

**MEMO# 11807**

April 13, 2000

## **DEPARTMENT OF LABOR ISSUES REQUESTS COMMENT ON PTE 97-41**

[11807] April 14, 2000 TO: PENSION COMMITTEE No. 26-00 RE: DEPARTMENT OF LABOR  
REQUESTS COMMENTS ON PTE 97-41

The Department of Labor is soliciting comments concerning the proposed extension of the information collection provisions of Prohibited Transaction Class Exemption 97-41. PTE 97-41 permits an employee benefit plan to purchase shares of one or more mutual fund, which also serves as a fiduciary to the plan, in exchange for plan assets transferred in-kind to the mutual fund from a collective investment fund maintained by a bank or plan adviser, where the bank or plan adviser is both the investment adviser to the mutual fund and a fiduciary of the plan. The transfer and purchase must be in connection with a complete withdrawal of plan assets from the collective investment fund. PTE 97-41 requires the bank to give the independent fiduciary notice of the in-kind transfer and full written disclosure of information concerning the mutual fund. Further, the bank or plan adviser must provide the independent fiduciary with certain ongoing disclosures. The Department is particularly interested in comments that: \* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; \* Evaluate the accuracy of the agency's proposed estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions; \* Enhance the quality, utility and clarity of the information to be collected; and \* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology, i.e., permitting electronic submission of responses. 2Written comments are due to the Department by May 22, 2000. Copies of the Department's announcement regarding PTE 97-41 and the Information Collection Request are attached. Kathryn A. Ricard Associate Counsel Attachments