



**THE ERISA  
INDUSTRY COMMITTEE**  
*Shaping benefit policies  
before they shape you.*

**JAMES GELFAND**  
President and CEO

March 16, 2026

Dear Chairman Walberg and Ranking Member Scott:

On behalf of The ERISA Industry Committee (ERIC), we urge you to **SUPPORT** the *ERISA Litigation Reform Act*, H.R. 6084.

By way of background, ERIC is a national advocacy organization exclusively representing the largest employers in the United States in their capacity as sponsors of employee benefit plans for their nationwide workforces. ERIC member companies sponsor health and retirement plans governed by the *Employee Retirement Income Security Act* (ERISA). That law provides the opportunity for judicial remedies in those cases where plan fiduciaries neglect their legal obligations to workers and retirees, cause losses to plan participants, or unscrupulously leverage the plan for self-dealings. Over the past 15 years, the plaintiffs' bar has exploited these provisions as a weapon by opportunistically attacking large plan sponsors and fiduciaries in a systematic way. According to a Supreme Court brief recently filed by Encore Fiduciary, a fiduciary liability insurance underwriter, since 2016, over one half of plans with more than \$1 billion in assets have been targeted by at least one excessive fee or investment performance lawsuit. Plans with \$500 million or more in assets have close to a 10% chance of being sued in a given year. There are hundreds of lawsuits, dreamed up by attorneys that use allegations that are bare-bones, and often nearly identical allegations made to a multitude of companies. The Supreme Court's recent decision in *Cunningham v. Cornell University* only made the situation worse.

The *ERISA Litigation Reform Act* would provide helpful and reasonable first steps to addressing the ERISA class action epidemic. The bill would require a plaintiff, in a case alleging that a contract between a plan and a plan service provider constituted a prohibited transaction under ERISA, to allege with specificity why that arrangement does not meet the statutory exemption for necessary and reasonable arrangements with service-providers. The proposal would also generally provide for a stay of discovery in ERISA lawsuits while motions to dismiss are pending. These provisions would help restore balance without preventing plaintiffs from advancing meritorious claims.

**We encourage you to VOTE YES when the Committee considers this bill.** We look forward to working with you on this legislation and on other measures to improve employee benefits.

Respectfully,

James P. Gelfand  
President and CEO