Congress of the United States

Washington, DC 20515

September 17, 2026

The Honorable Anthony P. D'Esposito
Inspector General
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Inspector General D'Esposito:

In light of recent news on 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), we write to request an Office of Inspector General (OIG) audit of the public comment process for DOL rulemakings.

As you may be aware, recent reporting by *Bloomberg News* identified nearly 12,000 public comments in support of DOL's proposed rule showing signs that they "may have been manufactured . . . and lacked any personalization, such as signatures."[2] In contrast to the more than 30,000 public comments opposing DOL's proposed 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 confirm 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]

An OIG audit is clearly warranted. Given your stated concern regarding persons who "brazenly steal American identities," we hope that the concerns outlined in the article will prompt you to begin an audit immediately.[6] It is imperative that the American people continue to have faith and confidence in the integrity of the public comment process for DOL rulemakings.

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[1] 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] *See* U.S. Dep't of Labor, Press Release, *No Amount Too Small, No Fraud Too Large — And Counting: Fake Identities, Fake Businesses, Real Prison Time — The DOL OIG Continues Its Relentless War on Fraud* (May 21, 2026), https://oig.dol.gov/public/Press%20Releases/OIG-Press-Release-052126 htm.

Thank you for your attention to this matter. We look forward to receiving confirmation of your office's investigation into this matter by October 1, 2026.

Sincerely,

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

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