

September 22, 2009

The Honorable Henry A. Waxman
Chairman
Energy and Commerce Committee
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

We understand that tomorrow the Energy and Commerce Committee will meet to continue its mark up of America's Affordable Health Choices Act of 2009 (H.R. 3200). The undersigned companies and associations are writing to oppose a proposed amendment that has been offered by Representatives Barrow (D-GA) and Braley (D-IA) which may be included in the base bill considered by the Committee.

The Barrow/Braley amendment (section 138) would virtually eliminate the subrogation and reimbursement rights of health plans. These common cost containment provisions are found in virtually all private health plans, as well as federal programs such as Medicare and Medicaid. Recoveries from subrogation and reimbursement reduce health plan costs and allow employer health plans to provide more benefits at a lower cost to their employees.

The Barrow/Braley amendment will undermine a fundamental goal of health care reform – reining in health care costs. In fact, the amendment will drive up health care costs for employers and increase the direct costs of the bill borne by the federal government. And, the amendment will do nothing to reduce the number of uninsured Americans.

We urge the Committee not to adopt the Barrow/Braley amendment when the Committee continues its mark up of H.R. 3200.

Sincerely yours,

Aetna
American Benefits Council
America's Health Insurance Plans
Blue Cross and Blue Shield Association
Humana
National Association of Health Underwriters
National Retail Federation
The ERISA Industry Committee
UnitedHealth Group
U.S. Chamber of Commerce
WellPoint

cc: The Honorable Joe Barton, Ranking Member

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