

# ACTION ALERT



March 22, 2020

## Input to Congress Urgently Needed:

### Lawmakers Finalizing Economic Stimulus Package with Several Employee Benefit Provisions Hanging in Balance

#### Action Requested

Please contact your elected representatives to urge their support for the inclusion of important employee benefit provisions in coronavirus/COVID-19 economic stimulus legislation.

#### Retirement Policy Issues

[The latest draft of the Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#), which reportedly does not yet have the support of Democrats, includes retirement policy provisions on pages 141-155 and 321-322.

This version of the bill includes withdrawal and plan loan relief, with some refinements from a prior version of the bill, such as employee certification that he or she is affected by the coronavirus for purposes of eligibility for the relief. It also includes required minimum distribution relief for 2020 and for distributions payable in 2020 for 2019.

This does not address all the issues [highlighted by the Council in its letter to Congress](#).

The bill does *not* include the delay of funding obligations or fundamental pension funding stabilization that have been discussed by lawmakers. Part of the challenge is the tying together of substantive funding stabilization with multiemployer relief, as policymakers are having a difficult time resolving the multiemployer issue. At the same time, the delay in contributions is also not included in the attached legislation which had not been previously tied to multiemployer plan proposals. Your voice is critical now since the funding proposals are currently being discussed.

#### Key Talking Points

The key message on funding stabilization is that both the delay in contributions, including the ability to use 2019 funding levels to determine benefit restrictions, and substantive funding stabilization are urgently needed. Many of the companies asking for funding stabilization make products or provide services that are critical to fighting the challenges we face in the current crisis and all are contributing enormously to our economy.

### **Paid Leave Issues**

Although the CARES Act does *not* include expanded emergency paid leave for larger employers, such efforts to expand the application of the paid leave requirements continue.

#### ***Key Talking Points***

If Congress considers expanding the emergency paid leave requirements of the Families First Coronavirus Response Act to larger employers, it is imperative — just as is the case for health and retirement benefits — that any policy enacted permit employers to offer paid leave to their employees on a uniform and consistent basis nationwide.

### **Health Policy Issue: Telehealth Benefits**

The CARES Act includes a provision allow employers and health plans to cover telehealth services on a pre-deductible basis in Health Savings Account (HSA)-eligible High Deductible Health Plans (HDHPs) during this health care crisis. Please voice your support for including this provision.

***Talking points:*** Expanding access to telehealth services improves access to appropriate care for all Americans and provides necessary medical care in a manner designed to support the practice of social distancing, thereby helping prevent the further spread of the coronavirus. We urge Congress to allow employers and health plans to cover telehealth services on a pre-deductible basis in Health Savings Account (HSA)-eligible High Deductible Health Plans (HDHPs) during this health care crisis.

### **Health Policy Issue: COBRA Subsidies**

Congress should include provisions in the CARES Act to support continued employer-provided health coverage.

***Talking Points:*** *As was done in the 2008-2009 recession,* Congress should provide COBRA subsidies to help furloughed or terminated employees obtain continued access to health coverage.

### **Health Policy Issue: Surprise Billing**

The CARES Act does *not* include surprise billing legislation. Regrettably, it does include a provision that may require employers to reimburse a provider's "cash price" or "billed charge" for COVID-19 testing.

*Talking Points:* All efforts should be made to support the health care system and providers who are on the front lines of fighting COVID-19. We ask Congress to guard against any potential for excessive charges to patients and health plans by out-of-network providers during this crisis. Legislation should NOT require employers to reimburse a provider's "cash price" or "billed charge" for COVID-19 testing.

## **Contact Congress**

[Find your congressional representative by address](#)

[Click here for a list of Senators, sorted by state, and their phone numbers.](#)

[Click here for a list of House Representatives, sorted by state, and their phone numbers.](#)

The following leadership offices should be considered high priority:

[Senate Republican Leader Mitch McConnell \(R-KY\)](#)

[Senate Democratic Leader Charles Schumer \(D-NY\)](#)

[Speaker of the House Nancy Pelosi \(D-CA\)](#)

[House Republican Leader Kevin McCarthy \(R-CA\)](#)

You can also reach the U.S. Capitol switchboard at (202) 224-3121

## **Contact the Council**

For more information or assistance connecting with members of Congress, contact

[James Klein](#), president

[Ilyse Schuman](#), senior vice president, health policy

[Lynn Dudley](#), senior vice president, global retirement and compensation policy

[Diann Howland](#), vice president, legislative affairs

[Jill Randolph](#), senior director, legislative affairs