

# PUBLIC SUBMISSION

<b>Received:</b> December 19, 2023 <b>Tracking No.</b> lqc-m5mf-3nif <b>Comments Due:</b> January 02, 2024 <b>Submission Type:</b> API
---

**Docket:** EBSA-2023-0014  
Definition of an Investment Advice Fiduciary

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

**Document:** 1210-AC02 comment 00137 Balam 12192023

---

## Submitter Information

**Name:** Joel Balam

---

## General Comment

I hope this letter finds you well. As a dedicated financial advisor, I am writing to express my concerns regarding the potential impact of proposed legislation on the provision of retirement planning services to participants. I believe that these legislative changes may introduce barriers and challenges that could hinder our ability to effectively serve our clients and fulfill our crucial role in guiding individuals toward secure and prosperous retirements.

One of the primary responsibilities of financial advisors, such as myself, is to answer retirement plan questions from participants and provide them with the necessary guidance and education to make informed decisions about their financial futures. This duty is not only essential for the financial well-being of individual retirees but also contributes to the overall stability of our nation's retirement system.

While I fully appreciate the need for regulations that ensure the integrity of financial services, I am concerned that the proposed legislation may inadvertently create obstacles to fulfilling our obligations to plan participants. Specifically, I would like to draw attention to the potential conflicts between the proposed legislation and the existing Regulation Best Interest (Reg BI).

Reg BI, which was implemented to enhance the standards of conduct for financial professionals, already provides a robust framework for ensuring that advisors act in the best interest of their clients. I believe that this comprehensive regulation adequately addresses the concerns that the new legislation aims to tackle. Implementing additional legislation from the Department of Labor (DOL) may introduce redundancy and potential contradictions with Reg BI, creating unnecessary complexity and compliance challenges.

Navigating conflicting regulations poses a significant risk of limiting the services we can offer to retirement plan participants. The time and resources required to interpret, implement, and comply with overlapping regulations could divert our focus from providing the high-quality guidance and education that our clients depend on.

In conclusion, I respectfully urge you to carefully consider the potential impact of the proposed legislation on the ability of financial advisors to fulfill their vital role in supporting retirement plan participants. I believe that by aligning new legislation with existing regulations, such as Reg BI, we can achieve the intended goals without introducing unnecessary complications that may hinder the effectiveness of financial advisors in serving their clients.

Thank you for your attention to this matter, and I am available to provide any additional information or clarification that may be helpful in your deliberations.

I'm writing to express my concerns with the Department of Labor's (DOL) Retirement Security rule proposal. I believe this proposal will harm millions of low- and middle-income households by limiting access to personalized financial guidance and advice.

As a financial professional, I'm already required to act in the best interests of my clients under the SEC's Regulation Best Interest (Reg BI) and, when considering annuities, applicable state laws that impose similar requirements. Together, these regulations ensure that my clients and I can focus on working together to build responsible savings and investments habits.

This proposal has the potential to upend our existing, comprehensive structure by limiting our ability to help our clients safeguard their savings in a manner of their choosing. In particular, the previous iteration of a substantially similar DOL rule resulted in a meaningful reduction in services offered to millions of low- and middle-income households. I am concerned that the resurrection of this rule is expected to exacerbate the racial wealth gap by roughly 20% due to a disproportionate impact on

Black and Hispanic communities.

I hope the DOL will consider the harm the previous fiduciary rule had on communities, as well as the changes in securities regulations that came with the adoption of Reg BI and state insurance suitability rules and withdraw the Retirement Security rule proposal.