SECTION 1. SHORT TITLE.

This Act may be cited as the “Retail Investor Protection Act”.

SEC. 2. STAY ON RULES DEFINING CERTAIN FIDUCIARIES.

After the date of enactment of this Act, the Secretary of Labor shall not prescribe any regulation under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) defining the circumstances under which an individual is considered a fiduciary until the date that is 60 days after the Securities and Exchange Commission issues a final rule relating to standards of conduct for brokers and dealers pursuant to the second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o(k)).

SEC. 3. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

The second subsection (k) of section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o(k)), as added
by section 913(g)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301 et seq.), is amended by adding at the end the following:

“(3) REQUIREMENTS PRIOR TO RULEMAKING.—

The Commission shall not promulgate a rule pursuant to paragraph (1) before—

“(A) providing a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing whether—

“(i) retail investors (and such other customers as the Commission may provide) are being harmed due to brokers or dealers operating under different standards of conduct than those that apply to investment advisors under section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11);

“(ii) alternative remedies will reduce any confusion or harm to retail investors due to brokers or dealers operating under different standards of conduct than those standards that apply to investment advisors under section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11);
Advisers Act of 1940 (15 U.S.C. 80b–11),
including—

“(I) simplifying the titles used by
brokers, dealers, and investment ad-
visers; and

“(II) enhancing disclosure sur-
rounding the different standards of
conduct currently applicable to bro-
kers, dealers, and investment advisers;

“(iii) the adoption of a uniform fidu-
ciary standard of conduct for brokers,
dealers, and investment advisors would ad-
versely impact the commissions of brokers
and dealers, the availability of proprietary
products offered by brokers and dealers,
and the ability of brokers and dealers to
engage in principal transactions with cus-
tomers; and

“(iv) the adoption of a uniform fidu-
ciary standard of conduct for brokers or
dealers and investment advisors would ad-
versely impact retail investor access to per-
sonalized and cost-effective investment ad-
vice, recommendations about securities, or
the availability of such advice and recommendations.

“(4) Economic Analysis.—The Commission’s conclusions contained in the report described in paragraph (3) shall be supported by economic analysis.

“(5) Requirements for Promulgating a Rule.—The Commission shall publish in the Federal Register alongside the rule promulgated pursuant to paragraph (1) formal findings that such rule would reduce confusion or harm to retail customers (and such other customers as the Commission may by rule provide) due to different standards of conduct applicable to brokers, dealers, and investment advisors.

“(6) Requirements Under Investment Advisers Act of 1940.—In proposing rules under paragraph (1) for brokers or dealers, the Commission shall consider the differences in the registration, supervision, and examination requirements applicable to brokers, dealers, and investment advisors.”.