

Trump's 'Unusual' Pick for Secretary of Labor Has More Health Than Retirement Track Record

Representative Lori Chavez-DeRemer of Oregon also comes with pro-labor positioning that may give pause to Republican Senators considering her nomination.

Reported by [REMY SAMUELS](#)

President-elect Donald Trump chose what some in the Washington Beltway are calling an “unusual” nominee in Representative Lori Chavez-DeRemer, R-Oregon, as the next Secretary of Labor, responsible for a Department of Labor that has been active in the retirement sector in recent years.

At first look, Chavez-DeRemer stands out mostly for positions she has taken on health care benefits and a pro-union stance she took as a Republican in a state that leans Democratic—she narrowly lost her reelection bid earlier this month to Democrat Janelle Bynum.

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Brad Campbell, a partner in Faegre Drinker Biddle & Reath LLP, called Chavez-DeRemer an “unusual” selection for a Republican secretary of labor, as her opposition to state “right-to-work” laws is “likely to be a serious concern for many Senate Republicans.”

He also noted that while Chavez-DeRemer has not made any public statements regarding the DOL’s fiduciary rule—officially the Retirement Security Rule— as a member of the House Committee on Education and the Workforce, she was the only Republican (25 were on the committee) to vote against a Congressional Review Act resolution to strike down the Biden fiduciary rule.

“I have been warning clients and colleagues for some time that President Trump’s election would not automatically mean opposition to the fiduciary rule, and this nomination is an example of that,” Campbell said in an email.

Chavez-DeRemer did, however, vote for the Congressional Review Act resolution against the DOL’s rule on prudence and loyalty in selecting investments, otherwise known as the ESG rule, Campbell noted. Many industry watchers believe the Trump administration will seek to once again reverse that rule to refocus investment selections on “pecuniary factors,” as he did when first in office from 2017 to 2021.

Union, Health Reform

Chavez-DeRemer was notably one of three Republicans (along with 215 Democrats) to sponsor the Protecting the Right to Organize, or PRO, Act of 2023, which sought to make it easier for workers to unionize.

Teamsters union President Sean O’Brien praised Chavez-DeRemer’s nomination in a statement on social media, saying the Teamsters are “ready to work with [her] every step of the way to expand good union jobs and rebuild our nation’s middle class.”

O’Brien spoke at this year’s Republican National Convention, but his union did not endorse a candidate in the presidential election.

Chavez-DeRemer has not been publicly outspoken about retirement policy but did co-sign three bipartisan bills that would help ensure public safety officers receive health care and retirement benefits.

She has, however, been more active on the employer health plan side of the Employee Retirement Income Security Act, including co-sponsoring legislative proposals addressing group health care cost transparency, according to Allie Itami, a partner in Lathrop GPM LLP.

“I would imagine that, if confirmed, she would continue to show an interest in the regulation of group health plans by DOL through the [Employee Benefits Security Administration],” Itami says.

During a House hearing in January before the Subcommittee on Health, Employment, Labor and Pensions, Chavez-DeRemer spoke about how small business should not have to “play games” to get the full picture of the cost of health plans they are offering their employees.

Along with Representatives Mark Takano, D-California, and Kathy Manning, D-North Carolina, Chavez De-Remer has led the bipartisan Health Data Act, which aims to make it easier for employers to choose affordable health care options.

“[The bill] would strengthen the ability of plan sponsors to access data from [third-party administrators],” Chavez De-Remer said in the hearing. “Such reforms would make it easier for employers to leverage their own data when designing innovative payment models.”

She has also spoken out about conflicting incentives of pharmacy benefit managers, arguing that many PBMs favor medicines with high list prices and larger rebates. In September, the Federal Trade Commission sued the big three PBMs—Caremark Rx, Express Scripts and Optum Rx—over their alleged “opaque business practices,” among other issues.

Hazy Outlook

Mark Iwry, a nonresident senior fellow for the Brookings Institution, says he would “be careful not to read too much into the implications” of Chavez-DeRemer as her nomination relates to retirement policy.

Iwry argues that the main factors at play concerning retirement policy are the 2025 Tax Cuts and Jobs Act; the newly formed Department of Government Efficiency aimed at slashing federal spending; and the Supreme Court’s overturning of the *Chevron* doctrine, which shifts power to the courts from federal agencies when it comes to interpreting and enforcing regulations.

Campbell, of Faegre Drinker Biddle & Reath, said he expects senators to press Chavez-DeRemer on key issues facing the DOL.

“My hope is that the Senate HELP (Health, Education, Labor and Pension) Committee will seek specific policy commitments from Chavez-DeRemer regarding several important issues facing the department, including the fiduciary rule, the independent contractor rule, the overtime rule and right-to-work issues, as part of the confirmation process,” he said.

Such responses may be the first time industry watchers will have a true sense of what kind of secretary of labor she will be. In a Wagner Law Group alert on Monday, attorneys Drew Oringer, Mark Greenstein, Susan Rees and Stephen Wilkes wrote that the choice of a pro-labor head of the DOL may cast “real additional doubt on what a Trump DOL will do on any number of specific matters.”

“Now even less clear is the extent to which the ERISA-related decisions, strategies and approaches of the first Trump administration will carry over to the second,” the attorneys stated. “In any event, as to general enforcement activity, as opposed to rulemaking and other interpretive activity, the DOL’s consistent attention to protecting participants and beneficiaries from carelessness and malfeasance may well be safe.”

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