

**MEMO# 22998**

October 15, 2008

# **SEC Reopens Comment Period on Proposal to Clarify the Status of Certain Indexed Annuities Under the Federal Securities Laws**

[22998]

October 15, 2008

TO: CLOSED-END INVESTMENT COMPANY MEMBERS No. 54-08

SEC RULES MEMBERS No. 123-08

SMALL FUNDS MEMBERS No. 64-08

VARIABLE INSURANCE PRODUCTS ADVISORY COMMITTEE No. 30-08    RE: SEC REOPENS COMMENT PERIOD ON PROPOSAL TO CLARIFY THE STATUS OF CERTAIN INDEXED ANNUITIES UNDER THE FEDERAL SECURITIES LAWS

In June of this year, the Securities and Exchange Commission proposed a new rule under the Securities Act of 1933 that would define certain indexed annuities as being outside the “insurance exemption” in the Securities Act, thus effectively requiring these annuity contracts to be registered with the SEC as securities. The deadline for public comment on the proposal was September 10, 2008, and the Institute filed its comment letter with the SEC on that date. [\[1\]](#)

Yesterday, the SEC announced that it was reopening the comment period for the rule proposal, “[i]n order to provide additional time for the public to thoroughly consider the proposal, and in view of the significant continuing public interest in the proposal.” [\[2\]](#) Comments will be due to the SEC 30 days after publication in the Federal Register of the notice reopening the comment period.

Rachel H. Graham

**endnotes**

[1] See Institute Memorandum to Closed-End Investment Company Members No. 32-08, SEC Rules Members No. 87-08, Small Funds Members No. 55-08 , and Variable Insurance Products Advisory Committee No. 23-08 [22867], dated September 15, 2008 (summarizing the Institute's comment letter).

[2] See Indexed Annuities and Certain Other Insurance Contracts, SEC Rel. Nos. 33-8976 and 34-58769 (Oct. 10, 2008), available on the SEC's website at <http://www.sec.gov/rules/proposed/2008/33-8976.pdf>.

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