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Fiduciary Duty Rule Still in SEC's Sights, Agency Chair Says.

(Reuters) – U.S. regulators are still working their way through the thorny question of whether they should write rules to create a harmonized fiduciary rule for retail brokers and investment advisers, Securities and Exchange Commission Chair Mary Jo White said Wednesday.

“It’s a major focus of our efforts,” White told reporters on the sidelines of the annual Securities Enforcement Forum in Washington, D.C.

“I can’t predict time wise when we actually reach it, but it’s obviously something very important to both work on and resolve where we’re going on it.”

The SEC has struggled for some time over how to tackle different standards of care that advisers and brokers owe to their customers.

Advisers are held to the higher standard and must put their customers’ interests ahead of their own. Brokers, by contrast, are only required to make investment recommendations that are “suitable” for their customers.

The 2010 Dodd-Frank Wall Street reform law required the SEC to study the issue and gave the SEC the authority to write rules but did not mandate any changes.

A resulting SEC study, released in 2011, called for creating a uniform standard that would still be flexible enough to accommodate different business models.

Brokers have embraced the concept, saying they are supportive of a new standard as long as they can continue selling products.

But advisers have said they fear the SEC’s rule could water down the fiduciary duty and create potential conflicts of interest.

The SEC never managed to get out a proposed rule after the study came out, however, after Republican commissioners at the time criticized the report and said more economic study is required to determine if a fiduciary duty rule is even necessary.

The SEC put out a request for more data to help inform its policymaking in March. But since then, little has been said about the issue or how the SEC may proceed.

As the SEC continues its work on the issue, the U.S. Department of Labor is also working on a proposal that would impose fiduciary responsibilities on advisers serving workplace retirement plans and individual retirement accounts.

Brokerages have lobbied heavily against such a proposal, saying they would be unable to continue to provide advice to middle Americans because of the additional regulatory burdens.

The department withdrew an earlier version of the proposal in 2010, after heavy criticism from the

brokerage industry.

Plans to introduce a revised proposal this month have been delayed.

The Securities Industry and Financial Markets Association, the brokerage industry’s main trade group, has been pushing for the department to hold off on its plan until the SEC unveils its own proposal.

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