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Phyllis C. Borzi
Assistant Secretary
Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655, U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

February 17, 2010

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2010 FEB 23 PM 4: 22

Tom Rusk
11735 Snowville Rd.
Brecksville, Ohio 44141

Re: RIN 1210-AB33

Dear Ms. Borzi,

I am responding to your request for comment on lifetime income options for participants in retirement plans. Specifically, my comments refer to question 13, which reads as follows:

> "Should some form of lifetime income distribution option be **required** for defined contribution plans (in addition to money purchase pension plans)? If so, should that option be the **default distribution option**, and should it apply to the **entire account balance**? To what extent would such a requirement encourage or discourage plan sponsorship?" [Emphasis mine.]

Further, your request for information indicates that retirees have not saved a sufficient amount for the full length of their retirement.

From my analysis, this fact (when combined with your proposal) leads to some very unpleasant conclusions. When a retiree consumes the last of their savings, they likely become a burden to the social welfare system. Expanding this cost to the nation at large leads to an unmanageable future federal budget. To avoid this outcome, the DoL now proposes to manage all private retirement savings – either directly or through a private financial sector proxy.

The real federal budget is only a sum of what individual taxpayers contribute. Your proposal would attempt to decrease the load on the future taxpayer by regulating how all individuals invest their private savings. This is clearly not in the interest of the individual citizen as the history of Social Security proves.

Providing a lifetime income was supposed to be achieved by the Social Security Act of 1935. It has failed miserably. Not only has Social Security failed to keep up with living expenses, but within thirty years, only 76 cents on the dollar will be available to retirees of my generation. Decades of government borrowing have depleted the Social Security Trust Fund. In place of that cash, we have been given a promise. However, no authority on this earth is capable of repaying an estimated *thirty trillion* in future benefits. Even when private corporations managed defined benefit pension plans, it was no better guarantee of safety. Many workers' benefits have disappeared when their former employer declared bankruptcy.

This helps explain the popularity of 401k and IRA plans. An individual can get a better return on investment with a greater sense of security. The source of both that return and security is individual control. Regardless of percentage gain, the primary benefit of private property is the right of disposition – to spend money according to one's independent judgment. Withdraw that right, and ERISA accounts will become a domain of Social Security administration. This amounts to abrogating the original contractual terms of retirement accounts.

A common recklessness by experts has bankrupted the US financial position. Now, your proposed solution is for Americans to turn over the remainder of their money to these same bankers and bureaucrats? The last part of question 13 should not ask about "sponsorship" but about "participation". How many people would continue to contribute to plans administrated by thieves? Something is clearly irrational here and it is not the average American investor.

This proposal is blatantly contradictory in that it assumes the right to usurp the system of private enterprise – in order to save the wealth created by private enterprise. It is the idea of lifetime income backed by *compulsory* action that we should now question. The average person should be treated as capable of providing for his or her own future. And, a lack of competence of some people should not be an excuse to claim the private savings of all.

If the Department of Labor and the IRS intend on forcibly converting any part of my Roth IRA into an annuity or managed account, I will not voluntarily contribute to any ERISA plan in the future.

Sincerely,

Tom Rusk

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