

119TH CONGRESS
1ST SESSION

S. 928

To amend the Employment Retirement Income Security Act of 1974 to prohibit plan investments in foreign adversary and sanctioned entities, require disclosure of existing investments in such entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 10), 2025

Mr. BANKS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Employment Retirement Income Security Act of 1974 to prohibit plan investments in foreign adversary and sanctioned entities, require disclosure of existing investments in such entities, 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 “Protecting Americans’
5 Retirement Savings Act” or “PARSA”.

1 **SEC. 2. PROHIBITION ON INVESTMENT IN CERTAIN ENTI-**
2 **TIES.**

3 Section 404(a) of the Employee Retirement Income
4 Security Act of 1974 (29 U.S.C. 1104(a)) is amended by
5 adding at the end the following:

6 “(3) PROHIBITION ON INVESTMENT IN CERTAIN EN-
7 TITIES.—

8 “(A) IN GENERAL.—It shall be a violation of
9 paragraph (1) for a fiduciary of a plan to fail to en-
10 sure that the plan does not engage in a transaction
11 that the fiduciary knows, or should know, will result
12 in the plan—

13 “(i) acquiring an interest (as defined in
14 section 103(h)) between the plan and a covered
15 entity;

16 “(ii) lending money or extending credit to
17 a covered entity;

18 “(iii) furnishing goods, services, or facili-
19 ties to a covered entity; and

20 “(iv) transferring, directly or indirectly, to
21 or for use by or for the benefit of a covered en-
22 tity—

23 “(I) any assets of the plan; or

24 “(II) any data with respect to any
25 participant or beneficiary of the plan.

26 “(B) DEFINITIONS.—

1 “(i) COVERED ENTITY.—For purposes of
2 this paragraph, the term ‘covered entity’ means
3 a foreign adversary entity or sanctioned entity,
4 as such terms are defined in section 103(h).

5 “(ii) FIDUCIARY.—For purposes of sub-
6 paragraph (A)(iv)(II), the term ‘fiduciary’ in-
7 cludes any person who exercises direct or indi-
8 rect discretionary authority, responsibility, or
9 control with respect to any participant bene-
10 ficiary data.

11 “(C) CONTINUATION OF CURRENT INVEST-
12 MENTS.—In the case of a plan holding an invest-
13 ment in a covered entity on the date of enactment
14 of the Protecting Americans’ Retirement Savings
15 Act, such plan may, notwithstanding subparagraph
16 (A), continue to hold such investment without vio-
17 lating paragraph (1) if the fiduciary of such plan
18 complies with the requirements of subparagraphs (I)
19 and (J) of section 103(b)(3).

20 “(D) CONTRACTUALLY OBLIGATED INVEST-
21 MENTS.—In the case of a plan that has entered into
22 a binding agreement prior to the date of enactment
23 of the Protecting Americans’ Retirement Savings
24 Act obligating such plan to engage in a transaction
25 described in subparagraph (A), if the fiduciary of

1 such plan complies with the requirements of sub-
 2 paragraphs (I), (J), and (K) of section 103(b)(3),
 3 such plan may, notwithstanding subparagraph (A),
 4 fulfill the terms of such agreement without violating
 5 paragraph (1) until such agreement—

6 “(i) expires; or

7 “(ii) allows for termination.”.

8 **SEC. 3. ADDITIONAL DISCLOSURES FOR EMPLOYEE RE-**
 9 **TIREMENT FUNDS.**

10 (a) IN GENERAL.—Section 103(b)(3) of the Em-
 11 ployee Retirement Income Security Act of 1974 (29
 12 U.S.C. 1023(b)(3)) is amended—

13 (1) in subparagraph (H)(iv), by striking the pe-
 14 riod at the end and inserting “; and”; and

15 (2) by inserting at the end the following:

16 “(I) a statement of all assets in the plan that
 17 consist, in whole or in part, of an interest in a sanc-
 18 tioned entity, including—

19 “(i) the aggregate value of such assets in
 20 the plan;

21 “(ii) the identity of each sanctioned entity
 22 in which such plan holds an interest; and

23 “(iii) information identifying each list
 24 under subsection (h)(5) on which such sanc-

1 tioned entity is listed, and the reasons for which
2 an entity may be placed on such list.

3 “(J) a statement of all assets in the plan that
4 consist, in whole or in part, of an interest in a for-
5 eign adversary entity, including—

6 “(i) the aggregate value of such assets in
7 the plan;

8 “(ii) the specific interest, and value there-
9 of, that such plan holds in each such foreign
10 adversary entity;

11 “(iii) the name of any investment vehicle
12 through which the plan holds such interest;

13 “(iv) the name of the fiduciary responsible
14 for such investment; and

15 “(v) a brief statement of factors considered
16 by the fiduciary in maintaining such invest-
17 ment.

18 “(K) a description of any ongoing agreement
19 subject to section 404(a)(3)(D), including—

20 “(i) the assets involved in such agreement;

21 “(ii) the date on which such agreement ex-
22 pires;

23 “(iii) the date on which such commitment
24 may be terminated; and

1 “(iv) such other information as the Sec-
2 retary may deem appropriate.”.

3 (b) DEFINITIONS.—Section 103 of the Employee Re-
4 tirement Income Security Act of 1974 (29 U.S.C. 1023)
5 is further amended by adding at the end the following:

6 “(h) DEFINITIONS.—In this section:

7 “(1) CONTROL.—The term ‘control’ has the
8 meaning given in section 800.208 of title 31, Code
9 of Federal Regulations (as in effect on the date of
10 enactment of the Protecting Americans’ Retirement
11 Savings Act).

12 “(2) EXPORT ADMINISTRATION REGULA-
13 TIONS.—The term ‘Export Administration Regula-
14 tions’ means the regulations set forth in subchapter
15 C of chapter VII of title 15, Code of Federal Regu-
16 lations, or successor regulations.

17 “(3) FOREIGN ADVERSARY.—The term ‘foreign
18 adversary’ —

19 “(A) has the meaning given the term ‘cov-
20 ered nation’ in section 4872(d) of title 10,
21 United States Code (as in effect on the date of
22 enactment of this Act); and

23 “(B) includes any Special Administrative
24 Region of any such covered nation.

1 “(4) FOREIGN ADVERSARY ENTITY.—The term
2 ‘foreign adversary entity’ means—

3 “(A) any official governmental body at any
4 level in a foreign adversary;

5 “(B) the armed forces of a foreign adver-
6 sary;

7 “(C) the leading political party of a foreign
8 adversary;

9 “(D) a person organized under the laws of,
10 headquartered in, or with its principal place of
11 business in a foreign adversary; or

12 “(E) a person subject to the direction or
13 control of an entity listed in subparagraphs (A)
14 through (D).

15 “(5) INTEREST.—The term ‘interest’ includes
16 any interest—

17 “(A) held directly or indirectly through any
18 chain of ownership; or

19 “(B) held as a derivative financial instru-
20 ment or other contractual arrangement with re-
21 spect to a sanctioned entity or foreign adver-
22 sary entity, including any financial instrument
23 or other contract which seeks to replicate any
24 financial return with respect to such an entity
25 or an interest in such an entity.

1 “(6) SANCTIONED ENTITY.—The term ‘sanc-
2 tioned entity’ means an entity listed on any of the
3 following lists:

4 “(A) The Non-SDN Chinese Military-In-
5 dustrial Complex Companies List (NS-CMIC
6 List) maintained by the Office of Foreign As-
7 sets Control of the Department of the Treasury
8 under Executive Order 14032 (86 Fed. Reg.
9 30145; relating to Addressing the Threat From
10 Securities Investments That Finance Certain
11 Companies of the People’s Republic of China),
12 or any successor order.

13 “(B) The list of Chinese military compa-
14 nies identified by the Secretary of Defense pur-
15 suant to section 1260H of the William M.
16 (Mac) Thornberry National Defense Authoriza-
17 tion Act for Fiscal Year 2021 (Public Law
18 116–283; 10 U.S.C. 113 note).

19 “(C) The Entity List maintained by the
20 Department of Commerce and set forth in Sup-
21 plement No. 4 to part 744 of the Export Ad-
22 ministration Regulations.

23 “(D) The Denied Persons List maintained
24 by the Department of Commerce and described

1 in section 764.3(a)(2) of the Export Adminis-
2 tration Regulations.

3 “(E) The Unverified List set forth in Sup-
4 plement No. 6 to part 744 of the Export Ad-
5 ministration Regulations.

6 “(F) The Military End User List set forth
7 in Supplement No. 7 to part 744 of the Export
8 Administration Regulations.

9 “(G) The list of companies whose equip-
10 ment or services are maintained by the Federal
11 Communications Commission under section 2(a)
12 of the Secure and Trusted Communications
13 Networks Act of 2019 (47 U.S.C. 1601(a)),
14 commonly referred to as the FCC Covered list.

15 “(H) The Uyghur Forced Labor Preven-
16 tion Act Entity List maintained pursuant to
17 section 2(d)(2)(B) of the Act entitled ‘An Act
18 to ensure that goods made with forced labor in
19 the Xinjiang Uyghur Autonomous Region of the
20 People’s Republic of China do not enter the
21 United States market, and for other purposes’,
22 approved December 23, 2021 (Public Law 117–
23 78).

24 “(I) The Withhold Release Orders and
25 Findings List maintained by the Commissioner

1 of U.S. Customs and Border Protection pursu-
2 ant to the Act entitled ‘An Act to ensure that
3 goods made with forced labor in the Xinjiang
4 Uyghur Autonomous Region of the People’s Re-
5 public of China do not enter the United States
6 market, and for other purposes’, approved De-
7 cember 23, 2021 (Public Law 117–78).’.

8 (c) EFFECTIVE DATE.—

9 (1) REGULATIONS REQUIRED.—Not more than
10 180 days after the enactment of this Act, the Sec-
11 retary shall issue regulations implementing this Act.

12 (2) EFFECTIVE DATE OF REGULATIONS.—The
13 regulations issued under paragraph (1) shall take ef-
14 fect not later than 1 year after the date of enact-
15 ment of this Act.

○