

Legislative and Regulatory Report

A monthly review of the latest information of importance to retirement plan sponsors

September 2024

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Senator Warren releases another fiduciary report

On September 26, Senator Elizabeth Warren (D-MA) released her third [report](#) supporting the DOL fiduciary rule and criticizing “secret” industry sales incentives, focusing exclusively on insurance companies. (The prior two reports were in 2015 and 2017.) Consistent with her previous reports, she argues that the standards set by the NAIC and SEC are insufficient, and she supports increased regulation.

DOJ files notices of appeal in fiduciary litigation cases

On September 20, The Department of Justice (DOJ) filed Notices of [Appeal](#) in the cases of American Council of Life Insurers, et al. v. The United States Department of Labor, et al. and FACC v. DOL. As a reminder, the Parties’ Joint Report to the Court on next steps was due on September 27.

House Financial Services Committee holds hearing on ESG

On September 10, during a [hearing](#) on Environmental, Social, & Governance (ESG) Standards, Republicans argued that ESG investing focuses significantly on social and political agendas, diverting attention from maximizing financial returns and harming industries such as oil and gas. They stressed the need for transparency in proxy advisory firms, highlighting conflicts of interest, and warned against the financial burdens imposed by ESG-related regulations on small businesses. Democrats emphasized the importance of ESG investing as a tool to address long-term risks such as climate change, governance issues and diversity. They argued that these practices improve corporate accountability and financial performance, and expressed concerns that anti-ESG efforts would marginalize underrepresented communities and reduce shareholder engagement.

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Tip: Click on highlighted words to go to the topic being discussed.

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SEC approves form changes and delays hard close proposal

On August 28, the SEC wrote in their [final release](#) that it isn't adopting proposed reporting amendments relating to funds' use of swing pricing or to liquidity classifications. However, registered funds must now disclose portfolio information on Form N-PORT monthly to the SEC. Additionally, funds must report on Form N-CEN information about their liquidity service providers, including their identification and the asset classes they manage. These changes take effect Nov. 17, 2025. Funds with net assets below \$1 billion have until May 18, 2026, to comply with the requirements. The rule passed by a 3-2 vote.

References and source material used in this publication

"Cancun, Cruises and Cash: How the Department of Labor's New Retirement Security Rule Would End Insurance Industry Kickbacks that Cost Savers Billions," [Office of Elizabeth Warren](#) (September 2024).

Civil Action No. 4:24-cv-00482-O, [U.S. District Court for the Northern District of Texas](#) (Sept. 20, 2024).

"Hearing Entitled: The Fall of ESG: Scrutinizing the Failed Use of Environmental, Social, & Governance Standards and the Influence of Proxy Advisors," [Subcommittee on Oversight and Investigations](#) (Sept. 10, 2024).

"17 CFR Parts 270 and 274," [Securities and Exchange Commission](#) (Aug. 28, 2024).

Keeping watch

You can find the most recent information on issues affecting governmental defined contribution plans, plan sponsors and plan participants on the Employer page of our plan website, NRSforu.com/plansponsor.



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