

SAMPLE MESSAGE TO Congressional Representatives

I am writing today about an issue that is critical to me and my clients - the DOL Fiduciary Rule. First and foremost, thank you for the support you have shown already in opposing this Rule, which in its current form will adversely affect consumers seeking a safe and secure retirement.

Today I am asking for your specific help in taking a leadership role on an important aspect of this matter, which is the Rule's effect on fixed indexed annuities, or FIAs. If the Rule moves forward as written, FIAs will be put at a severe disadvantage in the IRA marketplace. And that will ultimately be harmful to consumers who rely on these products.

FIAs are sold primarily through people like me, independent insurance agents. I recommend FIAs for their insurance guarantees of lifetime income and protection from market losses. But the framework of the Rule and the Best Interest Contract Exemption is built around the securities brokerage system, and does not work for independent insurance agents.

Unlike securities firms that can serve as "financial institutions" under BICE, insurance companies offering fixed annuities do not control independent agents and cannot readily provide the warranties required of financial institutions by BICE. DOL recognized this very concern in its proposed rulemaking but has never adequately addressed the issue. Even though parts of the Rule are under consideration for delay, this is an issue that must be addressed, before the Rule ever takes full effect.

We need leaders in Congress to work with DOL Secretary Acosta to address this issue and recognize that BICE does not work for independent insurance agents, like me. We are simply asking for the appropriate treatment of FIAs. That means FIA should be moved out of BICE and back into PTE 84-24 or some more suitable exemption if the Rule and Exemptions are not otherwise delayed or repealed. We believe this is imperative so that the Rule and Exemptions are workable and fair for all concerned parties including consumers and financial services providers.

I ask for your help to help lead this effort. Your consideration is greatly appreciated.

Sincerely,