah E. Cummings Lower Drug Costs Now Act** to empower Medicare to negotiate prices of prescription drugs and cap senior's out-of-pocket cost for drugs at \$2,000 per year. **The NRLN supports passage of the Affordable and Safe Prescription Drug Importation Act**, which would allow individuals to import prescription drugs manufactured at FDA-inspected facilities from licensed Canadian sellers. After two years, Americans could import drugs from other countries that meet FDA safety standards. We want the **Protecting Consumers Access to Generic Drugs Act**, passed to prohibit the practice of "pay-for-delay," in which brand name drug companies compensate generic drug makers to delay the entry of generic drugs into the market.

**Social Security** - The NRLN is lobbying for the reintroduction and passage the **Social Security 2100 Act**. It would ensure funding the program for the next 75 years and change the Cost-of-Living Adjustment (COLA) from the current CPI-W pegged to urban wage earners' living expenses to CPI-E (Elderly) based on older Americans' spending patterns, including medical costs.

**Medicare** - Congress directed over \$40 billion of taxpayer dollars this year to Medicare Advantage (MA) private insurance companies as rebates. The NRLN's research shows that MA plans are not as cost effective as original Medicare. This move towards privatization must be stopped and a level playing field between the plans must be established. Preferential benefits paid for in MA plans with our tax dollars should also be added to original Medicare and an out-of-pocket cap should be added to original Medicare to help level that playing field.

**Report Card** - Congressional Chiefs of Staff and Legislative Directors were reminded the NRLN does extensive research on bills and determines whether to support or oppose certain bills that affect retirees. The NRLN prepares a "Report Card" that shows each Senator and Representative the bills that they sponsor or co-sponsor letting them know we are knowledgeable as to what bills they support or don't support that may be in

sync or opposed to our position. A current copy of the Report Card was attached to the emails so they could see their Senator's or Representative's position and whether it aligned with ours.

Bob Martina and our NRLN Grassroots Regional VPs and State and Congressional District leaders deserve a lot of credit for representing NRLN members and keeping the NRLN agenda in front of members of Congress and their staffs.

### **NRLN Legislative Committees' Work**

The NRLN's Legislative Advisory Committee (LAC) composed of Judy Stenberg, Chairwoman, Deb Morrisett, Joe Mazzei, Al Duscher and Bob Martina submitted the following bills for the Legislative Action Planning Committee (LAPC) to consider for action during its September 13 conference call. The LAPC includes Bill Kadereit, Chairman, Judy Stenberg, Alyson Parker, Bob Martina and Ed Beltram. The LAPC's actions included:

**H.R.1946/S.1873, Medicare Multi-Cancer Early Detection Screening Coverage Act of 2021** would create a covered benefit for multi-cancer early detection screening tests to ensure Medicare beneficiaries have access to these tests without unnecessary delay once approved under the Federal Food, Drug, and Cosmetic Act (FDA). Without this legislation, it could take several years after FDA approval for Medicare to cover new early detection technologies for cancer. H.R.1946/S.1873 would establish a defined benefit category and reduce such delays.

-- NRLN issued an Action Alert on September 14 asking NRLN members to send letters to their Representative and Senators to urge them to enact the **Medicare Multi-Cancer Early Detection Screening Coverage Act of 2021**.

**H.R.3173, Improving Seniors' Timely Access to Care Act of 2021**, would improve care for seniors by streamlining and standardizing the way Medicare Advantage plans use prior authorization and increase oversight and transparency around prior authorization. Passage of **H.R.3173** would require Medicare Advantage plans to (1) establish an electronic prior authorization program that meets specified standards, including the ability to provide real-time decisions in response to requests for items and services that are routinely approved; (2) annually publish specified prior authorization information, including the percentage of requests approved and the average response time; and (3) meet other standards, as set by the Centers for Medicare & Medicaid Services, relating to the quality and timeliness of prior authorization determinations.

**H.R.3554/S.1909, Pharmacy DIR Reform to Reduce Senior Drug Costs Act** would ensure that all pharmacy price concessions are assessed at the point of sale and eliminate the retroactive nature of direct and indirect remuneration (DIR) clawback fees imposed by Pharmacy Benefit Managers (PBMs). The Centers for Medicare and Medicaid Services (CMS) estimates this change will save Medicare beneficiaries an estimated \$7.1 to \$9.2 billion in reduced cost sharing. PBMs have increasingly returned to pharmacies days or even weeks after the point-of-sale to demand more in DIR fees. From 2010 to 2019, CMS documented a 91,500 percent increase in DIR fees paid by pharmacies. **H.R.3554** will increase transparency and hold PBMs accountable for retroactively assessing fees on pharmacies.

**H.R. 4158, Insulin Access for All Act of 2021**, would make insulin completely free for individuals enrolled in Medicare or Medicaid who represent some of the most vulnerable populations of diabetics. Also, this bill would eliminate the cost-sharing requirement — including deductibles, copayments, and coinsurance — for insulin under Medicare and Medicaid.

-- NRLN letters were emailed on September 13, 2021, to House Committee on Energy and Commerce Chairman Frank Pallone (NJ-06) and Ranking Member Cathy McMorris Rodgers (WA-05) plus Committee on Ways and Means Chairman Richard Neal (MA-01) and Ranking Member Kevin Brady (TX-08) requesting they support committee votes on **H.R.3173, H.R.3554 and H.R. 4158**.

-- NRLN letters were emailed on September 13, 2021, to Senate Committee on Finance Chairman Ron Wyden (OR) and Ranking Member Michael Crapo (ID) requesting they support a committee vote on **S.1909**.

**S.1388, Prescription Pricing for the People Act of 2021**, would require the Federal Trade Commission (FTC) to study the role and recent merger activity of Pharmacy Benefit Managers (PBMs), including possible anticompetitive behavior. This includes having the FTC to examine the effects of consolidation on pricing and other potentially abusive behavior within the PBM industry, and provide policy recommendations to Congress to improve competition and protect consumers. PBMs, the middlemen in the distribution of prescription drugs, operate with little to no transparency, making it very difficult if not impossible to understand the flow of money in the prescription drug marketplace and how PBMs determine the prices for prescription drugs. Recent consolidations between PBMs and insurance providers has resulted in vertical integration whereby a small number of companies now manage the vast majority of prescription drug benefits and often own other players in the healthcare industry. Passing **S.1388** will help provide better transparency of the PBM industry by examining the effects of consolidation on pricing and other potentially abusive behavior. The bill was reintroduced by Senators Chuck Grassley and Maria Cantwell.

-- An NRLN letter was emailed on September 13, 2021 to Senate Committee on Judiciary Chairman on Dick Durbin (IL) requesting that he call for a Committee vote on **S. 1388**. Copies of the letter were emailed to the authors of the bill, Senator Chuck Grassley (IA), Ranking Member of the Committee on Judiciary, and Senator Marie Cantwell (WA).

**H.R.2163/S.464, Safe Step Act**, would provide patients and providers with a clear and transparent appeals process when subjected to step therapy protocols when an insurer requires patients to try and fail one or more therapies before the insurer covers a therapy originally prescribed by the patient's physician.

-- The LAPC asked Alyson Parker, NRLN Executive Director, to check with Committee Staff to request additional information on **H.R.2163/S.464**.

-- The LAPC accepted the LAC's recommendation to Tabled **H.R.4921, Strengthening Social Security Act of 2021**, because the NRLN expects the introduction of the Social Security 2100 Act which it supported in the previous Congress. Also tabled and a COVID 19 bill **H.R.4770 -- EDOT Act of 2021**.

All of the bills listed above have been posted on the NRLN website Bills webpage at:

<http://nrlndev.org/legislative-action-network/#/bills>. This webpage feeds data to the NRLN Report Card for each state's Congressional delegation accessible at: <http://nrlndev.org/nrln-provides-new-report-card-feature-on-members-of-congress/>.

The letters noted above have been posted in Letters to Washington in the NRLN website Archives at:

<https://www.nrln.org/ARCHIVES-W.HTML>

## Key News Articles Posted in September

During September, 104 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 examples of the headlines.

[\*\*Social Security costs to exceed revenue for 1st time in 39 years\*\*](#) - Sept. 1

[\*\*Democrats race to resolve House-Senate disputes on \\$3.5T megabill\*\*](#) – Sept. 2

[\*\*For Delphi's former salaried workers, retirement has been a long fight for fair treatment\*\*](#) - Sept. 3

[\*\*Five tax issues to watch as Democrats craft \\$3.5T bill\*\*](#) - Sept. 4

[\*\*GOP and centrist Democrats threaten Biden pivot to domestic issues\*\*](#) - Sept. 6

[\*\*House Democrats move quickly on legislation expanding Medicare benefits and enacting paid family leave\*\*](#) -

Sept 7

**Debt limit showdown in Congress looms ahead of October deadline** - Sept. 8

*Sanders says House Democrats' proposal falls short on Medicare dental benefits* - Sept. 8

**Democratic leaders betting Manchin will back down in spending fight** - Sept. 9

*Biden Inheritance-Tax Plan Poised to Be Scaled Back in Congress* – Sept. 10

**Democrats put tax hikes on fast track after knocking GOP's haste on tax cuts** – Sept. 13

*McConnell: Republicans 'united in opposition to raising the debt ceiling'* – Sept. 14

**Schumer urges Democrats to unify amid divisions on Biden spending plan** - Sept. 14

*Why Are Dying Seniors Switching Their Medicare Coverage?* – Sept. 14

**House panel advances key portion of Democrats' \$3.5T bill** - Sept. 15

*Democrats' sweeping healthcare expansion at risk amid new clash over drug pricing* - Sept. 15

**Here's what is in House Democrats' multitrillion-dollar infrastructure and social spending package** -

Sept. 16

*Know Your Treatment Options for COVID-19* – FDA Website

**What will happen if Congress doesn't raise the federal debt limit?** - Sept. 20

*Shutdown, default odds increase as GOP buckles up to block debt limit hike* - Sept. 21

**Study shows adding vision, dental, and hearing benefits to Medicare and Medicaid reduces out-of-pocket costs for beneficiaries** – Sept. 23

*CDC panel approves boosters for elderly, holds back on health care workers* – Sept. 23

**Congress facing shutdown, debt crisis with no plan B** – Sept. 23

*Humana, Centene sue Merck over 'pay for delay' deal for cholesterol drugs* - Sept. 24

**Why Congress is bringing US to the brink of default** – Sept. 24

*The Grim Reality of Social Security's Record "Raise" in 2022* Sept. 26

**Explainer: What are Congress' options for funding government and raising the debt limit?** - Sept. 26