



November 17, 2010

Employee Benefits Security Administration  
U.S. Department of Labor  
Office of Regulations and Interpretations  
Room N-5655,  
200 Constitution Avenue, NW.  
Washington, DC 20210

Re: Hearing on Reasonable Contracts or Arrangements for Welfare Benefit Plans Under Section 408(b)(2)—Welfare Plan Fee Disclosure

The U.S. Chamber of Commerce would like to testify at the hearing scheduled for December 7 by the Employee Benefits Security Administration of the Department of Labor on Welfare Plan Fee Disclosure. The U.S. Chamber of Commerce is the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, with substantial membership in all 50 states.

On February 11, 2008 and on August 30, 2010, the Chamber submitted written comments in response to the proposed rule and interim final rule (respectively) on a Reasonable Contract or Arrangement Under Section 408(b)(2). In both sets of comments, we recommended against the application of the fee disclosure rules to welfare plans. We would like to testify to further explain our position on this issue.

Eric Keller, a partner at Paul Hastings and a member of the U.S. Chamber Employee Benefits Committee, will testify on behalf of the Chamber.

Outline of Testimony:

- I. There is no demonstrated need for the application of fee disclosure rules to welfare plans (4 min).
  - a. Review of ERISA Advisory Council study
  - b. Differences in operation between welfare and retirement plans
- II. In the current environment, additional regulations would be unnecessarily burdensome (4 min).
  - a. Employers are attempting to comply with the Patient Protection and Affordable Care Act
  - b. Overlay of state insurance laws

Thank you for your consideration of our request. We look forward to participating in this important dialogue.

Sincerely,

A handwritten signature in black ink, appearing to read "Randel K. Johnson".

Randel K. Johnson  
Senior Vice President  
Labor, Immigration & Employee Benefits  
U.S. Chamber of Commerce