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Filed Electronically

Office of Exemption Determinations
Employee Benefits Security Administration
Attn: Definition of the Term "Fiduciary" – Proposed Eighteen Month Extension of the Transition Period
Room N-5655
U.S. Department of Labor
200 Constitution Avenue, N.W., Suite 400
Washington, D.C. 20210

Re: Proposed Eighteen Month Extension of the Transition Period and Applicability Dates for the Best Interest Contract Exemption ("PTE 2016-01"), Class Exemption for Principal Transactions ("PTE 2016-02"), and Prohibited Transaction Class Exemption 84-24 ("PTE 84-24") – RIN 1210-ZA27

Ladies and Gentlemen:

Voya Financial, Inc.[1] is submitting this comment letter in response to the above-referenced proposal (the "Proposal"), in which the Department of Labor (the "Department") proposes to extend the applicability date for certain provisions of the conditions contained in PTE 2016-01; PTE 2016-02; and the 2016 amendments to PTE 84-24 by eighteen months, from January 1, 2018 until July 1, 2019. The Department adopted PTE 2016-01, PTE 2016-02, and the

[1] Voya Financial, Inc. (NYSE: VOYA), helps Americans plan, invest and protect their savings — to get ready to retire better. Serving the financial needs of approximately 13.5 million individual and institutional customers in the United States, Voya is a Fortune 500 company with a vision is to be America's Retirement Company®. Its mission is to make a secure financial future possible — one person, one family, one institution at a time. Voya provides a comprehensive portfolio of asset accumulation, asset protection and asset distribution products and services, and it works directly with clients and through a broad group of financial intermediaries, independent producers, affiliated advisers and dedicated sales specialists. Certified as a "Great Place to Work" by the Great Place to Work® Institute, Voya is equally committed to conducting business in a way that is socially, environmentally, economically and ethically responsible and has been recognized as one of the 2017 World's Most Ethical Companies® by the Ethisphere Institute, and as one of the Top Green Companies in the U.S., by Newsweek magazine. For more information, visit voya.com.

changes to PTE 84-24 in conjunction with the regulations "Definition of the Term 'Fiduciary'; Conflict of Interest Rule – Retirement Investment Advice", 81 Fed. Reg. 20946 (April 8, 2016) and the 2016 amendments to Prohibited Transaction Class Exemptions 75-1, 77-4, 80-83, 83-1, and 86-128 (collectively, the "Fiduciary Rule").

Voya strongly supports the proposed 18-month delay. We urge the Department to finalize this delay as soon as possible so that consumers and providers of retirement products and advice can move forward knowing – at least for now – what rules apply. It has been more than two years since the Department first proposed the Fiduciary Rule, and in that time consumers and the industry have experienced a near-constant state of uncertainty. This uncertainty has come at a high cost, as the industry has at various points started, shifted, and stopped efforts to prepare for the detailed and prescriptive requirements of the Best Interest Contract exemption and other aspects of the Fiduciary Rule. We believe any costs imposed by a regulator should benefit the American public in some way. Here, the costs of preparing for unfinished aspects of the Fiduciary Rule may or may not ever benefit anyone, and will never be recouped by firms that incur them, other than through higher costs imposed on consumers. We urge the Department to finalize the proposed 18-month delay as quickly as possible to give consumers and the industry the certainty they need to move forward without shouldering costs that may never benefit anyone.

We are encouraged that the Department appears ready to coordinate with the Securities and Exchange Commission ("SEC") and other regulators on possible changes to the Fiduciary Rule and harmonization with other fiduciary standards. The number of regulators with jurisdiction over retail investment advice is large. At the federal level, the Department, the SEC, the Financial Industry Regulatory Authority, the Commodity Futures Trading Commission, the Internal Revenue Service, and federal banking regulators have jurisdiction (sometimes overlapping) over various aspects of the retail financial advice market. Pieces of this market are also regulated by securities and insurance regulators in more than 50 states and territories. The Fiduciary Rule applies only to ERISA plans and individual retirement accounts ("IRAs"), but these fit within a broader financial landscape, and investors may have assets in several types of vehicles (e.g., brokerage accounts, IRAs, qualified plans, insurance products, bank trust accounts) and must consider how investments in one vehicle affect their entire financial picture.

For this reason, we believe it is critical that regulatory approaches to different investment vehicles and advisory relationships be *coordinated*. The regulatory landscape is complex. The answer to this complexity is not to ignore it, but to work through it and give retail consumers a set of rules that apply sensibly and in a coordinated way across the full spectrum of financial relationships they may have. The Fiduciary Rule was enacted with little inter-agency coordination, leaving gaps and inconsistencies between the rules applicable to pre-tax retirement savings vehicles and other types of investments.

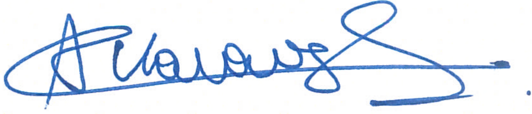
As we noted in a previous comment letter, we do not advocate for a single, uniform standard applicable to every financial transaction, as there are long-standing and sound policy reasons for distinguishing among different types of transactions and classes of consumers. The rules should, however, work together as seamlessly as possible without creating unintended consequences or incentives; and this requires the various agencies who oversee financial products and advice to coordinate their rulemaking and enforcement activities.

We believe the process of coordinating with other agencies will be lengthy, and we are concerned that if the delay is not long enough to fully accommodate this process the industry will have to begin preparing – yet again – for a rule that may never become effective. In our view, the only way to ensure that retail customers are not burdened with needless cost is to give the Department enough time to coordinate with other agencies, propose any further changes to the Fiduciary Rule, give the public time to comment on any such proposal, and publish a final set of rules with a reasonable transition period to give the industry time to prepare for compliance. We do not think the Department can accomplish this in less than 18 months.

Finally, we urge the Department to also extend its existing non-enforcement guidance for an additional 18 months. While the shape of the Fiduciary Rule remains uncertain and the Department has not yet fully coordinated with other agencies, imposing further cost and expense on the industry – and, indirectly, on consumers – would not serve the public interest. Furthermore, commencing enforcement action while in the midst of changing the rule would create confusion and potentially frustrate efforts to pivot towards enforcement with whatever final rule the Department approves.

We appreciate the opportunity to provide our feedback on the Proposal.

Sincerely,



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