



April 7, 2025

The Honorable Lisa McClain
562 Cannon House Office Building
Washington, DC 20515

Dear Representative McClain:

The American Benefits Council ("the Council") strongly supports the EBSA Investigations Transparency Act, which would shine much-needed light on excessively long U.S. Department of Labor (DOL) audits of ERISA plans.

The Council is a Washington, D.C.-based employee benefits public policy organization. The Council advocates for employers dedicated to the achievement of best-in-class solutions that protect and encourage the health and financial well-being of their workers, retirees and their families. Council members include over 220 of the world's largest corporations and collectively either directly sponsor or support sponsors of health and retirement benefits for virtually all Americans covered by employer-provided plans.

Our experience in the DOL audit area has been primarily in the context of audits regarding retirement plan sponsors' efforts to find missing participants (i.e., former employees who cannot be located). As we noted in a January letter to the Trump-Vance transition team, the DOL has taken an adversarial approach to this issue. Instead of providing workable guidance on what plan sponsors should do to find missing participants, the DOL has often conducted adversarial audits of employers that can last as long as eight years. There are often long periods of time during these audits when DOL is silent, followed by additional document requests, followed again by long periods of inaction, followed by more requests. These extended audits are expensive and require episodic intense periods of work, which get much harder as more time passes since the years being audited. And then sometimes a change in DOL personnel triggers a new waiting period and a new set of requests.

We obviously have no concerns with the DOL enforcing the law to unite participants with their well-deserved benefits. On the contrary, uniting participants with their benefits is a critical part of our mission and the mission of our plan sponsors. We do have concerns with excessively long audits that divert resources away from our mission of serving participants and toward endless document production, especially when the

reason for the audits is the DOL's failure to provide workable guidance on what plan sponsors should do in this area.

Your bill would require public disclosure regarding the length of DOL audits, and thereby increase DOL accountability. In our view, this bill is very much needed, and it is our pleasure to support it.

We thank you for your leadership on this critical transparency issue and look forward to working with you to enact this important bill.

Sincerely,

A handwritten signature in black ink, reading "Lynn D. Dudley". The signature is written in a cursive, flowing style with a large initial "L".

Lynn D. Dudley

Senior Vice President, Global Retirement and Compensation Policy