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Office of Regulations and Interpretations

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Employee Benefits Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20120

Attention: Conflict of Interest Rule - Room N-5655

Re: Proposed Rule Regarding the Definition of the Term "Fiduciary": Conflict of Interest Rule - Retirement Investment Advice
RIN 1210-AB32

Dear Sir or Madam:

I write with respect to the Proposed Rule referenced above which was published in the Federal Register on April 20, 2015, Volume 80, at 21928 (such publication, in its entirety, the "Release"). The Proposed Rule defines "fiduciary" in the context of persons providing investment advice to employee benefit plans ("Retirement Plans"), thereby providing essential protections under ERISA to Retirement Plans and participants in Retirement Plans ("Participants"). I support the Department of Labor's enhanced definition of "fiduciary" that protects Retirement Plans and Participants from conflicts of interest and biased advice.

Paragraph (b)(3) of the Proposed Rule contains a broad carve-out from fiduciary status for platform providers that merely market and make available investment alternatives to Retirement Plans ("Platform Provider Carve-Out"). I am concerned that the Proposed Rule does not adequately protect Retirement Plans and Participants from the conflicts of interest that are prevalent among platform providers.

As one of the amici in *Tussey v. ABB, Inc.*, No. 12-2056, 12-2060, 12-3794, 12-3875, in the U.S. Court of Appeals for the Eighth Circuit, I believe I am fully qualified to evaluate and comment on the Platform Provider Carve-Out. For the reasons set forth in the comment letter filed by Perkins Coie, LLP, I support the suggestions for reform to the Platform Provider Carve-Out that are advocated in that comment letter. Thank you for this opportunity to comment on the Proposed Rule.

Sincerely,

Tamar Frankel