May 22, 2025

The Honorable Lori Chavez-DeRemer
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave NW
Washington, D.C. 20210

Re: Department of Labor Retirement Security Rule

Dear Secretary Chavez-DeRemer:

As organizations representing the financial planning community, CFP Board[1], the Financial Planning Association® ("FPA®"),[2] the National Association of Personal Financial Advisors ("NAPFA"),[3] and the XY Planning Network ("XYPN"),[4] together respectfully write to thank you for your support of the U.S. Department of Labor's Retirement Security Rule and ask you to continue to defend the rule.

The Retirement Security Rule addresses important regulatory gaps and helps protect Americans from the costly effects of conflicts of interest by requiring financial professionals to provide retirement investment advice in their clients' best interests. Importantly, the DOL rule aligns with investor expectations for retirement investment advice. A 2024 CFP Board survey found that 92% of Americans *assume* financial professionals will provide retirement savings advice in their clients' best interests. Further, 97% of investors agree that financial professionals giving retirement savings advice should be *required* to act in the best interests of their clients, even for one-time advice. Research shows that Americans widely believe that a financial professional giving such advice is doing so as a fiduciary. Indeed, only 5% of survey respondents *did not* expect the financial professional to fulfill a fiduciary role regarding advice on rolling over workplace retirement savings into an IRA or annuity. As other research shows, merely holding out to consumers as a financial advisor, financial planner, or similar title, instead of as a stockbroker or life insurance agent, creates a fiduciary expectation of competency, trust, and confidence.[5]

Almost all regulators have responded to the public's expectations that someone holding out as a financial advisor will provide best interest advice by adopting a fiduciary or best interest

[1] CFP Board operates the CFP® certification program, which sets high standards of competency and ethics for financial planning in the United States. Today, more than 104,000 CFP® professionals (approximately one-third of retail financial professionals) voluntarily commit to CFP Board as a part of their certification to act as a fiduciary, and therefore, to act in the best interests of the client at all times when providing financial advice.
[2] FPA is the nation's leading membership organization for CFP® professionals and those engaged in the financial planning process. FPA supports more than 17,000 members and 76 chapters and state councils.
[3] NAPFA is the nation's leading organization of fee-only, comprehensive financial planning professionals. There are more than 4,700 NAPFA members across the country serving clients from all backgrounds.
[4] XYPN is a turnkey advice and planning platform that makes it possible for fee-only financial advisors to build an independent advisory firm to serve Generation X and Y clients. XYPN has more than 2,000 financial advisors, having launched from 0 just over 10 years ago, specifically by serving working-age consumers under a fiduciary obligation with no asset minimums.
[5] Tharp, Derek T., Consumer perceptions of financial advisory titles in the United States and implications for title regulation, International Journal of Consumer Studies (June 8, 2020).

framework, including the U.S. Securities and Exchange Commission's Regulation Best Interest ("Reg BI") standard. The DOL rule's requirements would close a critical gap and extend protections to advice about assets not covered under Reg BI, such as certain insurance products. Although opponents of the rule argue that access to financial advice by moderate-income Americans will be limited if the rule goes into effect, a 2024 CFP Board survey of professionals holding the CERTIFIED FINANCIAL PLANNER® designation, found that investors–including moderate-income investors—did not lose access to advice because of the application of Reg BI or CFP Board's own fiduciary standard. XYPN has experienced a client growth rate of 29% per year while serving Gen X and Gen Y consumers with advice delivered under a fiduciary standard. Similarly, retirement investors will not lose access to advice because of the DOL rule.

The stakes are high. Tens of billions of dollars are being taken from the American public by sales pitches or financial advice that are in the best interest of financial professionals, not investors. Workers and retirees deserve a financially secure and dignified retirement. The DOL rule will provide investors with faith that their financial professional is delivering retirement investment advice in their best interest so that they can achieve their investment and retirement goals confidently and ethically.

We applaud the DOL for adapting to the changing retirement landscape by making important and necessary changes to an outdated, 50-year-old rule and protecting the retirement security of hardworking Americans who deserve fiduciary advice. We urge you to continue your support for the Retirement Security Rule and to defend it in the appeals filed in the U.S. Court of Appeals for the Fifth Circuit.

Thank you for your leadership and your dedication to protecting American's retirement security.

Sincerely,

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