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May 22, 2025

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

Dear Secretary Chavez-DeRemer:

The *Employee Retirement Income Security Act of 1974* (ERISA) has been the cornerstone of our health and benefits system for decades. While the world of business and commerce has evolved considerably in recent decades due in part to new, secure forms of digital communication, ERISA health and welfare plan communications continue to operate under a largely outdated system of physical paper and hand delivery. As we look to strengthen and modernize this critical program, which currently serves millions of American workers and their families, we urge the Department of Labor (DOL) to prioritize rulemaking to establish a default electronic delivery (e-delivery) safe harbor for ERISA health and welfare plan disclosures.

DOL previously issued a default e-delivery safe harbor for ERISA pension plans during President Trump's first administration and acknowledged that extending the safe harbor to ERISA health and welfare plans could achieve a similar "reduction of plan administrative costs and improvement of disclosures' effectiveness."¹ Expanding default e-delivery for health and welfare plans is a needed improvement that would benefit the backbone of the U.S. economy—American employers and workers—by having the following effects:

- 1) **Reducing a costly regulatory burden for American businesses and health plans.** DOL estimated that its 2020 default e-delivery safe harbor for ERISA pension plans would save employers and plan administrators \$3.2 billion over 10 years.² Extending the safe harbor to ERISA health and welfare plans could result in even greater cost savings, freeing up valuable dollars that could be better used to strengthen workers' health benefits and improve health outcomes for working-age Americans.

¹ Default Electronic Disclosure by Employee Pension Benefit Plans Under ERISA, 85 Fed. Reg. 31,884 (May 27, 2020).

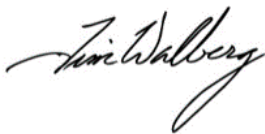
² *Id.* at 31,888.

- 2) **Enhancing workers' access to information about their health benefits.** E-delivery offers a more secure, efficient, and accessible way for employees and their families to receive important information about their health benefits compared to traditional mail and aligns with an overwhelming preference for digital communication among today's workers.
- 3) **Supporting the health of the American workforce.** Digital health plan communications through default e-delivery would provide workers with real-time updates about their health benefits, allowing them to make informed decisions about their health when it matters most.
- 4) **Reducing need for physical mailings.** A default e-delivery safe harbor for ERISA health and welfare plans would significantly reduce the paper required to provide current physical mailings, which can be several dozens of pages long.

We recognize the importance of ensuring that the transition to e-delivery safeguards consumers, and we encourage DOL to follow the precedent set by the 2020 default e-delivery safe harbor for ERISA pension plans by ensuring that individuals who prefer to continue to receive paper disclosures can choose to do so at any time and at no cost. We believe that rulemaking to establish a default e-delivery safe harbor for ERISA health and welfare plans is a straightforward step that would benefit American workers while reducing the unnecessary administrative costs of current paper mandates. We recognize that rulemaking will require collaboration with the Departments of Health and Human Services and the Treasury, and we encourage DOL to initiate this important rulemaking at its earliest opportunity.

Thank you for your consideration of our request.


Sincerely,



Tim Walberg
Chairman



Rick W. Allen
Chairman
Subcommittee on Health, Employment,
Labor, and Pensions



Virginia Foxx
Member



Glenn Grothman
Member



Burgess Owens
Member



Kevin Kiley
Member



Michael A. Rulli
Member



Michael Baumgartner
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Mark B. Messmer
Member



Randy Fine
Member

CC: The Honorable Scott Bessent, Secretary of the Treasury
The Honorable Robert F. Kennedy, Jr., Secretary of Health and Human Services