

119TH CONGRESS
1ST SESSION

H. R. 6084

To amend the Employee Retirement Income Security Act of 1974 to strengthen the pleading standards for certain claims, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2025

Mr. FINE introduced the following bill; which was referred to the Committee on Education and Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Employee Retirement Income Security Act of 1974 to strengthen the pleading standards for certain claims, 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 “ERISA Litigation Re-
5 form Act”.

1 **SEC. 2. PLEADING STANDARD.**

2 Section 502 of the Employee Retirement Income Se-
3 curity Act of 1974 (29 U.S.C. 1132) is amended by adding
4 at the end the following:

5 “(n) For the purpose of any civil action under this
6 section alleging that a fiduciary caused a plan to engage
7 in a transaction that violates subparagraph (C) or (D) of
8 section 406(a)(1), a plaintiff has the burden of plausibly
9 alleging and proving that the transaction is not exempt
10 under section 408(b)(2).

11 “(o) For the purpose of any civil action under this
12 section alleging that a fiduciary caused a plan to engage
13 in a transaction that violates section 406 with respect to
14 the purchase or sale of qualified employer securities, a
15 plaintiff has the burden of plausibly alleging and proving
16 that the transaction is not exempt under section 408(e).

17 “(p)(1) For the purpose of any civil action under this
18 section against a plan or its fiduciaries, all discovery and
19 other proceedings shall be stayed during the pendency of
20 a motion brought under Rule 12 of the Federal Rules of
21 Civil Procedure or pending any reply to an answer under
22 Rule 7(a)(7) of the Federal Rules of Civil Procedure, un-
23 less the court finds, upon the motion of any party, that
24 particularized discovery is necessary to preserve evidence
25 or to prevent undue prejudice to that party.

1 “(2) During the pendency of any stay of discovery
2 pursuant to this subsection, unless otherwise ordered by
3 the court or if doing so is contrary to the party’s document
4 preservation obligations under the Federal Rules of Civil
5 Procedure, any party to the action with actual knowledge
6 of the allegations contained in the complaint shall treat
7 all documents, data compilations (including electronically
8 recorded or stored data), and tangible objects that are in
9 the possession, custody, or control of such person and that
10 the person would reasonably believe are relevant to the al-
11 legations, as if they were the subject of a continuing re-
12 quest for production of documents from an opposing party
13 under the Federal Rules of Civil Procedure. A party’s doc-
14 ument preservation obligations under this paragraph ex-
15 tend to all documents held by custodians (such as record-
16 keepers) that are in the possession, custody, or control of
17 the plan or the party.

18 “(3) A party aggrieved by the willful failure of an
19 opposing party to comply with paragraph (2) may apply
20 to the court for an order awarding appropriate sanctions.

21 “(4) Upon a proper showing, a court may stay dis-
22 covery proceedings in any civil action in a State court as
23 necessary in aid of its jurisdiction, or to protect or effec-

- 1 tuate its judgments, in an action subject to a stay of dis-
- 2 covery pursuant to this subsection.”.

