

May 18, 2022

Members of the House Education and Labor Committee:

On behalf of The ERISA Industry Committee, **we urge you to oppose H.R. 7780, the “Mental Health Matters Act,” which includes provisions from H.R. 7740, the “Employee and Retiree Access to Justice Act of 2022”, and H.R. 7767, the “Strengthening Behavioral Health Benefits Act” when it comes to a vote.** Despite the names, these bills would not increase access to justice or benefits but would significantly increase costs and reduce access to benefits.

ERIC is a national nonprofit organization exclusively representing the largest employers in the United States in their capacity as sponsors of employee benefit plans for their nationwide workforces. With member companies that are leaders in every economic sector, ERIC is the voice of large employer plan sponsors on federal, state, and local public policies impacting their ability to sponsor benefit plans and to lawfully operate under ERISA's protection from a patchwork of different and conflicting state and local laws, in addition to federal law.

Plan sponsors are committed to fulfilling their responsibilities as ERISA fiduciaries, which includes making recompense to individuals who were wrongly denied behavioral health benefits. However, ERIC opposes the “*Strengthening Behavioral Health Benefits Act*” because it seeks to go far beyond reasonable recompense, weaponizing the Department of Labor to sue employers rather than helping them come into compliance, without clear limitations on the remedies that could be imposed. The bill proposes doubling the budget for the Employee Benefits Security Administration, in order to fund litigation against plan sponsors, eliminating due process rights for employers. While this may benefit trial lawyers, it will ultimately result in fewer funds dedicated toward actually providing behavioral health for plan beneficiaries.

ERIC opposes the *Employee and Retiree Access to Justice Act* because our member companies and their tens of millions of plan participants rely on federal laws that promote cost-effective and efficient benefits administration, and the bill would make it needlessly harder and more expensive to provide these benefits. For example, the bill would eliminate discretionary clauses, which grant a plan administrator the authority to interpret the plan document and resolve disputes pursuant to extensive Department of Labor regulations. At the conclusion of these proceedings, the plan administrator’s decision is entitled to deference from a reviewing federal court pursuant to *Firestone Tire and Rubber Co. v. Bruch*. Upending this process would threaten to gum up the federal courts with expensive and duplicative proceedings.

Additionally, for nearly 100 years, the *Federal Arbitration Act* has enabled dispute resolution that is often quicker and more efficient than traditional court proceedings. Workers and retirees benefit from this cheaper, more informal process. Arbitration presents a valuable alternative to court proceedings, and should not be curtailed in this context.

Because H.R. 7780 fails to improve behavioral health or employee benefits, and instead raises costs while threatening benefits for employees and their families, **ERIC urges all members to vote NO, and oppose the passage of H.R. 7780.** We look forward to working with Congress on effective, bipartisan solutions to improve behavioral health and other employee benefits.

Sincerely,

A handwritten signature in black ink, reading "Annette Guarisco Fildes". The signature is written in a cursive, flowing style.

Annette Guarisco Fildes
President & CEO