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ERISA Flash

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ERISA Repealed: Replaced With Honor System*

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Celebrating its 40th anniversary, a unified bipartisan U.S. House and Senate repealed the Employee Retirement Income Security Act of 1974, replacing it with an “honor system”. A long time proponent for the change, ERISA critic, activist and attorney Jeffery Mandell rejoiced, “During my years at the University (when ERISA was enacted), where the student body abided by a strict honor system, nothing unfortunate ever happened. It is time those values, not government, guide America’s retirement and health care system.” President Obama, heralding the effort, Senator Dianne Feinstein, and House Speaker John Boehner issued the following joint statement, along with a picture of their unprecedented group hug. “ERISA served its good and

intended purpose. We now, however, can rely completely on the integrity, goodwill and honesty of our retirement and health care stakeholders to preserve ERISA’s benefits and spirit, but without big government.”

Indeed, Republicans, Democrats, tea partiers, libertarians, and many across the political spectrum can now look to ERISA’s repeal as an example of how “good legislation-gone bad-through onerous in-your-face regulation can, through bipartisan selfless action, be replaced with common sense solutions.” ERISA’s repeal emphatically answers the age-old question (loosely translated from Yiddish), “?Vyen iz gubeermint tooz mech gubeernment and vyet blankit?”

Without ERISA,
America can
get back to
work!

Wall Street, the U.S. Chamber of Commerce, and many other business organizations have lobbied for years to scale back ERISA, but this bold step even surprised them. Mr. Mandell states:

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"The Department of Labor's aggressive fee disclosure initiatives and enforcement of ERISA's fiduciary duties, Obamacare, and the brain damaging length and maze of Treasury's tax regulations were the death knell of ERISA. Employers had to choose between ceasing business operations to dedicate their resources to comply or ignore compliance and assume unacceptable risks."

President Obama announced that all employees of the Internal Revenue Service's Employee Benefits Division, the Department of Labor's Employee Benefits Security Administration and Pension Benefit Guaranty Corporation will immediately be terminated, shutting down those agencies effective today. In a display of public/private sector cooperation, all thirty million regulators will be offered employment at Wal-Marts throughout the country.

Under the new honor system, employers can deduct on their income tax returns whatever amounts they deem appropriate for their health care and retirement plan contributions, instead relying upon their notions of reasonableness, patriotism and government utility as their guide. No longer shackled with eligibility, vesting, investment, nondiscrimination, disclosure or any rules of any kind, employers and fiduciaries should now redesign their plans and operate them as their conscience and business acumen dictate. "What is good for business is good for employees," Representative Boehner declares.

Not everyone is happy though. The American Society of Pension Professionals and Actuaries, the United States Bar Association, National Institute of Pension Administrators, the Obamacare National Society of Consultants, and other stakeholder associations issued the following: "Eighteen million professionals dedicated to secure for America a comfortable retirement and reliable health care system are now suddenly, unexpectedly out of work. Such unemployment will only kill our slow economic recovery." Striking an even more somber note, the Bar Association points out that hundreds of bright attorneys who have dedicated a lifetime to deciphering and understanding archaic employee benefit and tax law tomes, and then trying to make common sense of them for clients, will now find themselves useless and ill-equipped to do anything else. But again, Wal-Mart has stepped up to the plate with a 1-800-ERISAMentalHealth hotline along with offering employment to all ERISA professionals as Wal-Mart Greeters.

Eliminating government oversight, allowing self-regulation, will benefit all employees and restore states' rights.

Finally, as for yours truly, legal publishing giant *The Onion* will be making available advance sales of Mr. Mandell's latest book, "The Art of ERISA-A History Best Forgotten," available as early as March 2015.

Please contact Jeffery Mandell at jeff@erisalawgroup.com, 208-342-5522, or 1-866-ERISALAW with any questions. (John C. Hughes disclaims any part of Mr. Mandell's babble.)

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DISCLAIMER: This *Flash* is nonsense. Pure rubble. No one with a scintilla of sanity should believe it. An attorney-client relationship is not even hereby nascent. All employers and other parties interested in benefits should seek personalized professional counseling, preferably with a psychiatrist. Happy Holidays!