



# AMERICANS *for* TAX REFORM

July 30, 2020

Secretary Eugene Scalia  
Attn: Jason DeWitt  
Office of Regulations and Interpretations  
Employee Benefits Security Administration  
Room N-5655  
U.S. Department of Labor  
200 Constitution Ave NW  
Washington, DC 20210

Re: Comments in Response to the Department of Labor's Proposed Rule Titled, "Financial Factors in Selecting Plan Investments," RIN 1210-AB95, 85 FR 39113, 29 CFR 2550 (June 30, 2020)

Dear Secretary Scalia:

Americans for Tax Reform (ATR) is a nonprofit, 501(c)(4) taxpayer advocacy group. ATR believes in a system in which taxes are simpler, flatter, more visible, and lower than they are today. The government's power to control one's life derives from its power to tax. We believe that power should be minimized.

**Americans for Tax Reform strongly supports the Department of Labor's proposed rule that requires ERISA fiduciaries to focus only on financial reward when making investment decisions, not on non-pecuniary benefits.**

First, just as we believe that the power of the government should be limited, we also believe that the power of ERISA fiduciaries should be limited. Like the government, ERISA fiduciaries have control over other people's money, \$10.7 trillion in fact. The ERISA fiduciaries should only focus on what is best for the beneficiaries, just as the government should only focus on what is best for Americans. This proposed rule achieves that goal by ensuring that ERISA fiduciaries aren't using the retirement accounts of almost 154 million Americans to further their own political interests.

Second, this proposed rule follows the law. In 2014, the Supreme Court unanimously held in *Fifth Third Bancorp v. Dudenhoeffer* that ERISA fiduciaries could not focus on non-pecuniary benefits in determining investment funds. The Department of Labor has followed this rule for 30 years in guidance. This proposed rule would ensure that the law continues to be followed.

**Because the Department of Labor's proposed rule on ERISA fiduciaries protects the hard earned money of American workers, Americans for Tax Reform strongly supports it.**

Sincerely,

Grover G. Norquist  
President

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