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U.S. Department of Treasury
Internal Revenue Service
CC:PA:LPD:PR
P.O. Box 7604
Room 5205
Washington, D.C. 20044
Attn: REG-131491-10

U.S. Department of Health and Human Services
Centers for Medicare & Medicaid Services
200 Independence Avenue, SW, Room 445-G
Washington, D.C. 20201
Attn: CMS-9974-P

REG-131491-10: PPACA: Health Insurance Premium Tax Credit
CMS-9974-P: PPACA: Exchange Standards for Employers; Eligibility Determinations

The Retail Industry Leaders Association (RILA) appreciates the opportunity to provide input on the provisions of the Patient Protection and Affordable Care Act (PPACA) relating to the insurance Exchanges and health insurance premium tax credits. RILA is the trade association of the world's largest and most innovative retail companies. RILA promotes consumer choice and economic freedom through public policy and industry operational excellence. Our members include the largest and fastest growing companies in the retail industry – retailers, product manufacturers, and service suppliers. The retail industry is vital to our nation's economy, representing one of the largest industry sectors in the United States with nearly 15 million jobs.

RILA formed, and leads, the Employers for Flexibility in Health Care (EFHC), a coalition of employers, organizations, and trade associations that advocate for solutions for employers whose workforce consists of high numbers of part-time, temporary or seasonal workers with fluctuating and unpredictable work hours. The coalition is comprised of representatives of the retail, restaurant, temporary staffing, insurance, franchise, grocery, construction, hotel and lodging, hospitality, and other industries employing variable workforces. The attached EFHC coalition comment letter was developed with extensive input from RILA member companies. RILA strongly supports the policy recommendations in the EFHC coalition letter, and urges the Departments to incorporate these recommendations into final regulations.

Additionally, the RILA Healthcare Committee greatly appreciates the opportunity to meet with administration officials on October 13, 2011, to discuss these policy recommendations in person. We believe the meeting was constructive, and we very much appreciate the administration officials' time and continued willingness to engage in these dialogues with RILA member companies. RILA remains concerned, however, that there exists a lack of understanding of real life scenarios under which employers operate, and disconnect on how PPACA can be implemented by employers. RILA looks forward to having further conversations and providing feedback as the regulatory development process continues.

In the meeting, RILA member companies provided information regarding their unique and innovative wellness programs, as well as, detailed the vast the differences between individual companies' benefit designs. RILA members continue to be leaders in benefits design by engaging their employees and customizing their benefits packages to meet their workforces' specific needs. When employers look at claims data, they are able to see what benefits are being utilized and, therefore, are able to track the costs associated with their employees' care. RILA member companies believe that by examining this data, they are better able to serve their workforce and their specific needs.

RILA believes it is critical to consider the vast differences between workforces, not only in the retail industry, and recognize that a benefits package that fits one employer may not fit another. One RILA member company has a workforce comprised of over 75 percent of women in their 30s, while another company has a workforce comprised of over 60 percent of men in their 40s and 50s. These two companies' workforces clearly do not have the same health needs. It would be to the workforces' detriment, and workforces of numerous other employers, if regulations were written in a one-size-fits-all scenario. Therefore, RILA strongly urges the Departments to include flexibility for employers in all PPACA regulations being written.

Again, thank you for taking into strong consideration the attached policy recommendations from the EFHC coalition. We greatly appreciate the Administration's continued efforts to reach out to stakeholders, such as RILA member companies, during this critical time of implementation.

Please direct questions or requests for further information about this comment letter to Christine Pollack, Vice President of Government Affairs, with the Retail Industry Leaders Association (RILA) at Christine.pollack@rila.org or 703-600-2021.

Attachment: EFHC Coalition letter