Congress of the United States

Washington, DC 20515

September 17, 2026

The Honorable Todd W. Blanche
Attorney General
Department of Justice
905 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Kashyap Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Attorney General Blanche and Director Patel:

We write to request immediate investigation into the reported use of unverifiable or stolen identities to submit public comments in support of the Department of Labor's (DOL) proposed rule [1] establishing a legal safe harbor for 401(k) plans to invest in private equity, cryptocurrency, and other so-called "alternative assets" (DOL's proposed rule).

According to a recent reporting by *Bloomberg News*, nearly 12,000 public comments in support of DOL's proposed rule showed signs that they "may have been manufactured . . . and lacked any personalization, such as signatures."[2] Unlike the more than 30,000 public comments opposing the rule, these supportive comments failed to include the commenter's city, state, or email address.[3] In certain cases, the reporters were not able to find evidence confirming that commenters in support of DOL's proposed rule actually existed.[4] In others, the reporters identified people who "vehemently denied" submitting comments in support of DOL's proposed rule or "said their relatives couldn't have done so because they were dead."[5]

This is incredibly concerning. As you know, federal law prohibits knowingly making any materially false statement or representation in any matter within the jurisdiction of the executive, legislative, or judicial branch.[6] Making false statements is a serious crime, and defendants have been convicted and sentenced to prison on that count alone.[7] It is imperative to find out whether federal law was violated in this case and, if it was, ensure that those who broke the law are held accountable.

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[1] *See* U.S. Dep't of Labor, Fiduciary Duties in Selecting Designated Investment Alternatives, 91 Fed. Reg. 16088, (Mar. 31, 2026) (to be codified at 29 C.F.R. pt. 2510), https://www.federalregister.gov/documents/2026/03/31/2026-06178/fiduciary-duties-inselecting-designated-investment-alternatives.

[2] Noah Buhayar and Jeff Kao, *Trump's 401(k) Proposal Shows Evidence of Phony Public Support*, BLOOMBERG NEWS, (Aug. 13, 2026), https://www.bloomberg.com/news/features/2026-08-13/trump-401-k-proposal-shows-signs-of-phony-supportive-comments.

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] 18 U.S.C. § 1001.

[7] See, e.g., Press Release, U.S. Att'y's Off., Dist. of Mont., U.S. Dep't of Just., Poplar Woman Sentenced to Prison for Making False Statements (June 5, 2025), https://www.justice.gov/usao-mt/pr/poplar-woman-sentenced-prison-making-false-statements.

Thank you for your prompt attention to this important matter. We look forward to your response.

Sincerely,

Robert C. "Bobby" Scott
Ranking Member
House Committee on
Education and Workforce

Jamie Raskin
Ranking Member
House Committee on
the Judiciary

Bernard Sanders
Ranking Member
Senate Committee on
Health, Education, Labor,
and Pensions