UBS

UBS Financial Services Inc.
1200 Harbor Boulevard
Weehawken, NJ 07086
Tel. 201-352-3333
Fax 201-617-1140

Robert J. McCann
CEO, Wealth Management Americas
robert.mccann@ubs.com

www.ubs.coms

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Office of Regulations and Interpretations
Employee Benefits Security Administration
Room N-5655
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Re: Definition of Fiduciary Proposed Rule

Ladies and Gentlemen:

I appreciate the opportunity to comment on the Department's proposed rule expanding the definition of "fiduciary" under ERISA. I have attached a more detailed letter from our general counsel, but wanted to share my personal views as well.

By way of background, I am the CEO of UBS Wealth Management Americas, part of one of the largest wealth managers in the world.

While the Department's proposed rule is based on the best of intentions, I am concerned that subjecting certain transactions and accounts to the prohibited transaction provisions of ERISA will severely restrict the choices retirement investors now have with regard to both the investments and types of accounts available to them. Furthermore, retirement investors will either have to pay fees based on a percentage of their total assets or forego any investment advice at all. The result would be a major step backwards for retirement investors. They will almost certainly experience higher costs and poorer investment results.

I have always been a strong advocate for the proposition that broker-dealers must adhere to the highest standards of professional conduct. I completely support the conclusion in the SEC Staff's recent study that broker-dealers and investment advisers should be held to a uniform standard of care requiring them to always act in the best interests of their clients. However, the difficulty with attaching an ERISA fiduciary label to brokerage relationships is that it automatically triggers prohibitions that will be extremely damaging to retirement account holders, both in terms of their investment choices and their ability to be serviced through commission-based accounts. That seems counter-productive, when the goal of subjecting firms that provide advice to retirement plans to high standards of care can be achieved without imposing such restrictions on retirement investors.

Throughout my almost 30 years in the financial services business, I have witnessed first-hand that the vast majority of financial advisers are highly professional, knowledgeable, and fully dedicated to helping clients meet their investment objectives. They make important positive differences in their clients' lives. The best advisers have played, and will continue to play, an important role in helping investors navigate through both difficult and prosperous economic times. Retirement investors are well served by these relationships and they, in seeking to achieve their financial objectives, have provided trillions of investment dollars that help fuel

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the engine of economic growth. I urge the Department not to adopt a rule that will fundamentally restrict their opportunities and fundamentally restructure a relationship that has served retirement investors so well.

Very truly yours,

Robert J. McCann

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CEO, Wealth Management Americas