

May 9, 2013

The Honorable Richard Hudson  
U.S. House of Representatives  
429 Cannon House Office Building  
Washington, DC 20515

The Honorable Robert Pittenger  
U.S. House of Representatives  
224 Cannon House Office Building  
Washington, DC 20515

RE: H.R. 1254, The Auto Enroll Repeal Act of 2013

Dear Congressmen Hudson and Pittenger:

On behalf of the undersigned businesses, trade associations, and organizations representing millions of American workers, their families and hundreds of thousands of job creators, we write in support of H.R. 1254, the Auto Enroll Repeal Act of 2013.

Section 1511 of the 2010 health care law amends the Fair Labor Standards Act to insert a new Section 18A, "Automatic Enrollment for Employees of Large Employers." The law requires that employers with 200 or more full-time employees automatically enroll their full-time employees in health care coverage by their 91st day of employment, unless the employee had opted out prior to the deadline. Employers that are subjected to this requirement are already bound by the health care law's Shared Responsibility for Employers provision, which requires an offer of coverage to these same employees.

We are concerned that automatic enrollment may create additional confusion for our employees in an already complex benefit area, and could result in unnecessary hardship if they find themselves automatically enrolled in a plan in which they do not wish to participate. In addition, the automatic enrollment requirement is redundant, expensive and unnecessarily burdensome for employers without increasing employees' access to coverage.

The Department of Labor has acknowledged this complexity in pushing off its implementation. Guidance will not be ready to take effect in 2014, and compliance has been waived until rules can be promulgated for this complicated provision of the law. Further complications arise when implementation must consider existing rules, such as the Lookback Measurement Method used to determine variable hour and seasonal employees' status and eligibility for an offer of coverage.

Now is the time to address the challenges employees and employers face with the automatic enrollment requirement. Thank you for your leadership on this critical issue. We look forward to working with you and your colleagues in Congress to enact H.R. 1254, the Auto Enroll Repeal Act of 2013.

Sincerely,

7-Eleven, Inc.  
Allegis Group, Inc.  
American Hotel and Lodging Association  
American Staffing Association  
American Supply Association  
Associated Builders and Contractors, Inc.  
Associated General Contractors of America  
AutoZone, Inc.  
Bloomin' Brands, Inc.  
Brinker International, Inc.

Buffalo Wild Wings, Inc.  
Cameron Mitchell Restaurants  
CarMax, Inc.  
Carlson Restaurants/TGI Friday's  
Church's Chicken  
Cracker Barrel Old Country Stores, Inc.  
Darden Restaurants, Inc.  
Delhaize America  
DineEquity, Inc.  
Dunkin' Brands, Inc.  
Food Marketing Institute  
H-E-B  
Hilton Worldwide  
HR Policy Association  
Hy-Vee, Inc.  
International Franchise Association  
Jack in the Box Inc.  
Jo-Ann Fabric & Craft Stores  
Kelly Services, Inc.  
Lettuce Entertain You Enterprises, Inc.  
Limited Brands, Inc.  
Lowe's Companies, Inc.  
ManpowerGroup  
Marriott International, Inc.  
Michaels Stores, Inc.  
National Association of Convenience Stores  
National Association of Health Underwriters  
National Association of Wholesaler-Distributors  
National Club Association  
National Council of Chain Restaurants  
National Grocers Association  
National Restaurant Association  
National Retail Federation  
Pep Boys  
Petco Animal Supply, Inc.  
P.F. Chang's China Bistro, Inc.  
Randstad US Staffing  
Regis Corporation  
Retail Industry Leaders Association  
Ruby Tuesday, Inc.  
Rusty Bucket Restaurant and Tavern  
Texas Roadhouse  
U.S. Chamber of Commerce  
Visiting Angels  
Volt Workforce Solutions  
Wolfgang Puck Worldwide, Inc.  
White Castle System, Inc.  
Whole Foods Market  
Yum! Brands, Inc.

Auto Enroll Repeal Act – H.R. 1254

Arizona Retailers Association  
Alabama Grocers Association  
California Independent Grocers Association  
California Retailers Association  
Connecticut Food Association  
Georgia Food Industry Association  
Illinois Food Retailers Association  
Kansas Food Dealers Association  
Retail Grocers Association of Greater Kansas City  
Louisiana Retailers Association  
Retail Association of Maine  
Michigan Grocers Association  
Michigan Retailers Association  
Minnesota Grocers Association  
New Hampshire Grocers Association  
New Jersey Retail Merchants Association  
North Carolina Retail Merchants Association  
Ohio Council of Retail Merchants  
Ohio Grocers Association  
Pennsylvania Retailers' Association  
South Carolina Retail Association  
South Dakota Retailers Association  
Texas Food & Fuel Association  
Texas Retailers Association  
Utah Food Industry Association  
Utah Retail Merchants Association  
Vermont Grocers' Association  
Washington Retail Association  
Wisconsin Grocers Association