

To the office of U.S. Representative Mark DeSaulnier

Re: HR 9737 (119th Congress), Consumer Health Claim Assistance Act • Latest action (2026-07-16):

Referred to the House Committee on Education and Workforce.

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Office of record (Congress.gov): 2134 Rayburn House Office Building, Washington, DC • (202) 225-2095

Employee Welfare Benefit Access Assistance Act of 2025

The measure, as described from the official record: To help employees and plan participants navigate and access benefits (such as health insurance, disability, and other welfare benefits) under ERISA-covered employee welfare benefit plans, reducing confusion and improving utilization.

THE PROPOSAL

This Act amends the Employee Retirement Income Security Act of 1974 (ERISA) to establish a time-limited, federally funded Benefit Assistance Grant Program. The Secretary of Labor shall award competitive grants to states, nonprofit organizations, and tribal entities to provide education, counseling, and application assistance to participants and beneficiaries of employee welfare benefit plans (as defined in ERISA Section 3(1)).

Grants may be used for multilingual helplines, online tools, and community-based navigators, but shall not be used to provide legal advice or to advocate for claims. Each grant recipient must submit an annual report detailing the number of individuals assisted, types of benefits addressed, and outcomes achieved. No federal funds shall be used to supplant state or local funding for similar services.

To ensure fiscal responsibility, the program is authorized at \$50 million per fiscal year for five years, funded from general revenues. The program shall sunset on September 30, 2030, unless reauthorized by Congress. The Department of Labor's Employee Benefits Security Administration (EBSA) shall oversee compliance, conduct audits, and may recoup funds if a grantee fails to meet performance benchmarks. The Act takes effect one year after enactment to allow for rulemaking and grantee preparation.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General revenues of the United States Treasury (no new tax or fee imposed on plans or employers).
Funding Amount	\$50 million per fiscal year for five years, total \$250 million.
Sunset Years	5 years
Oversight Body	Department of Labor, Employee Benefits Security Administration (EBSA).
Enforcement Mechanism	Annual audits of grant recipients; recoupment of unspent or misused funds; required public reporting on program effectiveness.
Effective Date	One year after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause – ERISA governs employee benefit plans affecting interstate commerce)
- Tenth Amendment (program respects state sovereignty through voluntary grants, not mandates)

Concerns with the measure as written:

- The original bill proposes a federal program that may intrude on state regulation of insurance and benefit assistance, raising Tenth Amendment concerns if not properly limited.
- If the program mandates participation by states or private entities, it could exceed the Commerce Clause authority by commandeering state resources.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: expands access to benefits for workers and families, reduces health and financial insecurity, supports underserved communities through multilingual services.

Republican priorities: limited federal spending with a hard cap and sunset, state and local flexibility (grants not mandates), no expansion of federal regulatory authority over ERISA plans, and performance-based accountability.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources:

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