

119TH CONGRESS
2D SESSION

H. R. 9737

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

JULY 16, 2026

Mr. DESAULNIER introduced the following bill; which was referred to the
Committee on Education and Workforce

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”.

6 **SEC. 2. BENEFITS ASSISTANCE PROGRAM.**

7 Part 5 of subtitle B of title I of the Employee Retire-
8 ment Income Security Act of 1974 (29 U.S.C. 1131 et

1 seq.) is amended by adding at the end the following new
2 section:

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

4 “(a) ESTABLISHMENT.—Not later than January 1,
5 2027, the Secretary shall establish, within the Employee
6 Benefits Security Administration of the Department of
7 Labor, a Benefits Assistance Program (in this section, re-
8 ferred to as the ‘Program’) to improve access to benefits
9 under employee welfare benefit plans.

10 “(b) DUTIES.—The Program shall—

11 “(1) establish a process for the receipt of in-
12 quires or complaints from participants and bene-
13 ficiaries, and health care providers (on behalf of par-
14 ticipants and beneficiaries), relating to—

15 “(A) adverse benefit determinations (as de-
16 fined under section 2560.503–1(m)(4) of title
17 29, Code of Federal Regulations, as in effect on
18 the date of enactment of the Consumer Health
19 Claim Assistance Act); and

20 “(B) alleged violations of—

21 “(i) plan terms; and

22 “(ii) any provision of this title;

23 “(2) assist participants and beneficiaries in un-
24 derstanding their rights to benefits under their plan
25 and the availability of internal appeals and external

1 review (as such terms are defined under sections
2 2590.715–2719(a)(2) of title 29, Code of Federal
3 Regulations, as in effect on the date of enactment of
4 the Consumer Health Claim Assistance Act);

5 “(3) directly assist participants and bene-
6 ficiaries in filing appeals for denied benefits and
7 navigating such appeals or reviews;

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

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

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

24 “(c) ANNUAL REPORT.—The Secretary of Labor
25 shall, on an annual basis, submit to the Committee on

1 Education and Workforce of the House of Representatives
2 and the Committee on Health, Education, Labor, and
3 Pensions of the Senate a report, with respect to the Pro-
4 gram, on the following:

5 “(1) The number of inquiries and complaints
6 received (disaggregated by type of plan, size of plan,
7 and type of assistance provided).

8 “(2) The number of participants and bene-
9 ficiaries who received assistance (disaggregated by
10 type of plan, size of plan, and type of service pro-
11 vided).

12 “(3) The dollar amounts of claims for benefits
13 for which assistance was provided (disaggregated by
14 type of plan, size of plan, and type of service pro-
15 vided).

16 “(4) The total dollar amount expended to oper-
17 ate the Program and the number of full-time equiva-
18 lents assigned by the Secretary to operate the Pro-
19 gram.

20 “(5) The number of referrals to appropriate en-
21 tities and, when available, the disposition of such en-
22 forcement actions.

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

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

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

7 “(9) Any other data determined appropriate by
8 the Secretary.”.

9 **SEC. 3. PLAN FILING FEES.**

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

15 “(d) FEES ON FILINGS WITH SECRETARY OF
16 LABOR.—

17 “(1) IN GENERAL.—The administrator of any
18 employee welfare benefit plan which is a single-em-
19 ployer plan shall pay to the Secretary a filing fee in
20 the amount determined under paragraph (2) at the
21 time of filing an annual report or a notice under
22 subsection (a)(1)(A).

23 “(2) AMOUNT OF FEE.—

24 “(A) ANNUAL REPORTS.—Subject to sub-
25 paragraph (B), the amount of the fee under

paragraph (1) with respect to each report or notice shall be—

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

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

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

“(B) REGULATORY.—The Secretary may by regulation require a fee that is higher than is otherwise required under this paragraph. If the Secretary requires a higher fee, the Secretary shall establish a fee scale that increases the fee charged to a plan as the number of participants in a plan increases.

“(3) PROHIBITION ON USE OF PLAN ASSETS.— Payment of a filing fee under this subsection may not be made using any funds that are assets of the plan.

“(4) USE AND AVAILABILITY OF FUNDS.—

“(A) IN GENERAL.—The Secretary of Labor shall expend the amounts received under

1 this subsection for each fiscal year for enforce-
2 ment of title I of the Employee Retirement In-
3 come Security Act of 1974 and to support oper-
4 ations of the Benefits Assistance Program de-
5 scribed in section 524. Such funds shall be
6 available without fiscal year limitation.

7 “(B) LIMITATION.—At least 50 percent of
8 the amounts described in subparagraph (A)
9 shall be used to support operations of the Pro-
10 gram.”.

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

15 **SEC. 4. MINIMUM NOTICE.**

16 (a) MINIMUM NOTICE.—Section 104(a) of the Em-
17 ployee Retirement Income Security Act (29 U.S.C.
18 1024(a)) is amended—

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

23 (2) in paragraph (3)—

1 (A) by striking “The Secretary” and in-
2 serting “(A) Subject to subparagraph (B), the
3 Secretary”; and

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

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

11 “(i) The name of the employer maintaining
12 such plan.

13 “(ii) The number of employees covered by
14 such plan.

15 “(iii) The aggregate amount of benefits
16 provided by such plan.

17 “(iv) The method of funding of such plan
18 (whether such plan is unfunded, insured, or a
19 combination) and, if applicable, the name of
20 any issuers contracted to provide health insur-
21 ance coverage in connection with such plan.

22 “(v) The name of any service providers
23 that rendered services to the plan and received
24 \$5,000 or more in compensation, directly or in-
25 directly, from the plan.”.

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

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