

Subscribe

GOVERNMENT & POLITICS

Sonderling's Labor nomination signals more DOL guidance for plan sponsors



Keith Sonderling, acting Labor secretary (Bloomberg)

 By **Courtney Degen**

July 06, 2026 10:30 AM EDT

With acting Labor Secretary Keith Sonderling expected to permanently lead the Labor Department, retirement industry experts anticipate continuity at the agency — particularly around efforts to provide retirement plan sponsors with clearer guidance on fiduciary obligations and compliance expectations.

The Senate confirmed Sonderling to serve as deputy Labor secretary in March 2025, and while in that role, he was often vocal about retirement-related topics. On April 20, Sonderling took over as acting head of the DOL after former Labor Secretary Lori Chavez-DeRemer abruptly resigned. President Donald Trump then announced he would nominate Sonderling to formally fill the Senate-confirmed role in a June 29 Truth Social post.

Since Sonderling has had a central role at the agency since early last year, the Labor Department's previous work will continue, retirement lawyers said, with likely more emphasis on issues Sonderling has highlighted previously, including the need for more guidance and support for plan sponsors.

"Sonderling has been very involved with the Employee Benefits Security Administration, more so than any real predecessor I can think of in recent history," said Richard Nowak, partner at Mayer Brown and co-chair of its ERISA litigation practice.

Nowak added he thinks that could mean "a lot more coming out of EBSA than maybe we have seen in recent years under other secretaries of Labor."

Ultimately, Sonderling has already revealed much of what his playbook might look like for the Labor Department, as he's publicly commented on several retirement issues.

EBSA guidance expected to accelerate under Sonderling

In January, when he was serving as deputy secretary, Sonderling talked about the DOL's efforts to provide more guidance to plan sponsors and the retirement industry.

“What’s really important to us (is) putting out as much information as we can, working with the regulated community to learn what those tough questions are, where you’re receiving a lot of lawsuits because there are gaps in the guidance,” Sonderling said at a roundtable discussion on private markets hosted by the Securities Industry and Financial Markets Association.

Sonderling specifically highlighted how the Labor Department’s EBSA has issued more advisory opinions and interpretive bulletins, which sources agreed is a trend that’s likely to continue under his leadership.

“I would expect that we’ll see DOL — and EBSA, in particular — try to issue guidance to help folks comply,” said Kevin Walsh, principal and fiduciary practice leader at Groom Law Group. “Because ultimately, it’s better for the agency and better for retirement savers if service providers and plan sponsors know the rules and can go to DOL for clarity around nuances, rather than having to guess after the fact whether they complied or go through enforcement when they had to make a judgment call.”

Nowak said he thinks there will be “a lot more regulatory activity and sub-regulatory guidance” going forward.

EBSA refocuses enforcement on serious misconduct

Relatedly, Sonderling has commented on the shift in EBSA’s enforcement priorities, as the agency announced changes to its national enforcement projects list in January.

“By recalibrating the areas our investigators focus on, EBSA investigations will be more efficient, responsive, and prioritize serious misconduct rather than minor foot faults,” Sonderling said in a Jan. 15 news release.

According to Nowak, the DOL has limited resources, so they’re prioritizing going after “what is really the bad conduct or bad actors out there.”

“I sort of view that as sort of a two-pronged approach: help the fiduciaries with processes, but then focus on those fiduciaries who are not acting in the interest of the plans and maybe acting disloyally, and focusing on that from an investigation and enforcement perspective,” Nowak said.

When speaking at the SIFMA roundtable in January, Sonderling noted that part of the reasoning for the DOL providing more guidance to the regulated community is to help them avoid enforcement efforts.

“The most important thing we can do is lead with compliance assistance, lead with giving the information that you all need to ensure that your workers are protected and not have it done through enforcement, not have it done through litigation,” Sonderling said.

According to Mayer Brown’s Nowak, the DOL’s enforcement and investigation efforts mostly focus on ERISA’s duty of loyalty, while their other efforts — like the agency’s [March proposal](#) establishing a safe harbor for fiduciaries to incorporate alternatives in their defined contribution plans — are focused on ERISA’s duty of prudence.

Sonderling spoke positively of the proposed rule, stating in a March 30 news release, “Our rule clearly spells out that managers must evaluate any and all potential product offerings by following a prudent process.”

Following the announcement that Trump would nominate Sonderling to permanently serve as Labor secretary, the Investment Company Institute issued a statement supporting the move, in which they specifically mentioned that proposal.

“ICI congratulates Keith Sonderling on his nomination to lead the Department of Labor. As Acting Labor Secretary, he has proven to be an effective leader on important policy initiatives including the DOL proposal to expand investment opportunities in retirement plans for American workers,” said Eric Pan, ICI president and CEO, in a June 30 statement.

Amicus briefs emerge as key tool under Sonderling

Sonderling also noted back in January that the DOL is filing more amicus briefs in court cases so the administration’s views on certain issues can be documented.

That includes a January amicus brief [the department filed](#) for a pension risk transfer lawsuit, *Konya et al. vs. Lockheed Martin Corp.* The lawsuit alleges that the defense and aerospace company violated its fiduciary duties by by transferring a total of \$9 billion in pension plan liabilities to Athene Holding subsidiaries.

“ERISA expressly provides an off ramp for employers making the business decision to annuitize their defined benefit obligations,” Sonderling said in a Jan. 9 news release.

Walsh said he thinks that the DOL weighing in on this is helpful, as “employers want to know what the rules are.” He added that the amicus brief aligns with Sonderling’s desire to have issues “sorted out in advance, rather than having to face enforcement or litigation.”

Nowak predicted that we’ll see more amicus briefs from the DOL going forward, noting that the department has been submitting amicus briefs in pension risk transfer cases, forfeiture cases, and other cases.
