

.....
(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend the Employment Retirement Income Security Act to establish a Benefits Assistance Program to improve access to benefits under employee welfare benefit plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DESAULNIER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Employment Retirement Income Security Act to establish a Benefits Assistance Program to improve access to benefits under employee welfare benefit plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Health
5 Claim Assistance Act”.

1 **SEC. 2. BENEFITS ASSISTANCE PROGRAM.**

2 Part 5 of subtitle B of title I of the Employee Retirement
3 Income Security Act of 1974 (29 U.S.C.1131 et
4 seq.) is amended by adding at the end the following new
5 section:

6 **“SEC. 524. BENEFITS ASSISTANCE PROGRAM.**

7 “(a) ESTABLISHMENT.—Not later than January 1,
8 2027, the Secretary shall establish, within the Employee
9 Benefits Security Administration of the Department of
10 Labor, a Benefits Assistance Program (in this section, referred
11 to as the ‘Program’) to improve access to benefits
12 under employee welfare benefit plans.

13 “(b) DUTIES.—The Program shall—

14 “(1) establish a process for the receipt of inquiries
15 or complaints from participants and beneficiaries,
16 and health care providers (on behalf of participants
17 and beneficiaries), relating to—

18 “(A) adverse benefit determinations (as defined
19 under section 2560.503-1(m)(4) of title
20 29, Code of Federal Regulations, as in effect on
21 the date of enactment of the Consumer Health
22 Claim Assistance Act); and

23 “(B) alleged violations of—

24 “(i) plan terms; and

25 “(ii) any provision of this title;

1 “(2) assist participants and beneficiaries in un-
2 derstanding their rights to benefits under their plan
3 and the availability of internal appeals and external
4 review (as such terms are defined under sections
5 2590.715-2719(a)(2) of title 29, Code of Federal
6 Regulations, as in effect on the date of enactment of
7 the Consumer Health Claim Assistance Act);

8 “(3) directly assist participants and bene-
9 ficiaries in filing appeals for denied benefits and
10 navigating such appeals or reviews;

11 “(4) make referrals to appropriate entities re-
12 garding any inquiries or complaints relating to ad-
13 verse benefit determinations by a plan that may vio-
14 late this title or any other law;

15 “(5) provide additional training, technical as-
16 sistance, and support to Department staff, including
17 benefits advisors, to address adverse benefit deter-
18 minations or any violations of this title; and

19 “(6) if the inquiry or complaint was received as
20 a result of a referral from a State office of health
21 insurance consumer assistance, health insurance om-
22 budsman, or other program that carries out the du-
23 ties described in section 2793(c) of the Public
24 Health Service Act (42 U.S.C. 300gg-93(c)), inform

1 such office or program of the result of such inquiry
2 or complaint.

3 “(c) ANNUAL REPORT.—The Secretary of Labor
4 shall, on an annual basis, submit to the Committee on
5 Education and Workforce of the House of Representatives
6 and the Committee on Health, Employment, Labor, and
7 Pensions of the Senate a report, with respect to the Pro-
8 gram, on the following:

9 “(1) The number of inquiries and complaints
10 received (disaggregated by type of plan, size of plan,
11 and type of assistance provided).

12 “(2) The number of participants and bene-
13 ficiaries who received assistance (disaggregated by
14 type of plan, size of plan, and type of service pro-
15 vided).

16 “(3) The dollar amounts of claims for benefits
17 for which assistance was provided (disaggregated by
18 type of plan, size of plan, and type of service pro-
19 vided).

20 “(4) The total dollar amount expended to oper-
21 ate the Program and the number of full-time equiva-
22 lents assigned by the Secretary to operate the Pro-
23 gram.

1 “(5) The number of referrals to appropriate en-
2 tities and, when available, the disposition of such en-
3 forcement actions.

4 “(6) The number and type of any non-monetary
5 recoveries by participants and beneficiaries who re-
6 ceived assistance.

7 “(7) The average amount of time it takes to
8 provide assistance.

9 “(8) Recommendations regarding any additional
10 authority or resources needed to improve the Pro-
11 gram, including recommendations on necessary in-
12 creases in filing fees under section 104(d).

13 “(9) Any other data determined appropriate by
14 the Secretary.”.

15 **SEC. 3. PLAN FILING FEES.**

16 (a) FEES ON FILINGS.—Section 104 of the Employee
17 Retirement Income Security Act of 1974 (29 U.S.C. 1024)
18 is amended by redesignating subsections (d) and (e) as
19 subsections (e) and (f), respectively, and by inserting after
20 subsection (c) the following new subsection:

21 “(d) FEES ON FILINGS WITH SECRETARY OF
22 LABOR.—

23 “(1) IN GENERAL.—The administrator of any
24 employee welfare benefit plan which is a single-em-
25 ployer plan shall pay to the Secretary a filing fee in

1 the amount determined under paragraph (2) at the
2 time of filing an annual report or a notice under
3 subsection (a)(1)(A).

4 “(2) AMOUNT OF FEE.—

5 “(A) ANNUAL REPORTS.—Subject to sub-
6 paragraph (B), the amount of the fee under
7 paragraph (1) with respect to each report or
8 notice shall be—

9 “(i) \$250 if the plan had fewer than
10 100 participants as of the close of the plan
11 year preceding the plan year in which such
12 report or notice is filed;

13 “(ii) \$500 if the plan had 100 or
14 more but fewer than 500 participants as of
15 the close of such plan year; and

16 “(iii) not less than \$1,000 in the case
17 of any other plan.

18 “(B) REGULATORY.—The Secretary may
19 by regulation require a fee that is higher than
20 is otherwise required under this paragraph. If
21 the Secretary requires a higher fee, the Sec-
22 retary shall establish a fee scale that increases
23 the fee charged to a plan as the number of par-
24 ticipants in a plan increases.

1 “(3) PROHIBITION ON USE OF PLAN ASSETS.—

2 Payment of a filing fee under this subsection may
3 not be made using any funds that are assets of the
4 plan.

5 “(4) USE AND AVAILABILITY OF FUNDS.—

6 “(A) IN GENERAL.—The Secretary of
7 Labor shall expend the amounts received under
8 this subsection for each fiscal year for enforce-
9 ment of title I of the Employee Retirement In-
10 come Security Act of 1974 and to support oper-
11 ations of the Benefits Assistance Program de-
12 scribed in section 524. Such funds shall be
13 available without fiscal year limitation.

14 “(B) LIMITATION.—At least 50 percent of
15 the amounts described in subparagraph (A)
16 shall be used to support operations of the Pro-
17 gram.”.

18 (b) EFFECTIVE DATE.—Section 104(d) of the Em-
19 ployee Retirement Income Security Act of 1974, as added
20 by this section, shall apply to reports, descriptions, no-
21 tices, and attestations filed after January 1, 2027.

22 **SEC. 4. MINIMUM NOTICE.**

23 (a) MINIMUM NOTICE.—Section 104(a) of the Em-
24 ployee Retirement Income Security Act (29 U.S.C.
25 1024(a)) is amended—

1 (1) in paragraph (1), by inserting after “plan
2 year” the following: “(or, if applicable, file with the
3 Secretary a notice as described in paragraph (3)(B)
4 for a plan year)”;

5 (2) in paragraph (3)—

6 (A) by striking “The Secretary” and in-
7 serting “(A) Subject to subparagraph (B), the
8 Secretary”; and

9 (B) by adding at the end the following:

10 “(B) In the case of any employee welfare ben-
11 efit plan which is a single-employer plan that is not
12 required to file an annual report for any year, the
13 administrator of the plan shall file with the Sec-
14 retary a notice containing the following information
15 in relation to such plan for such year:

16 “(i) The name of the employer maintaining
17 such plan.

18 “(ii) The number of employees covered by
19 such plan.

20 “(iii) The aggregate amount of benefits
21 provided by such plan.

22 “(iv) The method of funding of such plan
23 (whether such plan is unfunded, insured, or a
24 combination) and, if applicable, the name of

1 any issuers contracted to provide health insur-
2 ance coverage in connection with such plan.

3 “(v) The name of any service providers
4 that rendered services to the plan and received
5 \$5,000 or more in compensation, directly or in-
6 directly, from the plan.”.

7 (b) EFFECTIVE DATES.—The amendments made by
8 this section shall apply with respect to plan years ending
9 after January 1, 2027.