



# NRLN Focus



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Fall 2016

## ***The NRLN Clarion Call ... Fly-In Lobbying on Pensions and Prescription Drugs Price Gouging*** By Bill Kadereit, NRLN President



We took our lobbying during the NRLN 2016 Fall Fly-In to Washington, DC, Sept. 26 – 28, to a higher level by presenting members of Congress and their staffs with proposed amendments to existing pension laws and a proposed letter to be sent to the Secretary of Health and Human Services.

### **Income Security Committee's Changes to AFN**

For several months the NRLN's Income Security Committee (ISC) worked on identifying what changes Congress should make to the Annual Funding Notice (AFN) sent to pension plan participants to make the document more understandable and present a truer picture of pension plan funding. The ISC is composed of John Glotzbach and Dana Oliver, National Chrysler Retirement Organization; Al Duscher, Lucent Retirees Organization; Art Roberts, Eastman Kodak Retirees Association; Mike Stohlmeyer, John Deere Retirees Organization; Alyson Parker, NRLN Executive Director, and Michael Calabrese, NRLN Legislative Adviser.

Based on the ISC's conclusions, Michael wrote a document that identified changes necessary (with AFN examples) for a straightforward and up-to-date disclosure of a pension plan's actual funded status in a manner that is both understandable and most relevant to plan participants and beneficiaries. A further step was taken to write proposed legislative amendments to a section of the Employee Retirement Income Security Act (ERISA) that would accomplish the results advocated by the NRLN.



(Left to Right) Rep. Mike Bishop (MI-08), Jay Kuhn, President, and Grainger Goodman, Director, National Chrysler Retirement Organization

### **Proposed New Rules for Pension Plan Mergers**

A second pension issue addressed was protecting retirees when a pension plan sponsor merges two or more pension plans. Currently, a sponsor of pension plans can perform "financial engineering" by combining a higher funded plan(s) with a lower funded plan(s) to avoid making a contribution to a lower funded plan(s). The plan sponsor is only required to report the merger of plans after the fact.



(Left to Right) Rich Brown, National Chrysler Retirees Organization; Cheryl VanVliet, Secretary, Detroit Edison Alliance of Retirees; Representative Debbie Dingell (MI-12); Bob Barrette, Treasurer, Detroit Edison Alliance of Retirees, and Larry Hice, President, General Motors Retirees Chapter

The NRLN proposed changes to ERISA that would require advance approval by the Pension Benefits Guaranty Corporation and Department of Labor before two or more pension plans could be merged. The PBGC and/or D.O.L could stop the merger if the security of beneficiaries would be harmed. Again, specific

amendments to ERISA were identified.

### **Protecting Retirees in Corporate Changes**

The third pension issue was protecting retirees when corporate mergers, acquisitions and spin-offs take

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place. We brought to the attention of lawmakers where Congress needs to take action to update six ERISA provisions to ensure that mergers, acquisitions and spin-offs do not increase the risk of a distress termination and permanent pension losses to plan participants.

The proposed amendments to ERISA provided the legislative language necessary to accomplish the NRLN's objectives.

**Proposed Amendments Were Welcomed**

Representatives, Senators and their staff members who were presented the NRLN's proposed amendments to ERISA appeared to welcome the legislative language. While we may not accomplish legislative changes during the "lame duck" session of Congress following the Presidential and Congressional elections, we will be active in following up with the new 115th Congress in January in our efforts to gain legislation to better inform and protect pension plan participants.



(Left to Right) Joe Dombrowski, President, Lucent Retirees Organization; Martha Deahl, NRLN VP - Desert Southwest Region, and Rep. Steve Pearce (NM-02)



Rep. Mia Love (UT-04) with Neil West, NRLN VP - Mountain West Region

**Lobbying Continued for Lower Drug Costs**

The NRLN continued to lobby for passage of introduced bills to lower the cost of safe prescription drugs. Total spending on prescription drugs in the U.S. reached \$424.8 billion in 2015, an increase of 12.2 percent from 2014. We pointed out to in our Capitol Hill appointments that Americans—with 10,000 more people turning age 65 every day in the U.S.—are outraged that they are losing access to lifesaving and life-enhancing prescription drugs because they have become less and less affordable.

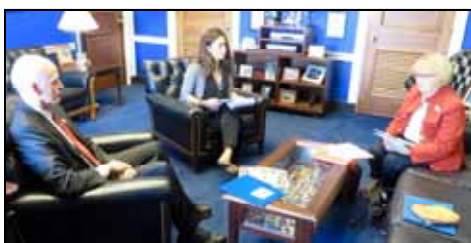
Countries that practice socialized medicine exact low prices for people served in their countries by demanding and receiving below market pricing from American pharmaceutical manufacturers. To the extent pharma and Congress don't eliminate this unethical practice of absorption and

passing losses on to Americans and the U.S. economy, laws must be enacted allowing importation of safe, and lower priced prescription drugs from Canada and elsewhere so that Americans and our economy benefits.

We called for members of Congress to pass these bills: S. 31 and companion bill H.R. 3061, the Medicare Prescription Drug Price Negotiation Act of 2015 that have been in the Senate Finance Committee since Jan. 2015 and in the House Committees on Energy and Commerce and Ways and Means since July 2015.

S. 122 and companion bill H.R. 2228, the Safe and Affordable Drugs from Canada Act of 2015, that have languished in the Senate's Health, Education, Labor, and Pensions Committee since Jan. 2015 and in the House's Energy and Commerce Committee since May 2015.

**Asked Lawmakers to Send Letter to HHS Secretary**



Judy Stenberg (right), NRLN VP - Pacific Region, meets with Rep. Adam Smith (WA-09) and Christy Hayek, Legislative Assistant

In August, the NRLN learned during a meeting with Rep. Kevin Brady, Chairman of the House Committee on Ways and Means, that the Secretary of Health and Human Services was granted the authority under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to issue an order to begin legal importation from Canada. During each of our meetings, we presented a proposed letter for Representatives and Senators to send to Secretary Burwell urging her to authorize the importation of safe, lower priced drugs from our northern neighbor. The letter is similar to the one I sent to the Secretary on September 6, 2016. There will be follow ups with the



Iowa Senator Chuck Grassley listens to Paul Kende, DuPont Retirees Chapter, explain the NRLN's proposals to protect pension plans. Next to Paul is Jim Odle, Chapter President. On the right are (next to the Senator) Chris Conlin, Tax Counsel for Senator Grassley, and Mike Stholmeyer, Executive Committee Member of the John Deere Retirees Organization



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members of Congress who indicated a possible interest in sending the letter to the Secretary.

### Majority of Cosponsors on Bills Not Enough



Vern Larson (right) President, Avaya Retirees Chapter, Bill Kadereit, NRLN President, Alyson Parker, NRLN Executive Director, meet with Joel Ammon Simon, pension staff member for Nebraska Senator Ben Sasse

Prior to our Fly-In, Deb Morrisett, a Director of the National Chrysler Retirement Organization and a member of the NRLN's Legislative Affairs Committee (LAC), reviewed the 91 bills that the NRLN supports (see bills at: <http://www.nrln.org/congresslegs.html#/bills>) and noted the number of cosponsors. She identified seven bills in the House Ways and Means Committee and/or the House Energy and Commerce Committee that have cosponsors representing more than a majority of House members. Deb also identified two bills in the Senate Finance Committee that had a majority of Senators as cosponsors.

Deb, Judy Stenberg, NRLN VP – Pacific Region and chair of the LAC, Ed Beltram, NRLN VP-Communications, Alyson and I had meetings with the staff directors of the two House Committees to ask why the bills have not been passed out of the Committees. We learned that the Committees are attempting to find ways to pay for the implementation of the provisions of the bills. Neil West, NRLN VP – Mountain West Region, asked about the two Senate bills with a majority of Senator cosponsors when he met with a staff member of Utah Senator Orrin Hatch, Chairman of the Senate Finance Committee, and received a response that an answer would be sought.



(Left to Right) Rev. Donald Rushing, Bossier City, LA, Bob Martina, NRLN VP - Grassroots; Bill Kadereit, NRLN President, Melba Baker, Avaya Retirees Chapter Member and Haughton, LA Alderwoman; Lorenza Baker, Haughton, LA, and Blake Lasuzzo, Legislative Assistant, for Representative Ralph Abraham, MD (LA-05)

### PBGC Officials Dialogue with Attendees



Speaking to Fly-In attendees is Michael Rae, Deputy Chief Policy Officer, PBGC Office of Policy and External Affairs

We always begin our meetings in Washington, DC with a Monday afternoon briefing session on the issues they will be lobbying on Capitol Hill. And, we usually have one or more guest speakers to address issues important to retirees. At this Fly-In four PBGC officials had a dialogue with attendees about their areas of expertise which included projections on the PBGC's financial capabilities to serve as a safety net for terminated pensions; the PBGC's 2016 annual guarantee limit for payments to individuals; the PBGC Risk Management and Recovery Maximization activities; Early Warning Program for at-risk pension plans, and information available on the PBGC website at [www.PBGC.gov](http://www.PBGC.gov).

The NRLN has had a long working relationship with PBGC officials that has often proven to be beneficial to NRLN retiree associations and chapters who needed to have a dialogue on their concerns about their pension plan.

### More than 60 Appointments on Capitol Hill

Twenty-nine members from six retiree associations and six chapters and four NRLN staff members participated in the Fly-In and handled more than 60 appointments on Capitol Hill. The retiree associations were: AT&T Ameritech/SBC Retirees (AASBCR), Detroit Edison Alliance of Retirees (DEAR), JDRO – A Family of John Deere Retirees, Lucent Retirees Organization (LRO), National Chrysler Retirement Organization (NCRO) and TelCo Retirees Association. The retiree chapters included: Arizona, Avaya, DuPont, General Motors, Utah, and Washington State.



In the office of Nevada Senator Dean Heller. (Left to Right) Joe Dombrowski, President, Lucent Retirees Organization; Bill Kadereit, NRLN President; Martha Deahl, NRLN VP - Desert Southwest Region; Sarah Timoney Paul, Deputy Chief of Staff and Legislative Director for Senator Heller; Alyson Parker, NRLN Executive Director

Our next meeting in Washington, DC will be the NRLN Annual Leadership Conference, March 13-15, 2017.



# Changes to Medigap Plans C and F

**NRLN President's Note:** *The NRLN received permission to republish the following that appeared in the 2016 Issue 2 of the AUSWR CO/WY The Retiree Guardian newsletter. I believe you will find it of interest if you are a traditional Medicare beneficiary. Medicare's Open Enrollment runs from October 15 – December 7, 2016. Coverage goes into effect Jan. 1, 2017. It's important that your health plan meets the changing demands in your life. During this period you have the chance to review your coverage and see if you need to make any changes for next year. Or, you may decide you're happy with the plan you have now.*

**By Barbara Wilcox, Health Care Specialist, Association of U S West Retirees CO/WY** and Denver State Health Insurance Assistance Program counselor Ray Vaseleski for help researching this topic.

In April 2015, Congress passed, and the President signed into law, "The Medicare Access and CHIP Reauthorization Act of 2015" (MACRA; P.L. 114-10), a bill widely heralded as the permanent "doc fix." It provided a new method for Medicare to pay doctors' Medicare reimbursements. Other provisions in this bill may impact you as a Medicare recipient, if you have a Medicare Supplement Insurance. Specifically, Medicare Supplement Insurance (Medigap) Plans C and F will be 'grandfathered' beginning in 2020.

## **Q. What is Medicare Supplement (Medigap) Insurance?**

A. It is insurance that you can buy that will help you pay Medicare deductibles and/or coinsurance.

## **Q. What are the different Medigap plans?**

A. Currently, there are 11 different Medigap plans that insurance companies can offer. See the chart on the next page for the plan descriptions.

## **Q. Why are Plan C and Plan F being 'grandfathered' in 2020?**

A. This change is an attempt to reduce Medicare costs. Both Plan C and Plan F cover Medicare Part B deductibles and coinsurance. Medicare Part B covers doctors' fees and health care done outside of a hospital. Part B is the part of Medicare that is used the most. If you buy a Medigap Plan C or Plan F, then you never pay charges for doctors' fees or any other Part B service. Some research suggests that people are more likely to go to the doctor if insurance covers all of the charges. Congress reasoned that if people were responsible for paying the Part B deductible before insurance would cover them 100%, then less visits to doctors would occur.

## **Q. What happens if I have Plan C or Plan F now and I want to keep it?**

A. You can keep your Plan C or Plan F for the rest of your life, assuming you keep paying the monthly premiums. However, as of January 1, 2020, there will be no new Medicare recipients enrolling in Plan C or Plan F. This means that Plan C and Plan F participants will grow older (and probably sicker) each year. With no younger, healthier participants entering the insurance pool, the pool will decrease in size, and you can expect your monthly premiums to increase over time.

## **Q. If I have Plan C or Plan F, what are my options?**

A. You can select from one of three options.

1. You can keep your current plan (see Q&A above for impacts in keeping your plan), knowing premiums will increase in the future.
2. You can try to change to a different Medigap plan. You will not have 'guaranteed issue' when changing plans, which means the insurance company can ask you questions about your health status. If you are in poor health and/or have pre-existing conditions, you may be asked to wait six months for coverage of pre-existing conditions, charged a higher premium, or denied coverage altogether. If you choose this option, you should not drop your current plan until

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you have effective coverage under a new plan.

- During the annual Open Enrollment, you can enroll in a Medicare Advantage plan (HMO or PPO) for the next year, and drop your Medigap plan as of the end of the current year. Most Medicare Advantage plans also include prescription drug coverage, so you also can drop your current stand-alone prescription drug plan (Part D) as of the end of the year.

**Q. How much is the Part B deductible?**

A. In 2016, the Part B annual deductible is \$166. Last summer, the Medicare Trustees Report projected that the Part B deductible would increase to \$196 by 2020.

**Q. I will be eligible for Medicare soon, and I had planned to buy a Medigap Plan F. Should I still buy a Plan F?**

A. You might consider buying Plan G instead of Plan F. It has the same coverage as Plan F, except it doesn't include coverage of the Part B deductible. Generally, the monthly premium for Plan G is lower than for Plan F, offered by the same insurance company. So, you would have to pay the Part B deductible each year, but you also would have a lower monthly premium.

If you are interested in Plan C, then Plan D is the comparable plan, without coverage of the Part B deductible.

For further help with Medicare issues, contact your Medicare State Health Insurance Assistance Program. Information available at <https://www.shiptacenter.org/>.

**Compare Medigap plans side-by-side**

The chart below shows basic information about the benefits Medigap policies cover.

- Yes = the plan covers 100% of this benefit
- No = the policy doesn't cover that benefit
- % = the plan covers that percentage of this benefit
- N/A = not applicable

Medigap Benefits	Medigap Plans										
	A	B	C	D	F*	G	K	L	M	N	
Part A coinsurance and hospital costs up to an additional 365 days after Medicare	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Part B coinsurance or copayment	Yes	Yes	Yes	Yes	Yes	Yes	50%	75%	Yes	Yes**	
Blood (first 3 pints)	Yes	Yes	Yes	Yes	Yes	Yes	50%	75%	Yes	Yes	
Part A hospice care coinsurance or copayment	Yes	Yes	Yes	Yes	Yes	Yes	50%	75%	Yes	Yes	
Skilled nursing facility care coinsurance	No	No	Yes	Yes	Yes	Yes	50%	75%	Yes	Yes	
Part A deductible	No	Yes	Yes	Yes	Yes	Yes	50%	75%	###	Yes	
Part B deductible	No	No	Yes	No	Yes	No	No	No	No	No	
Part B excess charge	No	No	No	No	Yes	Yes	No	No	No	No	
Foreign travel exchange (up to plan limits)	No	No	80%	80%	80%	###	No	No	###	80%	
Out-of-pocket limit**	N/A	N/A	N/A	N/A	N/A	N/A	\$4,960	\$2,480	N/A	N/A	

\* Plan F also offers a high-deductible plan. If you choose this option, this means you must pay for Medicare-covered costs up to the deductible amount of \$2,180 in 2016 before your Medigap plan pays anything.

\*\* After you meet your out-of-pocket yearly limit and your yearly Part B deductible, the Medigap plan pays 100% of covered services for the rest of the calendar year.

\*\*\* Plan N pays 100% of the Part B coinsurance, except for a copayment of up to \$20 for some office visits and up to a \$50 copayment for emergency room visits that don't result in inpatient admission.

You live in Massachusetts, Minnesota, or Wisconsin, Medigap policies are standardized in a different way.

Not all insurance companies offer all plans in all states

From Medicare.com



## Four NRLN Chapters Formed in 2016

The NRLN worked with retirees from the Tennessee Valley Authority, Avaya, DuPont and The Villages, Florida to form four new NRLN Chapters in 2016. The NRLN forms chapters in order to reach more individual members, better understand retiree issues to define its agenda and expand its grassroots network.

### **NRLN TVA Retirees Chapter**

In January the Tennessee Valley Authority Retirees Coalition was formed as an NRLN chapter. TVARC members are concerned about the \$6 billion underfunding of the TVA pension plan for nearly 35,000 retirees employees and family members. Mike Moseley, TVARC President, pointed out in the chapter's initial news release that the TVA contributed \$283 million to its pension plan in 2015 when payments to retirees in 2015 exceeded \$600 million. The pension plan sponsored by the TVA, a corporate agency of the United States that provides flood control and electricity in seven southeastern states, is funded at 53 percent.

The NRLN has assisted the TVARC through the NRLN President meeting with the staff members of Tennessee Senators during the February 2016 conference in Washington, DC. The NRLN assisted with writing and sending letters to all Representatives and Senators in the TVA's service region and the TVA Congressional Caucus urging that Congress act to bring the TVA pension plan under the Employee Income Security Act (ERISA).

### **NRLN Avaya Retirees Chapter**

The NRLN Avaya Retirees Chapter was formed in April because retirees are concerned that their pension plan is underfunded by 30 percent. Retirees also wonder about the sustainability of Avaya's current capital structure. Vern Larson, President, Avaya Retirees Chapter, attended the NRLN's September 2016 Fly-In where he had the opportunity to dialogue with officials of the Pension Benefit Guaranty Corporation about Avaya retirees concerns about the companies viability and the underfunding of their pension plan. He also met with his staff members of his two Nebraska Senators.

### **NRLN DuPont Retirees Chapter**

In June, Jim Odle, President of the NRLN DuPont Retirees Chapter, announce in an email the formation of the chapter. DuPont retirees are faced with the uncertainties of the merger of DuPont and Dow Chemical Company now in the federal regulatory review process. Executives of the two companies have announced that when the merger takes place there will be a split into three independent companies. DuPont retirees are concerned about whether the split could negatively impact their pension, health care and life insurance benefits. Odle and Paul Kende, Chapter Advisor, participated in the September 2016 Fly-In and had meetings with Delaware and Iowa members of Congress and their staffs.

### **NRLN Villages Chapter**

An announcement by The Villages Health that it would no longer accept traditional Medicare patients beginning January 1, 2017, triggered a series of events by the NRLN and retirees in The Villages that led to the formation of the NRLN Villages Chapter in August. NRLN President Bill Kadereit credits support by Board Members of The Villages Property Owners Association that led to the first three meetings with chapter members in The Villages on September 7. At deadline time for the newsletter, the process was continuing to form the leadership team for the NRLN Villages Chapter.

### **All Chapters' Share Common Concerns**

Beyond the concerns for pensions and health care that were the primary motivations for formation of the chapters, all of the chapter members share a passion for the NRLN's work to protect retirement income, pensions and Social Security, preserve Medicare and reduce the cost of health care, particularly prescription drugs.



# A View From Washington

Plan Mergers and Benefit Cuts - Not on Our Watch  
By Alyson Parker , NRLN Executive Director

With the final days of the 114th Congress winding down, Congress has decided to get active on pension issues. Within the past month, the Senate Finance Committee marked up two pension bills with bipartisan support - Miner's Protection Act of 2016 and the Retirement Enhancement & Savings Act of 2016 (RESA). On the House side, the Education and Workforce Committee released draft legislation that would authorize the creation of "composite" multiemployer pension plans.

The Miner's Protection Act of 2016 purports to save the health and pension benefits of miners by redirecting money from an abandoned mine reclamation project to the pension fund. RESA aims to make targeted improvements to pension policies including a proposal to permit "open multiple employer plans" (Open MEPS). This provision permits unrelated businesses, who share a "common interest" to create a "pooled employer plan." It is intended to help small businesses create retirement plans for their workers and only applies to defined contribution plans not defined benefit plans.

## Creating New Type of Retirement Plan

The composite multiemployer plan draft legislation being worked on in the House Education and Workforce Committee would create a new type of retirement plan that would combine certain aspects of a defined contribution plan and a defined benefit plan. The benefit structure would resemble a defined benefit plan, but the employer would only have to contribute to the plan similar to a defined contribution plan. These new plans would not be PBGC insured and benefits could be reduced in some cases.

Bill Kadereit and I met with staff on the Senate Finance Committee and staff on the House Education and Workforce Committee on Oct. 6 to talk about these proposals and the NRLN legislative agenda. Each committee assured us that it was not their intent to affect single employer pension plans with this legislation.

## Single Employer Pensions Apparently Not Affected

Nonetheless, even though neither of these proposals appears to directly affect single employer pension plans at this stage, NRLN members need to be alert and follow these bills as they move through the legislative process because it sets a precedent. RESA embraces the merging or pooling of retirement plans - an idea that the NRLN does not endorse for single employer pension plans. As history has shown us, the merging of two plans can be harmless, but can also be very detrimental to participants. The House composite plan would allow earned benefits to be cut, which we oppose because it is unfair to participants who rely on these benefits, but also sets a dangerous precedent of slashing benefits to improve the health of the plan.

In fact, the NRLN is currently working to get legislation passed regarding intra plan mergers of single employer defined benefit plans. During our fly-in at the end of September, members of the NRLN walked the halls of the House and Senate buildings and met with Representatives, Senators and their staffs and discussed the perils of merging pension plans such as the loss of vested benefits if the plan ends up at the PBGC. They also handed out a proposed bill on plan mergers that we want introduced. This legislation will give participants protection by requiring advance notice and pre approval of plan mergers by the PBGC and IRS and denying a merger if the merger has the effect of putting a participant's plan at risk. The bill sets forth certain factors for the PBGC and the IRS to look at when reviewing the merger.

## Election Will Impact NRLN Agenda

We can't talk about the passage of legislation without mentioning the upcoming elections. The races are tight and the outcomes will definitely impact our agenda. A few issues that will definitely see activity during the 115th Congress are Medicare and premium support, the cost of prescription drugs, and the failing multiemployer plans.

Whether you see RED or Blue in the upcoming elections, the NRLN will need your help with its grassroots efforts in achieving our legislative agenda and stopping legislation that harms retirees. If we all work together, our voices will be heard.

### National Retiree Legislative Network, Inc.

*The NRLN is the only nationwide organization solely dedicated to representing the interests of retirees and future retirees. Our mission is to secure federal legislation to protect retirees' employer-sponsored pensions and benefits plus keep Social Security and Medicare strong.*

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