

The Honorable Kevin McCarthy
Speaker of the House
United States House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Hakeem Jeffries
House Minority Leader
United States House of Representatives
Washington, DC 20515

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

September 21, 2023

Dear: Leader Schumer, Leader McConnell, Speaker McCarthy, and Leader Jeffries,

We are writing today to ask for your support in preserving the ability of employer and multiemployer health plans to offer uniform benefits to all eligible employees across the country. For five decades, employers and labor unions have offered their workers reduced premiums and more robust benefits by directly paying employee health claims through self-funded health plans. This is only possible because the Employee Retirement Income Security Act of 1974 (ERISA) provides for uniform coverage across multiple states by preempting state laws that would regulate the administration of self-funded health plans on a state-by-state basis.

Preemption is critical for self-funded ERISA plans. Self-funded health and welfare plans are federally regulated by ERISA, the Affordable Care Act (ACA), and other federal laws prescribing coverage, funding, and reporting requirements.

Opening the door to state-by-state regulation would increase premiums for plan participants and compliance costs for plan sponsors in all 50 states. It could also open these stable sources of health coverage to state-based political debates that do not improve health or decrease costs for plan participants. Further, weakening ERISA preemption would stifle the ability of employers and plans to engage in innovative and value-based care delivery and benefit design, which can drive better health outcomes and lower out-of-pocket costs.

We understand some members of congress are contemplating making an exception to five decades of bipartisan support for ERISA preemption for the purpose of aiding certain businesses. Congress should not increase health care costs for workers and their families to protect profit margins for health care interests.

We ask you to support access to more affordable employer-provided health coverage by wholeheartedly rejecting all efforts to weaken ERISA preemption.

Sincerely,

AFL-CIO
Actors' Equity Association
Alliance for Retired Americans
Alliance to Fight for Health Care
American Benefits Council
American Guild of Musical Artists, AFL-CIO

Association of Flight Attendants-CWA
Business Group on Health
Communications Workers of America
Corporate Health Care Coalition
International Assoc. of Machinists & Aerospace Workers
International Brotherhood of Teamsters
Laborers' International Union of North America (LIUNA)
NRECA, America's Electric Cooperatives
OPEIU
HR Policy Association
Self-Insurance Institute of America (SIIA)
The Association of Union Constructors
The Signatory Wall and Ceiling Contractors Alliance (SWACCA)
The United Brotherhood of Carpenters and Joiners of America
UAW
UNITE HERE International Union
United Food and Commercial Workers International Union (UFCW)
United Steelworkers (USW)
Boilermakers National Health and Welfare Fund
California Schools VEBA
Lockton
Central States Health & Welfare Fund
Excavators Union Local 731 Welfare Fund
Gig Harbor Professional Firefighters Union Health and Welfare Trust
Health Action Council
Local 282 Trust Funds
Mid-America Carpenters Regional Council Health Plan
Robert F Kennedy Farmworkers Medical Plan
St. Louis - Kansas City Carpenters Regional Health Plan
San Diego Electrical Health & Welfare Trust
Renalogic
Teamsters Western Region & New Jersey Health Care Fund
Theatrical Stage Employees Health & Welfare Trust
California Health Care Coalition
Drywall & Interior Systems Contractors Association of New Jersey
Health Services Coalition
IBEW 569
Pacific Health Coalition
Silicon Valley Employers Forum
United Food and Commercial Workers Union Local 711