

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

R. BRUCE JOSTEN  
EXECUTIVE VICE PRESIDENT  
GOVERNMENT AFFAIRS

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WASHINGTON, D.C. 20062-2000  
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February 1, 2016

The Honorable John Kline  
Chairman  
Committee on Education and  
the Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Robert C. Scott  
Ranking Member  
Committee on Education and  
the Workforce  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Kline and Ranking Member Scott:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 4293, the "Affordable Retirement Advice Protection Act," and H.R. 4294, the "Strengthening Access to Valuable Education and Retirement Support Act."

H.R. 4293 and H.R. 4294 are critically important, bipartisan pieces of legislation that together would improve the quality and availability of investment advice to individual retirement account ("IRA") owners, retirement plans, and retirement plan participants. Collectively, the bills would protect retirement savers by achieving the goals of the Department of Labor's fiduciary duty regulation by expanding the fiduciary standard and requiring advice in the best interest of savers.

Importantly, H.R. 4293 and H.R. 4294 would provide new and expanded fiduciary advice standards covering investment recommendations, rollover and distribution recommendations, and recommendations of fiduciary advisors. They would also require advice in the best interest of the retirement saver and that fees be reasonable and disclosed to retirement savers.

The Chamber also strongly supports H.R. 4293 and H.R. 4294 because, in contrast to the Department of Labor's proposed fiduciary duty rule, the bills have clear statutory standards. These standards would enable IRA owners and plan participants to receive simple, clear, and easy-to-understand disclosures regarding fees and expenses, as well as clear rules for selling financial products to ensure people cannot confuse sales information with impartial advice.

Finally, the Chamber supports H.R. 4293 and H.R. 4294 because the bills would strongly protect the ability of small business employers to provide retirement savings options and advice to their employees. The contribution of small business employers to retirement savings in the

United States should not be underestimated. The Chamber's recent report, *Locked Out of Retirement: The Threat to Small Business Retirement Savings*, notes that small business owners provide roughly \$472 billion in retirement savings for over 9 million U.S. households through Simplified Employee Pension (SEP) and Savings Incentive Match Plan for Employees (SIMPLE) type IRA plans.<sup>1</sup>

Employees that participate in small business retirement plans are at particular risk of losing access to retirement advice or products given the sheer compliance burden and litigation risk facing advisors under the Department of Labor's proposed fiduciary duty rule. However, by replacing the burdensome compliance requirements of the Department of Labor's fiduciary duty rule with clear statutory standards for providing advice in the best interest of the retirement saver, H.R. 4293 and H.R. 4294 would safeguard the advice and products that are critically important to small businesses, their employees, and other Americans saving for retirement.

In sum, H.R. 4293 and H.R. 4294 are essential, bipartisan pieces of legislation, and the Chamber applauds the Committee on Education and the Workforce for moving quickly to consider these bills.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten", is centered on the page.

R. Bruce Josten

cc: Members of the Committee on Education and the Workforce

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<sup>1</sup> A copy of our report is included with this letter of support and is available at the following link: [https://www.uschamber.com/sites/default/files/us\\_chamber - locked\\_out\\_of\\_retirement.pdf](https://www.uschamber.com/sites/default/files/us_chamber_-_locked_out_of_retirement.pdf).