



**MICHAEL D. SCOTT**  
EXECUTIVE DIRECTOR  
E-MAIL: [MSCOTT@NCCMP.ORG](mailto:MSCOTT@NCCMP.ORG)

July 22, 2025

The Honorable Michael A. Rulli  
Representative  
U.S. House of Representatives  
421 Cannon House Office Building  
Washington, D.C. 20515

## **Re: Support for H.R. 2958, Balance the Scales Act**

Dear Representative Rulli:

The National Coordinating Committee for Multiemployer Plans (“NCCMP”) was deeply troubled upon learning of the existence of Common Interest Agreements between the Department of Labor (“DOL”), including the Employee Benefits Security Administration (“EBSA”), and plaintiff law firms to share DOL investigatory and enforcement materials for the purpose of privately suing ERISA plans. Our concerns were shared by a Federal Magistrate and the U.S. District Court for the District of Colorado in *Harrison v. Envision Mgmt. Holding, Inc. Bd. of Dirs.*

The materials provided by EBSA to these firms include materials obtained by EBSA through the exercise of its statutory subpoena powers and provided by the plans with the expectation of confidentiality, unless EBSA determines that a violation of law has occurred. Contrary to these expectations, these investigatory materials have, at least on some occasions, been provided without the benefit of any determination by EBSA that a violation of law has occurred or that enforcement action should be initiated.

Litigation, particularly unnecessary privately financed litigation, is expensive for ERISA plans, their participants and beneficiaries, the fiduciaries who voluntarily serve on these plans’ boards of trustees, and these plans’ other stakeholders, and should not be encouraged by EBSA or any other governmental entity.

We therefore support H.R. 2958, Balance the Scales Act, the proposed legislation to require disclosure of the existence of these arrangements, both to the affected parties and to the public in general. By shining a light on these arrangements, EBSA will be encouraged to restrict their use to the very unusual circumstances where they may be appropriate.

The NCCMP is the only national organization devoted exclusively to protecting the interests of multiemployer plans, as well as the unions and the job-creating employers of America that establish and maintain them, and the more than 20 million active and retired American workers and their families who rely on multiemployer retirement and welfare plans. The NCCMP’s purpose is to assure a statutory and regulatory environment in which multiemployer plans can

The Honorable Michael A. Rulli  
Representative  
U.S. House of Representatives  
July 22, 2025  
Page 2

continue their vital role in providing retirement, health, training, and other benefits to America's hard-working men and women.

Regards,

A handwritten signature in black ink, appearing to read "M. Scott", is centered within a light gray rectangular box.

Michael D. Scott  
Executive Director