Union Calendar No. 430

119TH CONGRESS
2D SESSION

H. R. 2958

[Report No. 119–504]

To amend the Employee Retirement Income Security Act of 1974 to require that the Employee Benefit Security Administration submit an annual report to Congress on adverse interest agreements, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2025

Mr. RULLI introduced the following bill; which was referred to the Committee on Education and Workforce

FEBRUARY 20, 2026

Additional sponsor: Mrs. MCCLAIN

FEBRUARY 20, 2026

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 17, 2025]

A BILL

To amend the Employee Retirement Income Security Act of 1974 to require that the Employee Benefit Security Administration submit an annual report to Congress on adverse interest agreements, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4   *This Act may be cited as the "Balance the Scales Act".*

5 SEC. 2. REPORT ON ADVERSE INTEREST AGREEMENTS.

6   *(a) IN GENERAL.—Section 504 of the Employee Re-*

7 *tirement Income Security Act of 1974 (29 U.S.C. 1134) is*

8 *amended by adding at the end the following:*

9   *"(f) COLLABORATION WITH PLAINTIFF ATTORNEYS.—*

10   *"(1) IN GENERAL.—In the event that the Sec-*

11   *retary provides adverse assistance to an individual,*

12   *prior to providing the adverse assistance, the Sec-*

13   *retary shall—*

14   *"(A) enter into a written agreement with*

15   *the individual that details the nature and scope*

16   *of such assistance, and*

17   *"(B) provide a copy of such agreement to*

18   *any employer, plan sponsor, or fiduciary that*

19   *may be directly and adversely impacted by such*

20   *assistance.*

21   *"(2) ADVERSE ASSISTANCE DEFINED.—For pur-*

22   *poses of this subsection, the term 'adverse assistance'*

23   *means assistance or advice, including the disclosure of*

24   *information as described in subsection (a), that is di-*

1   rected specifically toward an attorney for potential

2   use in a civil action under section 502(a).

3   "(3) REPORT.—

4   "(A) IN GENERAL.—Not later than 60 days

5   after the date of enactment of this subsection,

6   and by December 31 of each year that begins

7   after such date, the Secretary shall submit to

8   Congress a report containing information on all

9   agreements to provide adverse assistance in effect

10   for the preceding fiscal year, including, in rela-

11   tion to each such agreement—

12   "(i) a copy of the agreement, with any

13   information described in subparagraph

14   (B)(ii) redacted;

15   "(ii) the date the agreement was en-

16   tered into;

17   "(iii) a detailed description of the na-

18   ture and scope of the assistance provided

19   during the fiscal year, including—

20   "(I) the information shared, in-

21   cluding the source, type, and amount

22   of the information, and the date on

23   which such information was shared;

24   "(II) a log of verbal communica-

25   tions, including—

1   "(aa) the date of each com-

2   munication;

3   "(bb) the parties engaged in

4   such communication;

5   "(cc) the mode of commu-

6   nication; and

7   "(dd) the nature of any in-

8   formation shared; and

9   "(III) a log of meetings, includ-

10   ing—

11   "(aa) the date of each meet-

12   ing;

13   "(bb) the parties present at

14   the meeting;

15   "(cc) mode of the meeting;

16   and

17   "(dd) the purpose of such

18   meeting and the nature of any in-

19   formation shared; and

20   "(iv) an explanation of how such

21   agreement is consistent with the public pol-

22   icy of promoting the voluntary sponsorship

23   of employee benefit plans subject to this Act.

24   "(B) IDENTIFYING INFORMATION.—The re-

25   port described under subparagraph (A)—

1   "(i) shall identify the parties to each

2   agreement; and

3   "(ii) may not include any information

4   that may be used to identify any other per-

5   son (including an employer, plan sponsor,

6   plan fiduciary, service provider, or any

7   other potential defendant).".

8 (b) EFFECTIVE DATE.—

9   (1) IN GENERAL.—Subject to subsection (b), the

10 amendments made by this section shall apply to any

11 adverse assistance provided on or after the date of en-

12 actment of this Act.

13   (2) EXISTING AGREEMENTS.—For the purposes

14 of paragraph (1) of section 504(f) (as added by this

15 section) of the Employee Retirement Income Security

16 Act (29 U.S.C. 1134(f)), if, not later than 60 days

17 after the date of enactment of this Act, the Secretary

18 of Labor takes the actions required in subparagraphs

19 (A) and (B) of such paragraph in relation to an ex-

20 isting arrangement to provide adverse assistance, the

21 Secretary shall be deemed to have taken such actions

22 prior to providing such adverse assistance.

SEC. 3. PRIVATE PENSION PLANS AS INTEGRAL TO THE CONTINUED WELL-BEING AND SECURITY OF EMPLOYEES AND THEIR DEPENDANTS.

Section 2 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by adding at the end the following:

"(d) Congress finds that the retirement security of millions of employees and their dependents is directly impacted by the voluntary sponsorship and maintenance of pension plans. It is hereby declared to be a policy of this Act to promote, encourage, and facilitate the voluntary establishment and maintenance of, and contribution to, such plans.".

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