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## United States Senate

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August 27, 2015

The Honorable Thomas E. Perez  
Secretary  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

Dear Secretary Perez,

I write to express my concerns regarding the Department of Labor's (DOL) proposed rule (RIN 1210-AB32) released on April 14, 2015. If issued in a final rule, current provisions would exclude financial advisors from using exchange-traded equity options in their investment retirement account portfolios. While we share a common goal of limiting unintentional risk-taking with retirement funds, I believe the proposed rule, as written, fundamentally limits viable equity option strategies used to simultaneously enhance returns and limit downside risk. Ultimately, the disallowance of options in investment retirement accounts limits consumer choice and jeopardizes the attainment of financial retirement goals. The DOL should not disadvantage retirement accounts to non-retirement accounts by limiting the use of equity options.

Therefore, I urge the DOL to not inhibit the use of equity options in IRAs. Equity options are a commonly used investment instrument to accomplish risk/return objectives. In addition, investors have been increasingly turning to the use of listed options in their IRAs in recent years. According to the Option Clearinghouse Corporation, these individual investors currently account for approximately fifteen percent of the total market volume. Montana is currently listed 49<sup>th</sup> of states with the highest wages, and the proposed rule's discriminate treatment of options further obstructs investors' ability to generate livable retirement savings.

As you well know, the number of Americans reaching retirement age is steadily increasing. In 2013 alone, the population of Montana at or above age 65 was approximately sixteen percent and has expectedly grown. I urge you to preserve the array of investment options currently available to Montanans who are planning for retirement. I appreciate your attention to my concerns, and I look forward to monitoring developments on this matter.

Sincerely,



Steve Daines  
U.S. Senator