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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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April 2, 2020

The Honorable Preston Rutledge
Assistant Secretary
Employee Benefits Security Administration
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Assistant Secretary Rutledge:

I am writing today to request that you quickly exercise your new authority to extend filing deadlines for certain notice and disclosure requirements imposed by the Employee Retirement Income Security Act of 1974 (ERISA). Congress amended section 518 of ERISA in the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, to provide the Department of Labor (DOL) the authority to extend certain deadlines in the event of a public health emergency. This simple step would help plan administrators and record keepers across the country who are working under unusual and challenging circumstances by allowing them to prioritize the significant increase of requests and applications from families seeking help managing financial hardship over current filing deadlines.

The devastating economic impact from this pandemic is already being felt in my home state of Washington. That's why CARES provided relief and flexibility for families who may have no choice but to mortgage their future by taking early distributions from their retirement accounts after being forced into a desperate financial situation by this crisis. I understand that there are already significant increases – not just in Washington state, but across the country – in hardship requests and loan applications.¹ This increase in requests in conjunction with other competing troubles that businesses are facing may overwhelm plan administrators and record keepers as they also try to juggle filing deadlines.

Given these challenges amid the COVID-19 pandemic and the foreseeable increase in hardship withdrawal and loan requests, I urge the Department to act swiftly and provide at least a 90-day extension for certain ERISA notice and disclosure requirements. Such an extension is a reasonable step to help deal with the unprecedented impact of COVID-19 on record keepers and plan administrators who are already responding to increasing participant and beneficiary requests, which should be prioritized in these uncertain times.

¹ See Letter from SPARK Institute to Carol Weiser, Preston Rutledge, and Victoria Judson (Mar. 23, 2020), <https://www.sparkinstitute.org/wp-content/uploads/2020/03/SPARK-Institute-letter-requesting-coronavirus-relief-3-22-20-final.pdf> (“SPARK members report that their call centers are being inundated with requests for hardship distribution and unforeseeable emergency withdrawal requests.”).

If you have any questions, please contact Kendra Isaacson, Senior Pensions Counsel for the Senate HELP Committee, at (202) 224-6572. Thank you in advance for your attention to this important matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Patty Murray". The signature is written in a cursive style and is positioned above a horizontal line.

PATTY MURRAY
Ranking Member
Senate Committee on Health, Education,
Labor, & Pensions