



December 7, 2020

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Chuck Schumer  
Minority Leader  
United States Senate  
Washington, DC 20510

Dear Speaker Pelosi and Leaders McConnell, Schumer, and McCarthy,

As employers work to reopen the economy while also combatting the COVID-19 pandemic, they are working diligently to continue offering the best health, retirement, leave, and other benefits to employees. As you well know, the pandemic has created a host of challenges, which employers seek to address efficiently and effectively, and to ensure that their workforce is healthy.

ERIC is a national advocacy organization that exclusively represents large employers that provide health, retirement, paid leave, and other benefits to their nationwide workforces. With member companies that are leaders in every sector of the economy, ERIC advocates on the federal, state, and local levels for policies that promote flexibility and uniformity in the administration of their employee benefit plans. Our members provide robust employee benefits and continue to operate under the pressures of the COVID-19 pandemic.

Thank you for your work so far to address the pandemic. ERIC and our member companies have applauded positive steps taken by Congress to alleviate problems caused by COVID-19. However, before the 116<sup>th</sup> Congress adjourns, we wish to draw your attention to several employee benefits policies that ERIC considers “unfinished business” – relief Congress has worked on, but not completed. These policies will help alleviate the challenges imposed by the pandemic on employees and their families. These policies include:

Retirement provisions:

- **Relief for single-employer pension plans** – provide extensions of the amortization period and the pension funding stabilization percentages as stated under the HEROES Act
- **Reform of the multiemployer pension plan system**
- Strengthening of retiree health care by **expanding permissible transfers under IRS Code section 420 to pay for retiree health and retiree life insurance benefits**
- **Supporting 401(k) retirement plans by allowing catch-up contributions** for those impacted by COVID-19
- Temporary **relief from testing requirements** for employers that reinstate 401(k) matching contributions for the 2020 plan year – administrative testing requirements should not deter employers from reinstating their valuable retirement plan matching contributions

Health provisions:

- **Lower Health Care Costs Act** provisions (see [recent letter](#) from over 60 business groups supporting S. 1895 concerning transparency, fairness, and accountability)
- **Allowing unused FSA funds to roll over** into the 2021 plan year – critically needed for parents unable to send their children to school or daycare
- Relief for patients in high-deductible health plans (HDHPs) to use **employer onsite health centers**
- **Expansion and codification of allowance of telehealth benefits** for employees not enrolled in an employer’s full medical plan, as well as for HDHP beneficiaries
- **Affordable Care Act penalty relief** for employers with rapid COVID-19 induced transitions in their workforce

Provisions supporting these important policy changes have been drafted, vetted, and are ready for inclusion in the next COVID-19 relief package, whether that package is addressed in the lame-duck session or in the first quarter of 2021. We ask that Congress take decisive action on these policies to help patients as soon as possible.

Thank you for considering these pressing needs as you continue Congress’ work to combat the pandemic. We stand by ready to assist.

Sincerely,



Annette Guarisco Fildes