



December 2, 2025

The Honorable Randy Fine  
244 Cannon House Office Building  
Washington, DC 20515

Dear Representative Fine:

The Investment Company Institute (ICI), the association representing the asset management industry in service of individual investors, writes to express our strong support for the ERISA Litigation Reform Act (HR 6084). This bill would be an important step forward to reining in often meritless litigation which threatens the success of our nation's voluntary employer-sponsored retirement system that provides a key source of retirement income for millions of American workers.

ICI and its members strive to promote retirement security for all US workers and are especially attuned to the needs of retirement savers. The asset management industry plays a significant role in US retirement savings by making available the investment products through which pension plans, defined contribution plans, and individual retirement accounts (IRAs) invest. Total US retirement assets were \$45.8 trillion as of June 30, 2025<sup>1</sup> with our members managing a large portion of these assets through regulated funds, collective investment trusts, and separately managed accounts.

The specter of litigation is one of the biggest challenges faced by employers who offer retirement savings plans to their employees. The mere threat of litigation can lead plan sponsors and service providers to shy away from newer, innovative retirement investment products and services that may improve participant outcomes. These lawsuits, and the expense and uncertainty they create for plan sponsors, threaten the very existence of the voluntary employer-sponsored retirement system and harm the plan beneficiaries ERISA is designed to protect.

The President's recent Executive Order on *Democratizing Access to Alternative Assets for 401(k) Investors* highlighted the risks of these burdensome lawsuits to the voluntary employer-sponsored retirement system.<sup>2</sup> The Supreme Court's April 2025 decision in *Cunningham v.*

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<sup>1</sup> See ICI, [Quarterly Retirement Market Data](#).

<sup>2</sup> Executive Order, [Democratizing Access to Alternative Assets for 401\(k\) Investors](#) (White House August 7, 2025).

*Cornell*<sup>3</sup> heightened these concerns, as plan fiduciaries (as well as employers offering a plan) can now be sued for the mere act of hiring necessary plan service providers—absent *any* allegation that the decision to hire a service provider was inconsistent with their duties under ERISA.

HR 6084 would make meaningful progress toward closing new avenues to frivolous litigation opened up by the courts. ICI supports this and other initiatives to limit frivolous litigation.

We also support HR 6084's stay of discovery and all other proceedings in a lawsuit while a motion to dismiss is pending. A troubling trend in recent years has been the front-loading of discovery. The costs and burdens of discovery often incentivize plan fiduciaries to settle a case, even when they have a solid basis for defending a lawsuit. While discovery is a legitimate part of the litigation process, it is inappropriate in these ERISA lawsuits for a plaintiff to be permitted to commence discovery before they have plausibly alleged a violation of ERISA. Staying discovery while this question is resolved would align ERISA litigation with securities litigation, where the *Private Securities Litigation Reform Act of 1995* precluded similar front-running of discovery by staying discovery until a motion to dismiss has been resolved.<sup>4</sup>

We thank you for introducing this legislation and look forward to working with you and the Committee on this and additional reforms to reduce unnecessary burdens on employers that choose to provide retirement benefits to their employees.

Sincerely,

*/s/ Eric J. Pan*

Eric J. Pan  
President & CEO

*/s/ Tom Quaadman*

Tom Quaadman  
Chief of Government Affairs and Public Policy

cc: The Honorable Rick Allen, Chairman, House Subcommittee on Health, Employment, Labor, and Pensions  
The Honorable Tim Walberg, Chairman, House Committee on Education & Workforce

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<sup>3</sup> [\*Cunningham v. Cornell Univ.\*](#), No. 23-1007 (U.S. April 17, 2025).

<sup>4</sup> See 15 U.S.C. § 78u-4(b)(3).