



July 22, 2025

Committee on Education and Workforce
Subcommittee on Health, Employment, Labor and Pensions
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

Dear Committee Members,

The U.S. Chamber of Commerce (Chamber) supports the Balance the Scales Act (HR 2958) which would require the Employee Benefits Security Administration (EBSA) to provide a report to Congress annually on adverse interest agreements and provide copies of such agreements to impacted employers, plan sponsors or fiduciaries. This legislation would help ensure transparency and oversight of EBSA's current practice of sharing information it obtains during the course of an investigation with third parties and their attorneys who are not a party to a related lawsuit.

In 2024, it was discovered that EBSA was sharing information it obtained through investigations with plaintiffs' attorneys. EBSA's claim that sharing this information was part of common interest agreements makes no sense because EBSA was not in active litigation against the affected entities. The Chamber and others tried to obtain more information on this practice from EBSA through Freedom of Information Act requests, but EBSA refused to provide any further information.

The Chamber and its members understand EBSA's role in investigating employers, plan sponsors, and fiduciaries to ensure compliance; however, the information they provide should be kept in confidence and not shared with the plaintiffs' bar. HR 2958 will shed light on such practices and restore confidence in EBSA and its investigatory practices.

Sincerely,

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce