## Question from Rep. Kind

1. **The Department of Labor recently proposed a new rule on ERISA fiduciary investment advice. Simultaneously, as a result of the Dodd-Frank Wall Street Reform Act, the Securities Exchange Commission and the Commodities Futures Trading Commission is also undergoing a review of the definition of a fiduciary.**

   **Access to the services of financial experts will be very important for small employers as they seek ways to make savings opportunities available to their employees. How can we ensure that Labor's fiduciary rule and the ongoing efforts at the SEC and CFTC are aligned and help offer investors more, not less, education and guidance on planning for retirement, including savings through Individual Retirement Accounts within the Department's purview?**

   **Given the President's emphasis on bringing rationality to federal rule-making, and the Treasury Department's central role in promoting savings, I hope you will work to encourage close coordination between the SEC and the Department of Labor to ensure that investors and their financial service providers are not subject to potentially confusing and overlapping rules.**

   The Administration, including the Treasury Department and the Department of Labor (DOL), and the SEC are working to ensure that the policy initiatives you describe, if adopted, are consistent and not unduly burdensome. DOL's initiative is in the form of a notice of proposed rulemaking. DOL has received a number of public comments that it will be considering in the course of its deliberations, many of which advocate modifications that would provide greater clarity as to the intended scope of the current proposal. The SEC's initiative is in the form of a staff study that was required by the Dodd-Frank Act. The study recommends that the Commission consider rulemaking, but the Commission has not issued a rule proposal. If the Commission does issue a rule proposal, there will be an opportunity for public comment. As acknowledged in the SEC study, the protections provided to benefit plans, participants and retirees under the Employee Retirement Income Security Act of 1974 ("ERISA") have historically been a separate overlay to the fiduciary protections provided to all investors under U.S. securities laws.