
DALLAS REGIONAL CHAMBER®

July 13, 2015

The Honorable Thomas E. Perez
Secretary of Labor
Department of Labor
200 Constitutional Ave. NW
Washington, D.C. 20210

Dear Secretary Perez:

On behalf of the Dallas Regional Chamber and our over 2,000 member businesses, I am writing today to express our concern with the Department of Labor's (DOL) recent proposal to change the definition of fiduciary investment advice under the Employee Retirement Income Securities Act of 1974 (ERISA), and encourage the DOL to make the changes necessary to both protect American savers and their ability to have choice and access to the financial products and services they want and need. We believe there is a balanced approach where a rule can protect investors as well as continue to provide them access and choice in their retirement products and financial service providers.

This rule would greatly expand the types of interactions with retirement savers that would be treated as investment advice. Given the extremely broad definition of investment advice and potential impact the rule could have on financial advisers operating under certain compensation models, DOL proposed a new type of "principles based" prohibited transaction exemption that grants relief to a financial services provider that agrees to act in the best interest of its customer.

The proposal's new exemption does not apply to small businesses with participant-directed plans. This means that small plan sponsors cannot look either to advisers or record-keepers for assistance in structuring fund line-ups. We are concerned that the current proposed rule will limit our small business members from receiving the help they need to establish and maintain a retirement plan. Without the ability to offer employees a competitive retirement savings package, small businesses will face an uphill battle against larger employers in attracting qualified employees.

Additionally, we are concerned that the rule will ultimately limit individual investors' ability to seek access to affordable financial planning services and resources - even if those services and resources are in the saver's best interests. Consequently, we request that, prior to the publication of a final rule, the DOL work with representatives of the business and financial services communities to produce a workable rule that protects savers yet does not prevent our local businesses from continuing with their long-established service models that help our citizens to plan and save for retirement.

We appreciate the challenge of finding a balance between protecting consumers from unscrupulous actors and making sure they receive the necessary assistance in making important investment choices. The current DOL

proposal, however, does not strike a balance and would do significant harm to individuals saving for retirement - particularly lower and middle income individuals who will find that they can no longer afford the investment help they have come to rely on.

The Dallas Regional Chamber and our members are committed to protecting our member companies and their employees who work hard and save for retirement. We thank you for your consideration of our concerns and recommendations, and we look forward to continuing to work together to ensure the right balance is reached.

Sincerely,

A handwritten signature in black ink that reads "Dale Petroskey". The signature is written in a cursive style with a large, prominent initial "D".

Dale Petroskey
President & CEO