December 28, 2023

Office of Regulations and Interpretations
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Attention: Definition of Fiduciary—RIN 1210–AC02;
Application No. D–12057; Application No. D–12060

Assistant Secretary Gomez:

We are writing to express strong support for the Department of Labor's Retirement Security Proposal, which would better protect Retirement Investors who seek professional investment advice. The issue is that most Retirement Investors believe they are receiving fiduciary investment advice from everyone talking with them about their retirement savings, even those financial professionals who are not serving within the letter and spirit of fiduciary duty. The Department's rule would mean that all investment professionals advising Retirement Investors must provide fiduciary advice that is in the best interest of the Retirement Investor. And although Conflicts of Interest would not entirely disappear, the Proposed PTEs are common sense, workable and protective of the Retirement Investor, as they should be, and the Conflicts of Interest that remain would not taint that advice. Throughout this comment we will use the term Retirement Investment Advisor for anyone providing advice or recommending any kind of product or action to Retirement Investors.

We urge the Department to protect Retirement Investors from Conflicted Investment Advice. We encourage the Department to finalize this proposal without delay.

Americans need the Department to bring the current Investment Advice Rule from the 1970s into the 2020s so Retirement Investors can achieve a secure, dignified retirement.

Currently, conflicted Investment Advice comes at a very high a cost to Retirement Investors. Too often, after a lifetime of saving, retiring workers find that conflicted "advice" and the exorbitant costs of certain investment and insurance products have reduced their retirement savings by an estimated one-third to one-half. That can amount to a loss of hundreds of thousands of dollars of their retirement savings. This has nothing to do with market fluctuation. Those lost dollars, intended to fund workers' secure retirements, are transferred in the form of high commissions and other forms of non-transparent compensation, from workers' savings into the pockets of investment or insurance professionals who offer conflicted, expensive, pseudo "advice" – advice that benefits the provider more than the Retirement Investor.

This unfortunate situation evolved from 1970s era regulations, created when pensions were the norm, before 401(k)s even existed. No regulator could have foreseen the way pensions were replaced by 401(k)-type retirement savings vehicles. Or that employers (who mostly are *not* professional investors), would be responsible for management of a Defined Contribution Plan, or that regular workers, untrained in investment management, would have to select from a list of plan investments of variable quality and cost-efficiency to manage their own asset allocation, in their 401(k).

No one would have predicted in 1975 the current scenario: that one employer would have a 401(k) plan with investment choices consisting of high-cost, lower-performing, lower quality mutual funds; while across the street, another company's employees were fortunate enough to have a 401(k) plan with cost-effective, better-performing funds, enabling employees to retire with one-third more or twice as much money after a lifetime of retirement savings.

Or, that Retirement Investors on the verge of retiring would be induced to take their money out of an institutional ERISA 401(k) type of plan, and put it into a "retail" IRA, and an annuity with fees that can cost them 6% or 8% or 10% initially, and even more through years of hidden or less than transparent fees and payout rate cap changes, depleting their savings, and locking up their money at the most vulnerable time for a Retirement Investor.

And no one would have predicted in 1975 that the above scenario would be frequent, not covered by ERISA, incredibly lucrative for the investment /insurance rep and companies, and severely harmful to the investor.

The Proposed Changes to the Department of Labor Investment Advice Rule are Long Overdue. We support the Department's proposed rules, closing loopholes that have harmed too many Americans and need to be addressed.

It has been sobering to hear opponents of DOL's Proposed Rule – those who want to *appear* to be acting as fiduciaries in the best interest of retirement clients or prospects – but turn around and claim in court: we're salespeople, just like car dealers.

Some individuals and companies advising employers and Retirement Investors have gotten away with avoiding fiduciary duty for a long time, because they do not meet every element of the outdated 1975 Five-part test of who is an Investment Fiduciary under ERISA. The 1975 Five-part test is currently written in such a way that a person would be considered a fiduciary only if they meet all five parts of the Five-part test. So, it's easy for them to avoid their fiduciary duty to Retirement Investors, simply by not meeting all five parts of the outdated 1975 Five-part test.

This exposes employer plan sponsors to the risk and harm of being taken advantage of, as well as lawsuits when they implement Investment Advice recommendations that should be fiduciary (and the employer thinks they are) – but are not.

And it exposes Retirement Investors, who are captive in their employer's plan, to the risk and harm of being taken advantage of the same way, if the provider of Retirement Investment Advice to the Retirement Investor is not acting as a fiduciary but the Retirement Investor believes they are, as so often happens.

The effect of this is immense, resulting in Retirement Investors having to choose from investments in 401(k) plan menus that may be unreasonably expensive. And this benefits the sellers of expensive investments, rather than the Retirement Investor.

To put this another way, the current 1975 Five-part test enables unscrupulous investment or insurance firms and their employees, in the guise of Fiduciary Investment Advice Providers, to grab as much of participants' retirement savings as they can. It also exposes employers to lawsuits over investments that are not cost-efficient; high-cost service providers; and lack of prudent investment selection and monitoring.

Now, we are not saying that every company advising employer 401(k) plans and Retirement Investors is running from ERISA Fiduciary Duty.

Far from it. There are many independent Registered Investment Adviser firms providing excellent advice, at a reasonable cost, with cost-efficient, prudently selected and monitored funds in plan menus, working solely in the best interest of plan participants, for employers sponsoring 401(k) plans.

However, Retirement Investors, even in the best-run plans, are vulnerable to calls from sellers of harmful, costly annuities, rollovers, and other schemes designed to part Retirement Investors from a large, often unconscionable chunk of their hard earned Retirement Savings. This should never happen.

Non-fiduciary firms and individuals cannot be allowed to continue to profit by using the 50-year old, 1975 ERISA Five-part test in ways that enable them to recommend actions or products that enrich non-fiduciaries while harming Retirement Investors.

We strongly support amending the Five-part test so that Retirement Investors are served by bona fide fiduciary Retirement Investment Advisors.

No More Hit-And Run "Advice"

One of the reasons that the 1975 Five-part test requires updating is that **currently, all five parts of the test to be included for advice providers to be considered a fiduciary**. Broker-dealers, fund companies, banks, and insurance companies and their Retirement Investment Advisors currently avoid fiduciary duty simply by providing **one-time advice**, thereby skipping the regular advice prong, or any of the other four prongs of the 1975 Five-part test. ***There is incentive to offer hit-and-run recommendations of high-compensation products*** which rob Retirement Investors of large portions of their savings, while at the same time richly rewarding that Retirement Investment Advisor for harmful behavior toward Retirement Investors. Those who do this have very powerful incentives to build a business around repeating this behavior, which is so very harmful to Retirement Investors.

Viola, the current Five-part test rewards recommenders of these transactions in three immediate ways: 1) very high compensation for the Retirement Investment Advisor; 2) no ongoing monitoring; and 3) it helps the advice provider avoid fiduciary duty. These three incentives perpetuate and reward a hit-and-run practice.

Sadly, this causes enormous harm to Retirement Investors in hit-and-run types of transactions that pay the Retirement Investment Advisor very substantial 6%, 8%, 10% commissions that come out the Retirement Investor's retirement savings in ways that are not transparent, are ongoing, and are extremely harmful to Retirement Investors.

Another part of the outdated 1975 Five-part test says that advice/recommendations must form a ***primary basis*** **for the investment decision**. Companies trying to evade fiduciary responsibility often use legal disclaimers – often in the fine print – that say something to the effect of: 'investors should not rely on our recommendations as a primary basis for their investment decisions.' But in practice, the firm and a financial professional's ***intent*** is to create a trusted, professional relationship with a Retirement Investor, so they will rely on, and act on that advice. But, when dealing with broker/dealers, banks, mutual fund companies and insurance companies, though that relationship is advertised as 'in your best interest' viewed by the companies as a sales relationship, (distribution, sales, production, product placement), while to the retirement investor it is a trusted advice relationship. Hence the need for an ERISA -covered

fiduciary relationship of loyalty and trust, with only advice that is solely in the best interest of the Retirement Investor.

This is made worse by advertising and discussions that lead Retirement Investors to believe that the person calling on them is a Retirement Investment Fiduciary, working solely in the Retirement Investor's best interest. Disclosure, whether it is 100 or 1,000 pages, is not effective in changing that belief when the advertisements portray such caring advice.
In fact, studies[1] have shown that when disclosures are given, the *recipient* trusts the advice provider *more*, and is *more likely to act on the advice* they are given – even if they know it is worse advice. And the *advice provider is more likely to give advice that's worse after disclosure* – advice that that benefits the advice provider more than the client. This is not to say there should not be transparency – there absolutely should be. But hundreds of pages of disclosure are not useful. We have seen and recommended clear, brief disclosures that are much more effective than the hundreds of pages that are typical and meant to confuse Retirement Investors, regarding complex investments such as many annuities.

This demonstrates a knowledge asymmetry, inherent in a relationship in which one party is highly trained and knowledgeable in a technical area, such as a Retirement Investment Advisor, Investment Advice Fiduciary, or other knowledgeable investment/insurance professional, while the other party is a regular person, not a professional in the investment or insurance industry, just a Retirement Investor looking to retire securely.

Retirement Investors often cannot tell if they are being called on by a bona fide fiduciary such as an independent Registered Investment Adviser, or if it is someone affiliated with an insurance company, or a dually registered investment/broker, bank, or mutual fund company who may not currently be required to be a fiduciary under ERISA.

Many of the most egregious harms to Retirement Investors come when they are urged – or scared – into moving a lifetime of retirement savings from the relative safety of a 401(k) or pension plan covered by ERISA, into an IRA or an annuity. Once a Retirement Investor's money

[1] The Unintended Consequences of Conflict of Interest Disclosure, George Loewenstein, PhD; Sunita Sah, MD, PhD; Daylian M. Cain, PhD https://jamanetwork.com/journals/jama/article-abstract/1104993

is taken out of their 401(k) or pension plan, into an IRA, current ERISA does not cover that money. It's a huge vulnerability for the Retirement Investor, and like a big fat bullseye for non-fiduciaries. The **discussion to roll** a Retirement Investor out of a 401(k) plan or pension needs to be covered under ERISA.

We strongly agree with the DOL's Proposed Rule that the decision to roll out of a plan is momentous, and should be covered by ERISA, since this is so often done at the highest point of a Retirement Investor's retirement savings, at the time they have the most to lose. Retirement Investors are worrying about whether they have saved enough to last for the rest of their lifetime. Therefore, the discussion about what to do with that money at retirement, and potentially rolling money out of ERISA 401(k) safety in a covered plan, the act of rolling out a plan, and the advice on what to invest in are all important, and not to be treated lightly. **The difference between the lower, institutional costs of 401(k) plans versus much higher retail costs of an IRA or the ultra-high costs of so many types of annuities, has an enormous effect on a Retirement Investor's security and well-being through retirement.**

We believe that all rollover discussions should be covered under the Department's updated Investment Advice Rule.

As a longtime CEFEX Analyst I have examined many independent RIA firms' excellent processes that ERISA Fiduciaries have in place to determine IF a roll out of a plan is called for, or not.

Similarly, excellent Registered Investment Advisor firms contract with plan sponsors as a 3(21) Investment Advisor, advising the plan fiduciaries solely in the best interest of plan participants, or a 3(38) Investment Manager, vetting and monitoring plan investments on a discretionary basis. Their contracts explicitly state that they are ERISA fiduciaries and explain their services and how they are provided. Best practices exist and are followed by these firms, to the benefit of plan participants. There is no reason why any other firms, of any type, cannot comply with what is in the Proposed Rule, working solely in the fiduciary best interest of plan participants.

Here is a true example of harm to a Retirement Investor:

[redacted] Smith had just turned 65. After college he joined the Navy, retiring as a Lieutenant. He entered the private sector and worked and saved to create a retirement nest egg. In addition to corporate 401(k) plans, he was a beneficiary of two very large corporate pension plans and a government pension, which provide retirees a monthly check for life.

Shortly after his birthday, Smith got a phone call from a at a very well-known company who began by asking whether he was confident he'd have enough to live on for the rest of his life.

The advisor insinuated that Smith's employers with the pensions, one a Fortune 40 company, and the other a Fortune 20 company, might go out of business, taking Smith's monthly pension payments with them. Scaring him. He asked Smith:
What would happen to you then?
How will you live?
What will you do?

He urged Smith to take lump sum payouts from his two corporate pensions – well into the six-figures – and roll that into a "guaranteed" annuity in an IRA. **Each month, this annuity would pay Smith *several hundred dollars LESS* than his pension plan,** but the advisor said, "It would be guaranteed." He hounded Smith until he rolled one of his pensions into an IRA, ready for that annuity. This caused irreversible harm. It is too late for Smith, but it's not too late to close this kind of loophole in which a service provider preys on the fears of people who are retiring – even when their pensions are as secure as these were.

It is time to stop this kind of deception and harm to Retirement Investors.

We support the Department's Proposed Rule regarding Rollovers:

1) discussions on whether or not to roll out of a plan;
2) the act of rolling money over into an IRA; and,
3) recommendations to the Retirement Investor about what to invest in post rollover.

All of these should be covered under ERISA in DOL's Proposed Rule, for the safety and wellbeing of Retirement Investors.

Inducements Using Fear and Scare Tactics

In addition, some Retirement Investment Advisors are very skilled at inducing Retirement Investors to buy expensive annuities by using fear and scare tactics, undermining their confidence in their employer's retirement plan. They try to worry Retirement Investors that their pension or 401(k) type plan could fail. They entice the Retirement Investor to roll out of a 401(k) or even a pension by saying annuities are "guaranteed," (however that is not correct). Anyone who paid attention to what happened in the 2007-2009 Great Recession[2] will remember that insurance companies and banks swooned and there was more than one bailout funded by the American taxpayer. Some companies are still recovering.

Currently, peddlers of high-commission, high-cost annuities have one goal: huge commissions and other compensation for themselves and their companies. They cunningly convince the Retirement Investor/annuity target that they are recommending this annuity in the target Retirement Investor's best interest and advising them to purchase the annuity.

But though they are mimicking a fiduciary, currently they're not actually being a fiduciary. In their own lawsuit to kill the 2016 DOL Fiduciary Rule, these actors claimed their role was not of a Retirement Investment Advisor, but rather the sales role of a car salesperson. But there is a problem if someone pretends to be recommending a product or action in the best interest of a Retirement Investor, when instead they're selling something that will pay themselves a bundle and leave the target, the Retirement Investor, worse off. Especially if the fiduciary status they exude during the annuity discussions evaporates once the product is placed, and they say they're just like a car salesperson.

Indexed Annuities

Insurance companies have boosted sales of indexed annuities, the annuities that pay the highest commissions and other compensation to insurance Retirement Investment Advisors who induce Retirement Investors to leave the safety of their ERISA plan to buy the annuity. This is another example of destructive hit-and-run behavior that fails out of the current outdated Five-

[2] "Insurance Industry Foundered in 2008,"https://www.cbsnews.com/news/insurance-industry-floundered-in-2008/

part test. Indexed annuity sales have increased by more than 100% over the past 10 years, from annual sales $256.7 billion in 2013 to sales of $585.2 in 2022.[3]

When a Retirement Investor is persuaded to roll out of a 401(k) or pension into a fixed index annuity, (FIA), the annuity rep can receive 6% to 8%in commissions[4], and (some may pay the rep as much as 10%). The money will be locked up for years, 10, 15 years, or life. Withdrawal penalties can be 10% or higher – to take the investor's own money out.

Though FIAs are sold by promising "guaranteed income for life," there is no guarantee that the Retirement Investor will ever get back all the money they put into the annuity. Illustrations used to sell FIAs promise high returns. But the insurance company holds all the cards. They can change the "rate cap" – the income amount the insurance company pays the annuity Retirement Investor on returns. Most change the rate cap every year. An annuity buyer may start with a come hither, high return, and the insurer can lower the rate cap to much less. Then, what the Retirement Investor thought would be their 7% income payment, or 12% income payment may end up as their 3% income payment – and the Retirement Investor cannot do a thing about it.

And there may also be additional fees taken out of payments to the Retirement Investor, further lowering their income. Plus, surrender charges of up to 10%. That's quite a haircut for taking one's own money out of a "guaranteed" product.

And if the annuitant dies? Unless they have paid extra for spouse or beneficiary benefits upon the annuitant's death, *the rest of the annuitant's principal goes to the insurer*. Right now, this is happening with impunity.

Here is one example of a Retirement Investor who has worked hard and saved $1 million in their retirement plan. They are just about to retire with security. They are approached at that vulnerable point and induced to pull their retirement money *out* of an ERISA-protected 401(k) or pension plan, into an IRA (currently outside of ERISA jurisdiction) and then into a Fixed Index

[3] Source: U.S. Individual Annuities, 4th Quarter 2022, LIMRA, 2023. https://www.iii.org/fact-statistic/facts-statistics-annuities#Sales%20Of%20Individual%20Annuities%20By%20Distribution%20Channels,%202018%20And%202022
[4] https://agent.american-equity.com/documents/4254-08.01.12.pdf

Annuity, (FIA). How does that happen? Because, the Retirement Investor is scared into considering it and told, it's "guaranteed" – (a word that ought to be forbidden in any discussions of this type). That Retirement Investor's money, $1 million, is moved into the annuity. The commission is 9%.
The insurance company makes so much money from this transaction, locking a Retirement Investor's money up for a decade or longer, that they can pay the financial professional recommending it 9%[5].

The Retirement Investment Advisor who recommended the annuity quickly receives the first 6% of the 9% commission, $60,000. No wonder these are sold so frequently – that's a lot of money for one transaction. That's $60,000 to start, with $30,000 to come, for one transaction for which, maybe, they had two meetings. Perhaps a dinner.

Compensation of $90,000 for *one sale* of a large FIA is a very powerful incentive to an insurance professional to induce a Retirement Investor to roll out of the safety of their ERISA retirement plan or pension and into the annuity. The insurance professional will likely receive another 1% of the $1 million annuity compensation/commission, $10,000, on the first anniversary of that transaction. On the second anniversary of that transaction, another 1% of $1 million – another $10,000. And on the third anniversary, the insurance will receive another 1%, in commission, another $10,000.

That is $90,000 in compensation over 3 years from that one transaction. Meanwhile the rate cap on the FIA , (the amount paid to the annuity holder) has dropped from 7% in the first year, or around $70,000 (minus other fees) in income to the annuitant, to perhaps 4% (minus other fees) the next year.

This is just one annuities scenario – there are others, but the theme is the same: inducement to roll out of ERISA protected plans into high-commission annuities that often benefit the Retirement Investment Advisor more than the Retirement Investor. IF the Retirement Investor eventually discovers they have made a mistake, or been bamboozled, they often are ashamed

[5] https://www.pacificlife.com/content/dam/paclife/rsd/annuities/public/pdfs/guide/pacific-index-foundation-guide.pdf

that they didn't know better. And there's little they can do about it without further withdrawal penalties. The harm is done.

"Free" dinners at very nice restaurants entice pre-retirees to hear about "retirement strategies" that are really about FIAs. These are frequent, slick, and full of clever sales pitches based on fear and naivety. "What if your employer goes bankrupt and you lose your retirement?" "What if the market goes down?" "What would you do then?" "How will you live?" These sales are based on making Retirement Investors fearful, and in anticipation of the enormous reward the Retirement Investment Advisor gets. And they are very effective.

We agree with The Department that the Proposed Rule Should Cover Advice to Plan Sponsors as well as Plan Participants and Beneficiaries.

It is crucial for **plan sponsors** to always receive advice that is solely in the best interest of plan participants. That is not covered well enough under the existing law, and as indicated by numerous lawsuits against large plan sponsors, expenses of plan investments and service providers are often much too high.

We oppose a seller's exemption or large plan carveout. When one examines the many ERISA plan lawsuits, it's clear that **even very large plan sponsors are not sophisticated enough to guard against high plan expenses and sup-par fund menus with plan investment options that are not cost-efficient.**

There is data now to benchmark plan and investment fees and expenses and that benchmarking is very valuable to plan participants. This is a standard service component of the best Investment Advisors and 402(a) ERISA Fiduciaries providing services to employer plans, MEPs and PEPs.

Costs Matter

Plan investment options that carry high expenses are not cost-efficient. That's a direct drag on performance, and may lead to more volatility, because it also means fund managers may take more risk, to potentially goose performance. And investments that are not cost-efficient can rob a plan participant of a third, or even half of their retirement savings, leaving them much less

secure. Yale's former endowment manager, David Swensen, advised non-professional investors to invest their retirement savings in low-cost index funds. He noted that just 1% in excess fees over the retirement savings years can reduce a retiree's nest egg by half.

While the requirement of fee disclosures in 2012 was measurably helpful bringing down costs for investments and service providers, they are not uniformly clear. A study by AARP[6] found that 41% of investors "think they don't pay any fees or expenses for their investment accounts." Another 12% are not sure if they pay any fees or investment expenses. Nearly two-thirds, 62%, don't know how much they pay. The study also found that "Two in three investors think that it would be unacceptable for financial advisors to maximize their earnings by selling their clients higher cost investment products when similar lower cost investment products are available." This makes clear that there is deception in some sectors of the retirement investment marketplace.

The proposed Rule's redefinition of fiduciary investment advice is necessary because many areas of retirement advice are not covered under SEC's Regulation Best Interest or NAIC's weak annuities provisions, which are not fiduciary, they're suitability, a sales model. Retirement Investors are left to fend for themselves when products like annuities are recommended. The DOL's proposed Rule would help Retirement Investors by covering all advice and recommendations on all products and actions pertaining to plans and Retirement Investors. And Reg BI doesn't cover the problem of conflicts in retirement advice – it only covers securities transactions. Annuities are not covered under Reg BI. The NAIC Model Rule for annuities is weak. Its Best Interest provisions are a wink and a nod; they are suitability, the sales standard, which is not in the fiduciary or best interest of the participant – it's a wolf in sheep's clothing standard.

The DOL's proposal would close some of the most harmful loopholes, such as the unforeseen harmful effects of the obsolete 1975 Five-part test; cover advice and recommendations on rollovers, annuities, and other non-securities transactions.

[6] An AARP Survey of Retail Investors About Advisor-Client Relationships and Fees
https://www.aarp.org/pri/topics/work-finances-retirement/financial-security-retirement/retail-investors-survey/

The Proposed Rule would help Retirement Investors accumulate more in retirement savings and curb inducements to turn their hard-earned savings into high fee, high commission products that harm the Retirement Investor while at the same time enriching the provider.

A Breakeven Analysis Requirement for Annuities

Breakeven Analysis for all Annuities Products

A requirement for a realistic, written breakeven analysis for all annuities recommendations, with disclosure of all fees and any other compensation, would be a useful tool for annuities discussions with Retirement Investors, along with realistic illustrations.

Rollovers

A study by Pew Trusts[7] found that rolling out of 401(k) plans costs Retirement Investors a lot of money once they no longer benefit from institutional share classes a 401(k) would use. "In the aggregate, the amount of retirement savings lost in such rollovers potentially reaches tens of billions of dollars. In 2018 alone, investors rolled $516.7 billion from employer retirement plans into traditional IRAs. An analysis of fee differentials suggests that over a hypothetical retirement period of 25 years, those retail investors could see an aggregate reduction in savings of about $45.5 billion—just from that single year of rollovers."

Once Retirement Investors have left the institutional buying power of the corporate retirement plan the news can be even worse if they are holding mostly equities. The Pew study notes: "For mutual funds that primarily hold equities, costs are significantly greater for retail shares. Annual expenses for median retail shares were 0.34 percentage points higher than those for institutional shares. Although this seems like a small difference, it represents about 37% higher fees."

Access, Choice, Compensation

This rule is very different from the 2016 proposal. While it captures relationships and services investors reasonably rely on and view as advisory relationships of trust and confidence, there is no contract/warranty requirement, and no private right of action for IRA investors.

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[7] https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2022/06/small-differences-in-mutual-fund-fees-can-cut-billions-from-americans-retirement-savings.

This rule won't result in loss of access to advice. Those who complain about this do not typically provide advice – they recommend and sell in the guise of bona fide advice. Many bona fide fiduciary professionals are ready, willing, and able to serve investors of all means based on a fiduciary standard. These advisors already do, with all their clients. Industry claims that the proposal would result in a loss of access to advice are inconsistent with their legal claims before the 5th Circuit that they provide arms' length commercial sales pitches like car dealers, not advice.

This Rule, instead of limiting "access", or "choice" would improve products and services and promote innovation. We saw real product improvements in 2016-2017, but many of the products and services that were announced never came to market or were removed after the Rule was struck down. One more thing; this is not about commissions vs fees. Investors would be able to receive advice at a reasonable cost and be able to pay for it according to a variety of fee models with this Rule. Those who make those "loss of access" claims would not have been providing trusted advice. Those advisors who DO provide trusted advice in the best interest of retirement plan participants and Retirement Investors are fully prepared to pick up any slack should certain firms feel ill-equipped to work in the best interest of clients of any means.

Finally, the framework of PTE 2020-02 and 84-24 and the Impartial Conduct Standards are very important to protect Retirement Investors from conflicted advice. The Best Interest Standard, reasonable compensation, no misleading statements, practices and procedures to mitigate conflicts of interest, incentives that do not encourage bad advice; the annual retrospective review, and the ability of DOL to request a copy of firm policies and procedures to assess compliance with the PTE – all these commonsense requirements would promote compliance and add protection from conflicted advice.

We support the Department's Proposed Rule and hope the Department will make this Proposed Rule and accompanying revisions in PTEs final as soon as possible. A strong final Rule will benefit Retirement Investors and enable them to avoid many of the most serious and irreversible harms that are present now – and to have a more secure retirement.

The views expressed in this comment are my own and not the views of any other group or entity.

Thank you for the opportunity to comment on the Department's Retirement Security rule.

Respectfully submitted,

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