

September 8th, 2009

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

The Honorable John A. Boehner
House Minority Leader
U.S. House of Representatives
Washington, D. C. 20515

Dear Madam Speaker and Minority Leader Boehner:

The undersigned companies and associations strongly support and rely upon the predictability, flexibility and efficiency provided by the Employee Retirement Income Security Act (ERISA) framework, which has been a cornerstone of the employment-based healthcare system for more than thirty years. We believe the results speak for themselves: the employment-based system provides coverage for over 130 million Americans and numerous studies confirm that Americans are satisfied with the coverage they receive through their employer.

The House health care reform bill, H.R. 3200, "America's Affordable Health Choice Act of 2009" includes costly and unacceptable changes to ERISA that will undermine the ability of companies to sponsor health coverage for employees and their families. These include numerous provisions that increase the requirements and burdens on employer-sponsored coverage and limit employer flexibility to meet the needs of their workforce by requiring them to meet federal one-size fits all standards after a five year "grace period."

Moreover, these provisions will raise costs for both employers and employees without improving quality or efficiency. Among the numerous changes to ERISA in the House bill are the following three prominent provisions:

- **Automatic federal waivers to ERISA for states that enact single-payer health care systems.** ERISA waivers would make it impossible for employers to offer consistent benefits and create tremendous disparities for workers and their families whose coverage is provided by the same employer, but who live in different states.
- **Unlimited state law remedies for employer-sponsored health coverage obtained through health insurance exchanges.** Not only does H.R. 3200 fail to include much needed medical liability reforms, state law remedies makes the current situation *worse* – creating more litigation and driving up the costs of health care services and coverage.
- **Prohibition on modifications to retiree health plans.** This provision overrides one of the most important principles of ERISA and the employer-based health care system – the voluntary nature of employee benefits.

President Obama has rightly stated that a fundamental goal of health care reform must be to reduce health care costs and make coverage more affordable for all Americans. Preserving the ERISA framework that has made coverage possible for over 130 million Americans is essential for reaching that goal. We urge you not to erode the ERISA framework that employers rely upon when they provide health coverage to their workforce.

Sincerely,

ACE Group
Aon Corp.
Aetna
AGL Resources
Alaska Forest Association
Alcatel-Lucent
Alliant Techsystems
America's Health Insurance Plans
American Airlines
American Architectural Manufacturers Association
American Composite Manufacturers Association
American Electric Power
American Lighting Association
American Staffing Association
Anheuser-Busch.com
Automotive Aftermarket Industry Association
Automotive Parts Remanufacturers Association
Arch Coal Inc.
American Benefits Council
American Home Furnishings Alliance
Associated Industries of Massachusetts
Associated Industries of Missouri
Association of the Nonwoven Fabrics Industry
AT&T
Automotive Wholesalers Association of New England
Ball Corporation
Bayer Corporation
Best Buy Co., Inc.
The Black & Decker Corporation
The Boeing Company
Boston Market
BP America
Brick Industry Association
Bridgestone Americas
Business Roundtable
Business Council of New York

California Manufacturers & Technology Association
Campbell Soup Company
Caterpillar Inc.
Corporate Healthcare Coalition
CEC Entertainment, Inc.
Cement Employers Association
Charles Ryan Associates, LLC
Chevron
Click Bond, Inc
Colorado Association of Commerce and Industry
Con-way Inc
Council of Insurance Agents and Brokers
Cummins Inc.
CVS Caremark
Darden Restaurants Inc
Diamond Electric Manufacturing Corporation
Delaware State Chamber of Commerce
Deere & Company
Dominos Pizza
The Dow Chemical Company
DuPont
Eagle Manufacturing Company
EBS Advisors, Inc.
Emerson
Erie Molded Plastics
The ERISA Industry Committee
ERGON-West Virginia Inc
ERMCO
ESCO Technologies
Essroc Italcementi Group
Exelon Corporation
THE FINANCIAL SERVICES ROUNDTABLE
Findley Davies, Inc.
Flambeau, Inc
Food Marketing Institute
Friendly Ice Cream Corp.
Gap Inc.
General Electric Company
General Mills
Goodrich Corporation
The Goodyear Tire & Rubber Company
HCC Insurance Holdings, Inc.
Health Action Council Ohio
Hooters of America
Houlihan's Restaurant Group
HR Policy Association
IBM Corporation

ICF Industries
Independent Lubricant Manufacturers Association
Indiana Manufacturers Association
Industrial Fasteners Institute
Industrial Minerals Association - North America
International Housewares Association
International Paper Co.
International Sign Association
IVS Group
JELD-WEN, inc.
Kennametal Inc
Kentucky Association of Manufacturers
Kodak
Kraft Foods
L-3 Communications Corporation
Laclede Gas Company
Lamar Advertising
Lettuce Entertain You Enterprises
Liberty Mutual
Lockton Companies, LLC.
The Louisiana Business Group on Health
3M
Manufacturers Association of Central New York
Marathon Oil Corporation
Marlin Steel Wire Products LLC
Mercer
Metal Products Company
Metals Service Center Institute
MetLife. Inc.
Michigan Manufacturers Association
Mississippi Manufacturers Association
Monsanto Company
Motorola, Inc.
Motor & Equipment Manufacturers Assoc
Mutual of Omaha
MVP Holdings
National Association of Manufacturers
National Association of Health Underwriters
National Association of Wholesaler-Distributors
National Business Group on Health
National Coalition on Benefits
National Council of Chain Restaurants
National Printing Equipment Association
National Restaurant Association
National Retail Federation
National Rural Electric Cooperative Association

National Telecommunications Cooperative Association
Navistar, Inc.
Nebraska Chamber of Commerce & Industry
New Jersey Business & Industry Association
NGK Spark Plugs (USA) Inc.
Non-Ferrous Founders' Society
Nordic Group of Companies LLD
Norfolk Southern Corp
North American Die Casting Association
North American Association of Food Equipment Manufacturers
Northrup Grumman Corporation
Nucor Corporation
OSI Restaurant Partners LLC
The Ohio Manufacturers' Association
Panduit Corp.
PPG Industries
Peabody Energy
Pennsylvania Manufacturers' Association
Pep Boys
P.F. Chang's China Bistro, Inc.
Precision Machined Products Association
Profit Sharing / 401k Council of America
Prudential Financial Inc.
Real Mex Restaurants, Inc.
Retail Industry Leaders Association
Rhodes-Joseph & Tobiason Advisors, LLC
Rich Products Corporation
Rockwell Collins
QBE the Americas
Quality Float Works Inc.
Raytheon Company
Reed Elsevier
Rockwell Automation
SAS
Securitas Security Services USA, Inc.
Self-Insurance Institute of America
Siemens
Sierra Bullets
Signal Metal Industries, Inc.
Smurfit-Stone Container Corporation
Society for Human Resource Management
Snyder's of Hanover
SPI: The Plastics Industry Trade Association
Security America, Inc.
Society of Chemical Manufacturers & Affiliates
The Stanley Works

Staples, Inc.
St. Louis Area Business Health Coalition
Strategic HR Partners
SUPERVALU
TA Staffing
Tennessee Chamber of Commerce & Industry
Texas Association of Business
Texas Instruments
Textile Care Allied Trades Association
Textron Inc.
Tooling and Manufacturing Association
TradeSource, Inc.
Trover Solutions, Inc.
Tyco International
Unilever United States
Union Pacific Corporation
Unum
U.S. Chamber of Commerce
U.S. Foodservice, Inc.
United States Steel Corporation
UPS
Utah Manufacturers Association
Vanguard
Verizon
Vermeer
Vishay Intertechnology, Inc.
Wells' Dairy, Inc.
Wells Fargo & Company
Willis
WV Forestry Association
West Virginia Manufacturers Association
Wisconsin Manufacturers & Commerce
Xerox Corporation

CC: Members of the U.S. House of Representatives