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June 2, 2025

The Honorable Lori Chavez-DeRemer  
Secretary of Labor  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

Dear Secretary Chavez-DeRemer:

We write seeking information regarding the Advisory Council on Employee Welfare and Pension Benefit Plans (ERISA Advisory Council or Council). Specifically, we urge you to provide necessary transparency regarding the deletion of the Council's records from the website of the U.S. Department of Labor (Department) and clarify whether the Trump Administration is considering taking actions to eliminate the Council that are inconsistent with the Department's legal obligations under the *Employee Retirement Income Security Act of 1974* (ERISA).<sup>1</sup>

As you know, the mission of the Employee Benefits Security Administration (EBSA) is to "ensure the security of the retirement, health, and other job-based benefits of America's workers and their families."<sup>2</sup> In furtherance of that mission, Congress created the ERISA Advisory Council,<sup>3</sup> which for five decades has provided technical expertise to EBSA on complex issues relating to health care, disability, and retirement plans that cover more than 153 million workers, retirees, and their family members across America.<sup>4</sup> The Council has written valuable reports on a wide range of topics in recent years, such as pharmacy benefit manager services,<sup>5</sup> disability benefits and mental health,<sup>6</sup> and cybersecurity.<sup>7</sup> That is why we were deeply troubled to learn

<sup>1</sup> Pub. L. No. 93-406 (1974).

<sup>2</sup> U.S. Department of Labor, *About EBSA*, <https://www.dol.gov/agencies/ebsa/about-ebsa> (last visited May 21, 2025).

<sup>3</sup> 29 U.S.C. § 1142.

<sup>4</sup> U.S. Department of Labor, *Fact Sheet EBSA Restores Over \$1.4 Billion to Employee Benefit Plans, Participants, and Beneficiaries* (Updated as of Oct. 14, 2022), <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/fact-sheets/ebsa-monetary-recoveries.pdf>.

<sup>5</sup> Advisory Council on Employee Welfare and Pension Benefit Plans, *Report to the Honorable Thomas E. Perez, United States Secretary of Labor, PBM Compensation and Fee Disclosure* (Nov. 2024), <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/about-us/erisa-advisory-council/pbm-compensation-disclosure-report-2014.pdf>.

<sup>6</sup> Advisory Council on Employee Welfare and Pension Benefit Plans, *Report to the Honorable Julie A. Su, United States Acting Secretary of Labor, Long-Term Disability Benefits and Mental Health Disparity* (Dec. 2023), <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/about-us/erisa-advisory-council/2023-long-term-disability-benefits-and-mental-health-disparity.pdf>.

<sup>7</sup> Advisory Council on Employee Welfare and Pension Benefit Plans, *Report to the Honorable Martin Walsh, United States Secretary of Labor, Cybersecurity Issues Affecting Health Benefit Plans* (Dec. 2022), [https://www.dol.gov/sites/dolgov/files/ebsa/pdf\\_files/2022-cybersecurity-issues-affecting-health-benefit-plans.pdf](https://www.dol.gov/sites/dolgov/files/ebsa/pdf_files/2022-cybersecurity-issues-affecting-health-benefit-plans.pdf).

the Department has, without explanation, erased from its website numerous records regarding the Council's activities in 2024<sup>8</sup> and reportedly placed the Council "on ice."<sup>9</sup>

The functions of the ERISA Advisory Council are clearly specified in federal law, and the Trump Administration has no authority to ignore these requirements. Section 512 of ERISA establishes the Council as an advisory body serving the Department, states that it must meet no fewer than four times per year, and charges it with the duty of "advis[ing] the Secretary with respect to the carrying out of his functions under [title I of ERISA] and [submitting to] the Secretary recommendations with respect thereto."<sup>10</sup> The Secretary also has obligations under section 512, including a requirement to "furnish to the Council an executive secretary and such secretarial, clerical, and other services as are deemed necessary to conduct its business."<sup>11</sup> The Department properly notes that the records of the Council, including the written statements submitted by witnesses, are public records that are not altered by the Department following their submission to the Council.<sup>12</sup>

In 2024, your predecessor complied with these requirements, and the Council held four public meetings addressing two issues: (1) *Qualified Default Investment Alternatives (QDIAs) - Start to Finish, Default to Payout*, and (2) *Group Health Plan Claims and Appeals*. As has been the Department's practice for many years, the Department released two Issue Statements informing the public of the scope of the Council's work and published copies of testimonies that were submitted by more than 30 witnesses.<sup>13</sup> However, in March these documents were deleted from the Department's website without explanation, and only the Final Reports are currently posted, leaving an incomplete online record of the Council's 2024 activities.

Despite repeated requests from the staff of the Committee on Education and Workforce, the Department has been unresponsive to inquiries regarding the decision to delete these records.<sup>14</sup> Moreover, reports indicate that the existence of the Advisory Council—which as you are aware cannot legally be eliminated without legislation enacted by Congress—may be under review by political actors within the Trump Administration.<sup>15</sup> In light of the tidal wave of unlawful layoffs of government employees and violations<sup>16</sup> of the *Impoundment Control Act*<sup>17</sup> by the Trump Administration, we are concerned that the ERISA Advisory Council could face elimination by political forces acting outside their authority under the law.

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<sup>8</sup> U.S. Department of Labor, Employee Benefits Security Administration, *ERISA Advisory Council* (captured by the Internet Archive on Mar. 5, 2025), [https://web.archive.org/web/20250305001104mp\\_/https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council](https://web.archive.org/web/20250305001104mp_/https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council) (last visited May 21, 2025).

<sup>9</sup> Remy Samuels, *ERISA Advisory Council Currently 'On Ice'* (Feb. 28, 2025), <https://www.plansponsor.com/erisa-advisory-council-currently-on-ice/>.

<sup>10</sup> 29 U.S.C. § 1142(b).

<sup>11</sup> *Id.*

<sup>12</sup> Employee Benefits Security Administration, *224th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Teleconference Meeting*, 89 Fed. Reg. 76511 ("No deletions, modifications, or redactions will be made to the statements received as they are public records").

<sup>13</sup> *Supra* note 8.

<sup>14</sup> From Mar. 11, 2025, through May 9, 2025, Committee staff submitted eight emails to the Department without receiving a material response as to why these records were deleted (on file with the Committee on Education and Workforce, Democrats).

<sup>15</sup> Remy Samuels, *ERISA Advisory Council Status Unclear*, Plan Adviser (Mar. 2025), <https://www.planadviser.com/erisa-advisory-council-status-unclear/>.

<sup>16</sup> Fact Sheet, U.S. House Committee on Appropriations (Minority), *Background on Unlawful Impoundment in President Trump's Executive Orders* (Jan. 29 2025), <https://democrats-appropriations.house.gov/news/fact-sheets/background-unlawful-impoundment-president-trumps-executive-orders>.

<sup>17</sup> Title X, Pub. L. No. 93-344 (1974).

Accordingly, we seek your prompt response to the following questions:

- 1) Under what authority were the documents and records of the Council for 2024 removed from the Department's website?
  - a. Why did the Department take this action?
  - b. Have these materials also been removed from the Public Disclosure Room?
  - c. Are any political staff members reviewing or altering any of these materials?
  - d. When will the Issue Statements and Witness Statements be reposted?
- 2) Is the Administration considering terminating the Council, in violation of Section 512 of ERISA?
- 3) When will the Advisory Council hold the first of the four (or more) meetings that are required by law to be held in 2025?
- 4) Have you provided the "executive secretary and such secretarial, clerical, and other services" to the Council for 2025? If not, please provide a detailed timeline for doing so.

Additionally, please provide the following documents to the Committee regarding the Council's 2024 activities regarding: (1) *Qualified Default Investment Alternatives (QDIAs) - Start to Finish, Default to Payout*, and (2) *Group Health Plan Claims and Appeals*:

- 1) Both Issue Statements that were previously published on the Department's website;
- 2) All Witness Statements that were previously published on the Department's website (a list of known statements is attached; please provide any not listed); and
- 3) Complete transcripts of all meetings of the Council in 2024.

Thank you in advance for your full and complete reply. Please respond to this letter no later than June 16, 2025. You may reach out to Democratic staff of the Committee on Education and Workforce with any questions at [EWDOversight@mail.house.gov](mailto:EWDOversight@mail.house.gov) or 202-225-3725.

Sincerely,



**ROBERT C. "BOBBY" SCOTT**  
Ranking Member



**MARK DeSAULNIER**  
Ranking Member  
Subcommittee on Health, Employment, Labor, and  
Pensions

cc: The Honorable Tim Walberg, Chairman, House Committee on Education and Workforce

**Attachment**

**Claims and Appeals Procedures**

1. Brian King, Brian S. King Law Office  
July 8, 2024
2. Meiram Bendat, PsychAppeal  
July 9, 2024
3. Steve Butterfield, Leukemia & Lymphoma Society  
July 9, 2024
4. Karen Handorf, Berger Montague  
July 9, 2024
5. Joseph Feldman, CoverMyHealth  
July 10, 2024
6. Karin A. Peters and Ivelisse Berio LeBeau, National Employee Benefits Administrators, Inc. (NEBA)  
July 10, 2024
7. Adam Beck, AHIP  
September 10, 2024
8. Mary Covington, FixMyClaim  
September 10, 2024
9. Wendell Potter, HEALTH CARE un-covered  
September 11, 2024
10. Brandon Long, McAfee & Taft, and LaShan Wiley and Lorrie Jacobs  
September 11, 2024
11. Emily Carroll and Heather McComas, American Medical Association (AMA)  
September 11, 2024
12. Kaye Pestaina, Kaiser Family Foundation  
September 12, 2024
13. Betty Long, Guardian Nurses – Remarks | Presentation  
September 12, 2024
14. Jacqueline Tulcin, Community Health Advocates  
September 12, 2024
15. Julia Underwood, Consumers for Affordable Healthcare  
September 12, 2024

**Attachment**

**Qualified Default Investment Alternatives (QDIAs) – Start to Finish, Default to Payout**

1. Olivia Mitchell, Wharton School  
Slides Written Statement | Remarks  
July 8, 2024
2. Michael Finke, American College  
July 8, 2024
3. Preet Prashar, Mercer  
July 9, 2024
4. Gregory Fox, Aon  
July 9, 2024
5. Christopher Tobe, Hackett Robertson Tobe Group  
July 10, 2024
6. James Watkins, InvestSense LLC.  
July 10, 2024
7. Thomas Clark, Wagner Law Group  
July 10, 2024
8. Bonnie Treichel, Endeavor Retirement  
July 10, 2024
9. Sara Pollock, S&P  
September 10, 2024
10. Lucian Marinescu, Morningstar  
September 10, 2024
11. Jessica Sclafani, T. Rowe Price | Presentation | Statement  
September 11, 2024
12. Kevin Hanney, RTX  
September 11, 2024
13. Kenneth Levine, RTX  
September 11, 2024
14. Michael Kreps, Groom Law Group  
September 11, 2024
15. Marla Kreindler, Morgan Lewis  
September 11, 2024
16. David Certner, AARP  
September 12, 2024
17. Elizabeth Heffernan, Micruity  
September 12, 2024
18. Jacqueline Rynn, SS&C  
September 12, 2024