

PUBLIC SUBMISSION

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Definition of an Investment Advice Fiduciary

Comment On: EBSA-2023-0014-0001
Retirement Security Rule: Definition of an Investment Advice Fiduciary

Document: 1210-AC02 petition 005

Submitter Information

General Comment

I am an Ameriprise Financial advisor, and I am writing to express my concern about the Department of Labor proposal to redefine an investment fiduciary under ERISA. This proposed regulation is unnecessary, does not increase consumer protection, and should be withdrawn.

The Department has offered no justification for the newly proposed regulation. As with previous proposals that would deter the use of brokerage accounts, the cost and burden of this proposal is significant and would be harmful to retirement investors.

Since 2020, the SEC has been administering Regulation Best Interest - a policy framework authorized by Congress and implemented after considerable study by the SEC. Regulation Best Interest established uniform rules governing advice to retail investors which applies to both IRAs and to other investments in a client's portfolio. Under Regulation Best Interest, my investment recommendations are already held to a best interest standard of care as they should be. Regulation Best Interest has preserved access to financial advice and investor choice that benefit millions of American families and retirees. The Department's proposal would be harmful to this progress.

Ameriprise Financial works with more than 2 million households across the country. Clients rely on me and my firm to provide guidance on their retirement investments, including IRA accounts. Most retirement investors want to work with a financial professional who knows them and can provide personalized, comprehensive guidance.

By limiting access to these services, the DOL proposal would make it harder for individuals to understand their full financial picture and take the appropriate steps to save for their future. Furthermore, the proposal would make it more costly for small business retirement providers to access education and advice – the financial burden of which would also be passed onto individual retirement savers, once again undercutting their ability to secure their financial future.

It is clear that the implementation of the DOL's proposed rule would do far more harm than good for the investors it seeks to protect. I urge you to withdraw it.