



*John Engler*

*President and CEO*

July 15, 2009

The Honorable Charlie Rangel  
Chairman  
Committee on Ways & Means  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

On behalf of the National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector, I urge you to oppose any amendment that would expand the Medicare Secondary Payer (MSP) Act.

This proposed amendment may be offered to America's Affordable Health Choices Act of 2009. The amendment would allow any citizen to sue any company under the MSP and recover double medical costs allegedly caused by the company's products if the injured party is a Medicare recipient. However, the federal suit may be brought before any determination of liability on the part of the company has been made. Faced with the potential of double damages, targeted businesses and industries will be under even more pressure than usual to settle for business reasons. Again, these newly authorized federal lawsuits could be brought even before the fact-finder in an underlying civil court case has rendered a ruling on liability.

Legal costs in the United States are already twice as high as the average in other industrialized countries as a percentage of GDP. This amendment could further exacerbate that disparity that weakens our ability to create and retain jobs in this difficult economic environment. I urge you to strongly oppose this amendment.

Sincerely,

A handwritten signature in black ink that reads "John Engler". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Engler

JE/rp

***Manufacturing Makes America Strong***

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