

June 29, 2015

The Honorable Thomas E. Perez  
Secretary of Labor  
Department of Labor  
200 Constitution Ave. NW  
Washington, D.C. 20210

Dear Secretary Perez:

On behalf of the Cincinnati USA Regional Chamber and the nearly 4,500 member businesses and 350,000 employees the Chamber represents, I write to note our concern with the Department of Labor (DOL)'s recent proposal to change the definition of fiduciary investment advice under the Employee Retirement Income Security Act of 1974 (ERISA). Eighty five percent of our members are small businesses that may be utilizing these retirement products and would be directly impacted by the rule change. We encourage the DOL to make the appropriate changes to find a balanced approach where a rule can protect small businesses as well as their access to retirement products and services.

As with the DOL's original proposal in 2010, this rule would greatly expand the types of interactions with retirement savers that would be treated as investment advice. Given the vague definition of investment advice and the possible impact on financial advisers operating under various compensation models, the DOL proposes a prohibited transaction exemption that provides relief to a financial services provider that agrees to act in the best interest of its customer. However, the exemption does not apply to small businesses with participant-directed plans. This means that small plan sponsors cannot look either to advisers or record-keepers for assistance in structuring fund line-ups. We are concerned that the current proposed rule will limit our small business members from receiving the help they need to establish and maintain a retirement plan. Small businesses will be at a disadvantage without the ability to offer employees a competitive retirement savings package.

Consequently, we request that, prior to the publication of a final rule, the DOL work with representatives of the business and financial services communities to produce a workable rule that protects savers yet does not prevent our local businesses from continuing with their long-established service models that help our citizens to plan and save for retirement.

Thank you for your consideration of the Chamber's concerns. If you have any questions regarding this letter please reach out to Jason Kershner, the Chamber's Vice President of Government Affairs, at 513-579-3120.

Sincerely,



Brian T. Carley

cc: U.S. Senate Majority Leader Mitch McConnell  
U.S. Senator Sherrod Brown  
U.S. Senator Rob Portman  
U.S. Senator Rand Paul

U.S. Speaker of the House John Boehner  
U.S. Representative Steve Chabot  
U.S. Representative Brad Wenstrup  
U.S. Representative Thomas Massie

3 East Fourth Street  
Suite 200  
Cincinnati, Ohio 45202-3728  
phone 513.579.3100  
fax 513.579.3101