July 21, 2017

Submitted via email: EBSA.FiduciaryRuleExamination@dol.Gov

Office of Exemption Determinations
Employee Benefits Security Administration
ATTN: D-11933
U.S. Department of Labor
200 Constitution Avenue, NW
Suite 400
Washington DC 20210

Re: RIN 1210-AB82
Request for Information Regarding the Fiduciary Rule and Prohibited Transaction Exemptions

Ladies and Gentlemen:

The diverse group of signatories, listed below, join together to respond to the Department of Labor ("DoL" or "Department) Request for Information[1] regarding the advisability of extending the January 1, 2018 applicability date of certain provisions in its final Fiduciary Rule.[2] We are united in our strong opposition to delaying the applicability date of any of the Rule's provisions.

At this time when few people can count on a steady stream of retirement income from employer-provided pensions, we should be doing all we can to protect the hard-earned retirement savings of working people and retirees. Most retirement savers are not financial experts and therefore rely on professional advice to inform their investment decisions. The Fiduciary Rule is a common-sense regulation designed to ensure that investment professionals advising on retirement accounts put their clients' best interest ahead of their own financial self-interest; and it is long overdue. It is the most meaningful initiative to protect Americans' retirement security that our nation has seen in recent years—an estimated $17 billion a year is siphoned from Americans' retirement accounts as the result of investment advice compromised by conflicts of interest.

[1] The notice was published in the Federal Register on July 6, 2017 (82 Fed. Reg.31278), and is available at https://www.federalregister.gov/documents/2017/07/06/2017-14101

[2] The final rule entitled Definition of the Term "Fiduciary"; Conflicts of Interest Rule—Retirement Investment Advice was published in the Federal Register on April 8, 2016 (82 Fed. Reg. 20, 9469, available at http://webapps.dol.gov/FederalRegister/PdfDisplay.aspx?Docld=28806.

The Final Rule's scheduled implementation was far from rushed. On the contrary, it was designed to give financial institutions and advisers a long transition period, with only partial implementation required a full year after the Rule was published, and full implementation not required until more than eighteen months after its release. Even so, the Department subsequently delayed implementation even further, with some elements of the initial implementation being pushed back by another sixty days and others postponed until January 1, 2018.

Under the Rule's current schedule, beginning January 1, 2018, advisers with financial conflicts of interest must enter into an enforceable written contract with their clients. In that contract, conflicted advisers must commit to, among other things, comply with the best interest standard; receive no more than reasonable compensation; and make no misleading statements to the retirement investor—including IRA investors. This requirement that advisors make written contractual commitments is especially important to IRA owners because, unlike participants in 401(k)s and other ERISA-covered plans, IRA owners otherwise do not have a statutory right to bring suit against an adviser who breaches the best interest standard. The Department, however, is now contemplating delaying implementation of this retirement saver protection later into 2018 or beyond.

The stakes for America's retirement savers are enormous. According to the Department's 2015 Regulatory Impact Analysis, rollovers to IRAs from employer-based plans will total nearly $2.4 trillion by 2020, and financial advisers play a critical role in IRA investment decisions, with conflicted advice inflicting serious harm. Delaying or, worse, eliminating the requirement of a legally enforceable contract will render the Fiduciary Rule a toothless protection. We urge you to allow full implementation of the Final Rule to go forward according to schedule. The retirement security of our nation's working families and retirees depends on it.

Sincerely,

Aging Life Care Association

American Federation of Government Employees (AFGE)

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

American Federation of State, County and Municipal Employees (AFSCME)

Alliance of Retired Americans (ARA)

American Society on Aging

Committee for the Fiduciary Standard

Consumer Action

Fund Democracy

International Association of Machinists and Aerospace Workers (IAM)

International Union of Bricklayers and Allied Craftworkers (BAC)

Jobs with Justice

Justice in Aging

Medicare Rights Center

National Association of Nutrition and Aging Services Programs (NANASP)

National Active and Retired Federal Employees Association (NARFE)
National Association of Social Workers (NASW)

National Committee to Protect Social Security and Medicare (NCPSSM)

National Council on Aging

Service Employees International Union (SEIU)

Social Security Works