

News

A Condensed History of the DOL's Fiduciary Rule

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The Employee Retirement Income Security Act of 1974 is less than one year away from turning 50. For nearly the entirety of those 50 years, it has defined fiduciary investment advice using a five-part test. Attempts in 2010 and 2016 to modify the 1975 regulation containing the definition were unsuccessful.

Recently, the U.S. Department of Labor sent a proposed regulation to the Office of Management and Budget entitled “Retirement Security,” using the same identifying number as the projects marked as amending the definition. That makes now a good time to review the history of this very important, keystone definition regarding when a person becomes a functional ERISA fiduciary in the course of making investment recommendations. As a fiduciary to a retirement plan, that investment advice provider owes fiduciary duties of prudence and loyalty to the plan.

In the *PLANSPONSOR* article, “A Condensed History of the DOL’s Fiduciary Rule,” Groom principal [Allison Itami](#) reviews the fiduciary investment advice defined by the Employee Retirement Income Security Act (“ERISA”) of 1974 and the Department of Labor’s (“DOL”) proposed regulation to amend the definition.

To read the article, [click here](#).