



## KEY DATES IN DEVELOPMENT OF SEC REGULATION BEST INTEREST

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**April 10, 1995** – A [report for the SEC](#) highlights broker-dealer conflict of interest concerns.

**April 19, 2005** – The [SEC adopts Rule 202\(a\)\(11\)-1](#), under the *Investment Advisers Act of 1940* to provide guidance on when a broker-dealer is giving advice that is not ‘solely incidental’ to the conduct of its business.

**March 30, 2007** – [Financial Planning Association wins suit](#) against SEC Rule 202(a)(11)-1.

**January 3, 2008** – SEC unveils [RAND report, “Investor and Industry Perspectives on Investment Advisers and Broker Dealers,”](#) which examines the “blurred traditional distinctions between broker-dealers and investment advisers” that made it difficult to design appropriate regulatory schemes for their professional services.

[ACLI submission on RAND study](#)

**December 11, 2008** – SEC charges Bernard Madoff with securities fraud, fueling calls for regulatory and legislative reform of rules governing investment professionals – the [“Madoff Opportunity.”](#)

**January 7, 2009** – Mary Shapiro, former head of FINRA, the Financial Industry Regulatory Authority, succeeds Christopher Cox as SEC chair. [She recuses herself from voting](#) on a proposed self-regulatory organization, creating a stalemate – with a 2-to-2 SEC commissioner split -- on fiduciary issues at the independent agency that continues through the term of her successor, Mary Jo White, who also recused herself on this issue.

**July 21, 2010** – [Congress passes the Dodd-Frank Wall Street Reform and Consumer Protection Act](#), which includes Section 913 that directed the SEC to conduct a study and authorizes the SEC to adopt a “fiduciary duty” for broker-dealers.

**August 2010** – As part of Dodd-Frank Act Section 913 rulemaking, the SEC requests information on [“Responsibilities of Brokers, Dealers, and Investment Advisers in fulfillment of Section 913 of the Dodd-Frank Act.”](#)

[ACLI Submission](#)

**January 2011** -- SEC staff issues reports on Sections [913](#). It finds:

“The staff therefore recommends establishing a uniform fiduciary standard for investment advisers and broker-dealers when providing investment advice about securities to retail customers that is consistent with the standard that currently applies to investment advisers.”

**August 30, 2012** – [SEC issues Financial Literacy Study](#) under Section 917 of the Dodd-Frank Act concluding that retail investors lack basic financial literacy, which parallels conclusions in the SEC’s Section 913 study.

**March 7, 2013** – As part of Section 913 rulemaking, the SEC issues a [Request for Data and Information on Brokers, Dealers and Investment Advisers](#).

[ACLI Submission](#)

**April 10, 2013** -- Mary Jo White succeeds Mary Shapiro as SEC chair. Stalemate on fiduciary issues continue on 5-member commission as [White recuses herself from various issues before the SEC](#).

**May 4, 2017** – Jay Clayton takes over as SEC chair, breaking 2-to-2 commission stalemate.

**June 1, 2017** -- SEC Chair Jay Clayton [issues request for public comments](#) on standards of conduct for investment advisers and broker-dealers.

[ACLI Submission](#)

**April 18, 2018** -- [SEC proposes Regulation Best Interest](#)

[ACLI Submission on proposed regulation](#)