

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5338
OFFERED BY MR. GOOD OF VIRGINIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “No Discrimination in
3 My Benefits Act”.

4 SEC. 2. SERVICE PROVIDER SELECTION.

5 Section 404(a)(1) of the Employee Retirement In-
6 come Security Act of 1974 (29 U.S.C. 1104(a)(1)) is
7 amended—

8 (1) in subparagraph (C), by striking “and”;

9 (2) in subparagraph (D), by striking the period
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(E) by selecting, monitoring, and retain-
14 ing any fiduciary, counsel, employee, or service
15 provider of the plan—

16 “(i) in accordance with subparagraphs

17 (A) and (B); and

1 “(ii) without regard to race, color, re-
2 ligion, sex, or national origin.”

