

SEC top five: what public companies, boards and investors should watch for in 2026



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Introduction

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We will work together to protect investors from fraud, keep politics out of how our securities laws and regulations are applied, and advance clear rules of the road that encourage investment in our economy to the benefit of all Americans.

Chairman Atkins, Opening Remarks at the SEC Town Hall, May 6, 2025

As is increasingly common following changes in presidential administrations, in 2025 the SEC experienced significant regulatory and operational changes following the inauguration of President Donald Trump. Paul Atkins replaced Gary Gensler as SEC Chairman and has frequently invoked the phrase “it is a new day” at the SEC under his leadership. Atkins has said he will prioritize a principles-based approach to regulation as well as support for innovation, capital formation and investor access to private markets. He also has underscored the importance of materiality in disclosures and due process in rulemaking.

Changes at the SEC under Atkins’ leadership reflect broader shifts in the federal regulatory environment. Through a series of executive orders and pronouncements since taking office in January 2025, Trump has sought to align the regulatory landscape to his priorities, including by eliminating regulations, streamlining agency agendas and reducing the federal

workforce. Other White House directives relevant to the SEC agenda include those addressing a regulatory framework for crypto assets, the inclusion of alternative assets in retirement plans, increasing oversight of proxy advisory firms and proposing a change to semi-annual reporting with the option to report quarterly for SEC registrants.¹

Under Atkins’ leadership, the Commission’s near- and medium-term rulemaking priorities include establishing a regulatory framework for crypto assets, supporting capital formation and reducing compliance costs. Notably, in 2025, the Commission withdrew most regulations still pending finalization from the previous administration.

The SEC is expected to pursue a robust rulemaking agenda in 2026, despite resource constraints resulting from the government’s initiative to reduce federal employee headcount in 2025. The Commission has indicated that the SEC workforce has shrunk by around 15 percent. To advance the Commission’s agenda, Atkins signaled that the SEC will hire “special government employees”² to facilitate rulemaking.

Atkins has discussed his priorities for the SEC’s enforcement program, which include fraud, market manipulation and investor protection, especially retail investors. Regarding accountability for alleged securities law violations, the Division of Enforcement is expected to closely scrutinize the responsibility of individuals and to impose lower corporate penalties compared to prior commissions.

We explore five priority areas of expected SEC activity in 2026 that may be of interest to investors, board members and issuers: capital formation; disclosure

reform; shareholder proposals, proxy advisors and litigation; crypto assets; and enforcement. Given the extent of SEC-related activity in these and other areas, market participants should consider closely monitoring SEC developments throughout the year.

Commission composition

The SEC statutory framework calls for the agency to be led by five commissioners who are nominated by the president and confirmed by the Senate. The president designates which commissioner will be chairman, who sets the agenda for the Commission. Commissioners serve five-year terms that are staggered, so only one term expires each year. If a successor is not confirmed, a commissioner may remain in the role until the end of the next congressional session. To maintain bipartisan balance, no more than three commissioners can belong to the same political party.

Caroline Crenshaw’s departure from the Commission in early 2026 leaves the Commission with a 3-0 Republican majority and two vacant seats previously occupied by Democrats. At this stage, Trump has not nominated successors, although the SEC can act on rulemaking and other SEC business with only three commissioners. This could facilitate swift rulemaking, as Atkins and Commissioners Hester Peirce and Mark Uyeda share similar regulatory philosophies. Peirce’s official term ended in June 2025. In accordance with securities laws, she will need to step down by the end of the current congressional session (likely late December 2026 or early January 2027) unless her successor is confirmed before then.³

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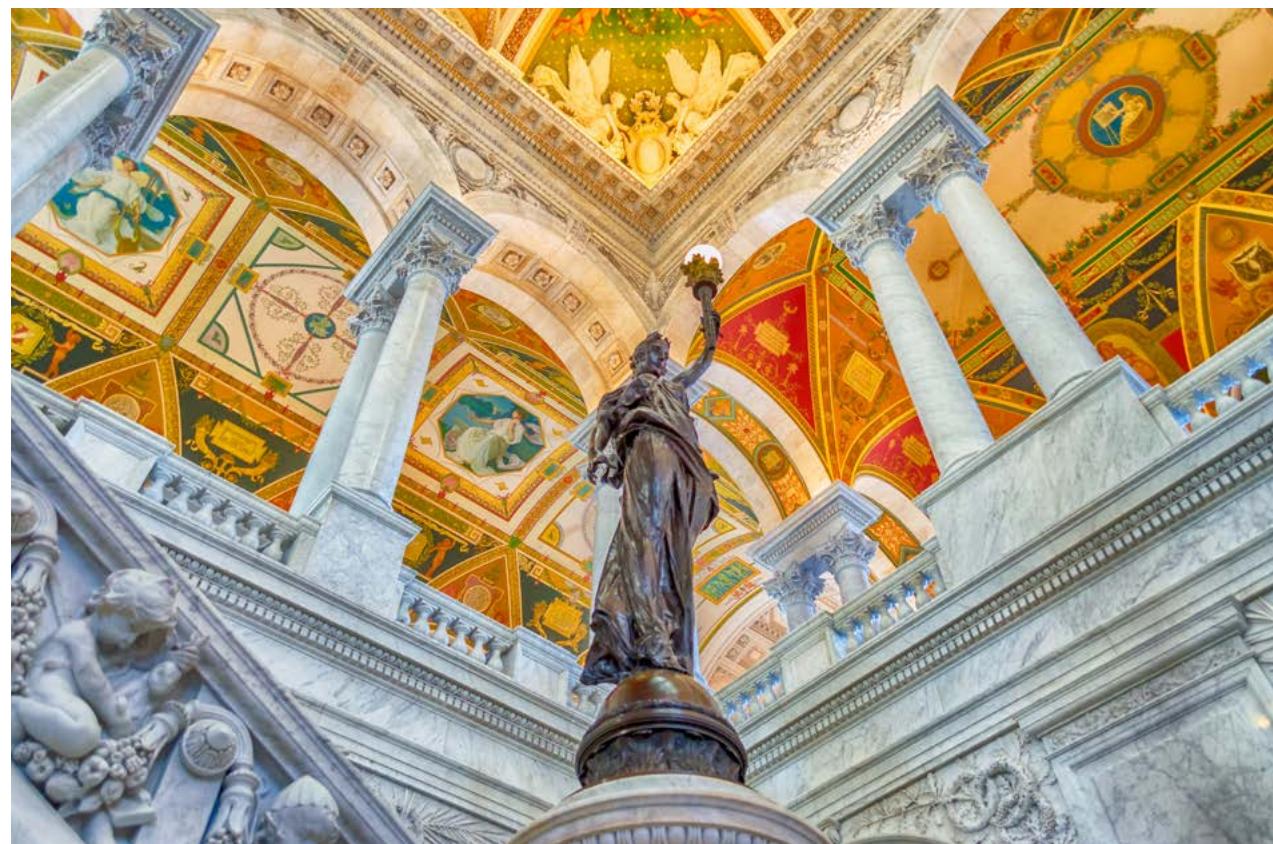
Capital formation

Overview

The SEC is expected to pursue a two-pronged approach to spark capital formation: making public markets more attractive to private companies and expanding investor access to private markets.

A central objective of this Commission is to “make IPOs great again” by decreasing obstacles to going public. In recent speeches, Atkins has highlighted the significant decline in the number of public companies over the past 30 years and has called for reforms to promote the attractiveness of IPOs. He has identified three issues that he believes deter companies from entering the public capital markets: excessive disclosure requirements, litigation risks and the corporate governance environment.

Atkins also aims to boost private capital formation. He has said that with appropriate guardrails, everyday investors who are investing through their 401(k)s should have the opportunity to diversify into private investments.⁴ The SEC’s rulemaking agenda takes aim at this with plans to increase retail investor access to the private markets as well as to expand options for companies seeking to raise private capital.



EXPECTED ACTIVITY IN 2026:

Expanding access to alternative assets: In 2025, Trump signed an executive order (EO) directing the SEC and the Department of Labor to remove regulatory and legal barriers preventing investor access to alternative assets – including private equity, real estate, infrastructure and digital assets – within 401(k) retirement plans. The SEC also is tasked with reviewing the accredited investor definition to further facilitate access. Currently, most private company investments are restricted to people or entities that are considered “accredited investors,” which means they meet certain asset or other thresholds. In tandem with this EO, it is anticipated that the Commission will consider rule [amendments](#) to simplify pathways to raising capital for, and investor access to, private companies.

Atkins, Peirce and Uyeda have stressed the benefits of expanding access to private markets as well as the importance of investor safeguards. Uyeda has [noted](#) that “[w]ith proper guardrails, retail investors should have the opportunity to obtain higher risk-adjusted returns on investments and build more resilient retirement portfolios.” Similarly, Peirce has emphasized that access to private markets must be structured “in a way that is diversified, professionally managed and consistent with their investing time frames.”⁵

Enhancement of emerging growth company (EGC) accommodations and simplification of filer status:

The Commission also is [expected](#) to consider amendments aimed at reducing compliance burdens for smaller public companies as well as those that are recent entrants to the public markets. These changes would expand existing accommodations for [EGCs](#), which are subject to scaled disclosures requirements compared to larger public companies. Atkins has discussed several approaches to enhancing these requirements, including allowing EGCs to remain on the “IPO on-ramp” for a longer period of time.

Commissioners have discussed potential rule changes to simplify filer status, which is based on public float and revenue. The Commission is reassessing how issuer categories are defined and applied across the disclosure regime, focusing on cost-benefit considerations for companies. Filer status determines a company’s SEC filing deadlines, when they are required to adopt new accounting standards and whether auditor attestation for internal control over financial reporting is required. [Peirce](#) and [Uyeda](#) have noted that the filer status categories overlap, causing potential confusion. Uyeda also has highlighted that the thresholds for determining filer status have not been updated recently, highlighting that “a company with a \$250 million public float is subject to the same disclosure requirements as a company with a \$250 billion public float,” among other concerns.

Rule 144 Safe Harbor: According to the regulatory agenda, the Commission will consider reproposing amendments to Rule 144, which would expand a safe harbor allowing investors to resell restricted securities in public markets without registering the sale with the SEC.

Shelf Registration Modernization: The regulatory agenda includes potential amendments to the shelf registration process aimed at reducing compliance burdens and facilitating capital formation. Although details about the rule proposal are not yet available, Uyeda has [noted](#) “unique challenges” that smaller, unlisted companies face, including that they are ineligible to use shelf registration statements. He suggested that easing these restrictions would allow for smaller companies to “quickly access the capital markets when timing and other conditions are ideal.”



Disclosures

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While it is undisputed that [disclosure] requirements, and the resulting disclosure, have become increasingly complex and lengthy, it is less clear if the increased complexity and length have provided investors with additional information that is material to their investment and voting decisions.

Chairman Atkins, [Statement](#) on the Upcoming Executive Compensation Roundtable, May 2025

Overview

In 2026, the SEC is expected to comprehensively review and propose to simplify and reduce disclosure requirements, with particular attention to financial materiality and scalability. Atkins has consistently [raised](#) concerns about the SEC's "increasingly complex" disclosure regime.⁶ He has further [stated](#) that "to avoid information overload for investors, our disclosure regime is most effective when the SEC provides [...] the minimum effective dose of regulation needed to elicit the information that is material to investors." He also suggested that "market forces" can drive any additional disclosures.

Peirce and Uyeda also have been critical about a growing number of disclosure requirements that in their view is not financially material. For example, Uyeda stated, "Disclosures that are both costly and complex to produce, while not material to investment or voting decisions, are at odds with good disclosure regulations."

Another concern for Atkins, Peirce and Uyeda is that certain disclosure rules may influence corporate behavior rather than simply providing transparency. They have opposed what they view as an environment where special interest groups are able to drive disclosure requirements in pursuit of social or political agendas. In contrast, while she was a commissioner, Crenshaw supported expanded disclosures on several topics, including climate, executive compensation and cybersecurity risks, [citing](#) the need for rules to keep pace with developments in "today's world."

EXPECTED ACTIVITY IN 2026:

Rationalization of disclosure practices: The SEC will consider proposals to streamline disclosure requirements and execute Atkins' [goal](#) of "ensuring that materiality is the north star of the SEC's disclosure regime."

The Commission has set its sights on considering amendments to disclosure rules this year. In 2025, the Commission took its first steps on this initiative by [hosting](#) a roundtable to gather input on potential changes to executive compensation disclosure requirements and is currently [working](#) on a proposed rule. Atkins also has identified risk factors as an area of information overload. He has argued that the length and duplicative nature of these disclosures contribute to the intense volume of data investors must parse through. Atkins recently [invited](#) the public to submit input on other potential revisions to eliminate immaterial information in disclosures.

Semiannual reporting: In 2025, Trump encouraged the SEC to consider changing its periodic reporting requirements from a quarterly to a semiannual cadence, and Atkins responded by pledging that the Commission will propose a new rule early in 2026.⁷ Uyeda discussed the benefits of this approach, [stating](#), "Shifting from quarterly to semiannually would provide more flexibility for companies to align the reporting period with the potential needs of their shareholder base, business cycle, and securities analyst coverage." Trump had raised this issue during his first term, which prompted then-Chairman Jay Clayton to issue a [request for comment](#). However, the SEC did not take further action at the time.

Notable actions in 2025:

Foreign private issuers (FPIs): The commission unanimously voted to issue a concept release seeking public input on the definition of "foreign private issuer" in the SEC rules. As noted in the concept release, disclosure accommodations available to FPIs were implemented with the premise that "most eligible FPIs would be subject to meaningful disclosure and other regulatory requirements in their home country jurisdictions." The release observes that the composition of FPIs has shifted over the past two decades and also raises several concerns, including that many FPIs don't trade in their home country markets and may be subject only to SEC requirements. Atkins emphasized that accommodations for foreign issuers must remain "reasonable" and avoid placing US companies at a competitive disadvantage.

Looking ahead, Atkins stated that the Commission will issue a related rule proposal this year, which would incorporate feedback from the comment letters.⁸



Shifting SEC views towards sustainability reporting

Atkins, Peirce and Uyeda have long expressed skepticism about requiring sustainability-focused disclosures. Accordingly, the SEC has recalibrated the agency's approach to its climate disclosure rules. The rules were finalized in March 2024 and required public companies to include climate-related information in registration statements and annual reports. The rules have not been implemented due to legal challenges, which were consolidated before the Eighth Circuit Court of Appeals. In March 2025, the Commission under then-Acting Chairman Uyeda [voted](#) to stop defending the rules. The Eighth Circuit suspended the legal proceedings in April 2025 and has ordered the SEC to clarify whether the Commission will rescind, revise or defend the rules for the litigation to continue.

Beyond the US, the commissioners also have called on international standard-setters to base sustainability reporting requirements on financial materiality.

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Shareholder proposals, proxy advisors and litigation

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[...] disclosure reform is just one of three pillars of my plan to make IPOs great again. A second pillar involves de-politicizing shareholder meetings and returning their focus to voting on director elections and significant corporate matters. Finally, we must also reform the litigation landscape for securities lawsuits to eliminate frivolous complaints, while maintaining an avenue for shareholders to continue to bring forth meritorious claims

Chairman Atkins, Remarks at the [New York Stock Exchange](#), December 2025

Overview

The Commission is examining the shareholder proposal process, proxy advisors and litigation risks as key elements of its efforts to make IPOs “cool” again. Atkins wants to change the shareholder proposal process due to what he sees as shareholders using these proposals to promote “politicized” issues that are not financially material to the company. He also has criticized proxy advisory firms, which in his view exert outsized control over corporate management, as well as “[frivolous](#)” shareholder litigation, which he believes discourages companies from going public.

EXPECTED ACTIVITY IN 2026:

Shareholder proposal modernization: The commission’s regulatory agenda includes a proposal to amend Rule 14a-8, which governs when shareholder proposals may be excluded from a company’s proxy statement. The proposed amendments would seek to reduce the compliance burden for issuers and account for developments since the rule was last amended in 2020. The 2020 [changes](#) were intended to reduce costs for issuers and to ensure that shareholder proposals come from shareholders with a meaningful economic stake in the issuer. The anticipated proposal replaces

other amendments to [Rule 14a-8](#), proposed in 2022 and withdrawn in 2025, that would have narrowed substantive reasons companies may exclude shareholder proposals from proxy statements.

While details of the rule proposal are not yet available, Atkins has suggested in recent [remarks](#) that “the Commission should re-evaluate [Rule 14a-8’s] fundamental premise that shareholders should be able to force companies to solicit for their proposals [...] at little or no expense to the shareholder.” In addition, a December [EO](#) issued by Trump directs the SEC to consider rescinding all rules and guidance relating to shareholder proposals, including Rule 14a-8, as well as rules and guidance regarding proxy advisors, particularly where shareholder proposals and proxy advisor recommendations implicate diversity, equity and inclusion (DEI) or environmental, social and governance (ESG) policies.

In addition to potential changes to the shareholder proposal rules, Atkins has [encouraged](#) companies to pursue different avenues to exclude shareholder proposals from proxy statements, including through state law.

Proxy advisory firms: Trump’s order on shareholder proposals also mandates that the SEC review and possibly revise or rescind rules and guidance on proxy advisors

(particularly DEI- and ESG-related policies). Separately, Atkins has expressed concerns over proxy advisory firms and has stated his intention to address what he views as the outsize influence of proxy advisors on management decisions. While the SEC passed rules in 2020 to impose certain requirements on proxy advisors, the DC District Court overturned them in 2024.⁹

Notable actions in 2025:

New policy for no-action letters on shareholder proposals: The SEC's Division of Corporation Finance announced that during the 2025-2026 proxy season, it will not express views on or respond to most no-action requests from companies regarding decisions to exclude shareholder proposals under Rule 14a-8. One exception is that the staff will respond when a company seeks to exclude a proposal by asserting that it is not a proper subject for shareholder action under state law. The stated rationale for this change is to allow the SEC staff to focus on the large volume of registration statements and other filings following the 43-day government shutdown in October-November. The staff also noted "... the extensive body of guidance from the Commission and the staff available to both companies and proponents." Some observers have suggested that the lack of staff no-action letters could increase the perceived litigation risk and the risk of "vote no" campaigns against directors using exempt solicitation filings with the SEC for companies that want to exclude shareholder proposals.

Change in guidance on shareholder proposals: The SEC staff issued [guidance](#) in February 2025 allowing companies greater flexibility to exclude proposals that do not significantly relate to their business. This largely reversed a policy change made during former Chair Gensler's tenure.

Mandatory arbitration: In September 2025, the Commission voted to issue a [policy statement](#) clarifying that the presence of a mandatory arbitration clause in the company's bylaws will not affect the staff's determination of whether to accelerate the effective date of a registration statement. This reverses prior staff practice. The policy statement indicates that the SEC does not express a view on whether mandatory arbitration provisions are "appropriate or optimal for issuers or investors." It also notes that a 2025 amendment to Delaware's Corporation Law restricts mandatory arbitration provisions, which seems to reduce the impact of the statement.

In comments on the policy statement, Atkins explained his view that the Commission is "not a merit regulator that decides whether a company's particular method of resolving disputes with its shareholders is 'good' or 'bad.'" He said that instead, the Commission must ensure "complete and adequate disclosure of material information concerning a company's mandatory arbitration provision, if one exists." Crenshaw was the only commissioner to oppose this action, [arguing](#) that it weakens investor protections and ignored proper rulemaking procedures, including a public comment period.

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Crypto assets

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Blockchain and crypto asset technologies have the potential to revolutionize America's financial infrastructure and deliver new efficiencies, cost reductions, transparency, and risk mitigation for the benefit of all Americans.

Chairman Atkins, [Statement on Passage of the GENIUS Act by the House of Representatives](#), July 2025

Overview

Under Atkins, the SEC has set a goal of creating a clear regulatory framework for the issuance, custody and trading of crypto assets. This marks a significant change from the previous Commission, which had asserted that crypto assets should be subject to existing securities laws and rules. In 2025, most crypto-related enforcement actions brought by the prior Commission were dropped, and interim guidance on how crypto assets should be treated under the federal securities laws was issued to provide clarity as new regulations are being developed. This guidance narrows the definition of "securities" by excluding certain crypto activities that are not part of an investment contract.¹⁰ It also outlines disclosure requirements for offerings of securities in crypto markets.

In 2025, Atkins launched Project Crypto, a Commission-wide initiative designed to modernize securities laws for "blockchain and crypto technology." This builds off the efforts of the [SEC crypto task force](#) launched by then-Acting Chairman Uyeda in January 2025 and led by Commissioner Peirce. The task force has held a series of roundtables and sought other input on a variety of crypto-related topics. Atkins has described Project Crypto as the SEC's "north star" in helping the US become the "crypto capital of the world." Its key pillars include:

- Developing clear rules for when a crypto asset qualifies as a security
- Introducing safe harbors and exemptions for offerings like initial coin offerings (ICOs), airdrops and network rewards
- Modernizing crypto asset custody rules
- Enabling side-by-side trading of securities and non-securities on SEC-regulated platforms
- Supporting platforms that offer a wide range of financial products under a single license

The SEC and Commodity Futures Trading Commission (CFTC) have announced that they intend to coordinate on rulemaking for the registration, custody, trading and recordkeeping of crypto assets. Both Atkins and then-CFTC Acting Chairman Caroline Pham have emphasized the importance of reducing duplicative regulation and providing clarity to market participants. According to Atkins, the goal is "building a framework where our agencies coordinate seamlessly, reduce duplicative regulation, and give markets the clarity they deserve." This collaboration also was reflected in a report from the President's Working Group on Digital Asset Markets, which was tasked with producing recommendations for regulatory and legislative proposals to "support growth and innovation in the digital assets industry."

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[...] the Securities and Exchange Commission should not fear innovation. Rather, it should embrace and champion it.

Chairman Atkins, Prepared Remarks Before SEC Speaks, May 2025



EXPECTED ACTIVITY IN 2026:

Crypto assets: Atkins has stated his goal to establish a regulatory framework that addresses the offer and sale of crypto assets. The Commission also is expected to advance “innovation exemptions” to provide time-limited, conditional relief for crypto asset projects while permanent rules are developed.

Amendments to the Custody and Trading Rules:

In 2026, amendments or new rules are expected to be proposed to modernize the regulations around the custody of advisory client and fund assets, including crypto assets. Atkins has directed staff to revisit and update custody rules so they are “adaptable and adapted to the modern world and to this new technology,”¹¹ including clarified expectations for qualified custodians and alignment of existing safeguards with how blockchains function.

Atkins also announced plans to propose amendments to Exchange Act rules to accommodate the trading of crypto assets on alternative trading systems (ATS) and national securities exchanges. To address this, he has asked staff to prepare recommendations “that would allow tokens tied to an investment contract to trade on non-SEC regulated platforms, including those intermediaries registered at the CFTC or through a state regulatory regime.”

Artificial intelligence

Atkins has supported innovation in the capital markets, including with respect to the use of artificial intelligence (AI). He has stated that the SEC “should use its available authority and discretion to adapt to and accommodate new developments.” His goal of creating a friendlier environment for innovation aligns with the administration’s AI plan, which calls for all federal agencies to revise or repeal regulations that block AI development or deployment. It also directs the SEC to establish regulatory sandboxes for testing AI tools. These would be intended to allow enterprises to “rapidly deploy and test AI tools while committing to open sharing of data and results” while under regulatory supervision.

The Commission also will leverage AI to improve internal processes. The Commission launched a task force on AI to enhance innovation and efficiency in the agency’s operations.

SEC Office of the Chief Accountant priorities

The remit of the SEC Office of the Chief Accountant (OCA) includes providing advice on accounting, auditing and financial reporting, overseeing the Public Company Accounting Oversight Board (PCAOB) and US accounting standard-setters, and working with those standard-setters' international counterparts. In a recent [speech](#), SEC Chief Accountant Kurt Hohl discussed his priorities for OCA, including PCAOB oversight, auditor independence rules and international standard setting.

Oversight of the PCAOB's activities

The PCAOB oversees auditors of SEC-registered public companies and broker-dealers and sets the auditing standards and rules that they follow. The SEC's formal oversight of the PCAOB includes appointing members to its five-person Board and approving its budget, rules and standards. These tools allow the Commission to generally set the strategic direction for the PCAOB.

The Commission recently [announced](#) the appointment of new PCAOB Board members. The new Board is chaired by Demetrios (Jim) Logothetis and its new members are Mark Calabria, Kyle Hauptman (who has been named, but not yet sworn in) and Steven Laughton, replacing Christina Ho, Kara Stein and Anthony Thompson. George Botic, who had been serving as Acting Chair, returned to his position as Board member. Looking ahead, Atkins has [stated](#) that the Commission intends to provide "robust oversight" of the PCAOB and signaled that updating the Board's strategic plan is a key priority this year.

The Commission has delegated key aspects of its oversight of the PCAOB to OCA, primarily rulemaking

and standard-setting. Hohl has outlined his priorities to discuss with the new PCAOB Chair. These include considering whether PCAOB inspections should focus more on audit firms' quality controls rather than individual engagements in light of recent updates to quality control standards. He also supports reviewing PCAOB inspection reports to ensure they are useful for communicating information about audit quality. Other areas of focus are to increase the involvement of external stakeholders in developing the PCAOB's standard-setting agenda and enhancing convergence with international auditing standards where possible.

Independence rules and other emerging issues

SEC leadership has consistently emphasized the importance of auditor independence to uphold the integrity of audits. Atkins has expressed concern that the rise of private equity (PE) investment in accounting firms and the acquisition of law practices in accounting firms could pose conflict of interest challenges.

Hohl has emphasized that while there is no imminent rulemaking on independence standards, OCA intends to study how technology alliances, crypto assets and PE investment in accounting firms have changed the market to ensure that the independence rules are still fit for purpose. More generally, Hohl has said that OCA is focusing on "ensuring that accounting and auditing frameworks keep pace with" emerging technologies and other emerging issues.

International standard setting

Hohl has stressed the need for cooperation among US and international standard-setters. He also supports greater convergence of accounting and auditing standards to reduce unnecessary complexity and enhance the cross-border usefulness of financial reporting.

Both Atkins and Hohl have noted concerns about the adequacy of funding for the International Accounting Standards Board (IASB) and International Auditing and Assurance Standards Board (IAASB), whose standards are used in the US capital markets. The IASB and IAASB issue International Financial Reporting Standards (IFRS) and International Standards on Auditing (ISAs), respectively. Atkins and Hohl have stated that adequate funding for the IASB and IAASB is fundamental to maintaining high standards. In a [speech](#), Atkins noted that the IFRS Foundation, which oversees and provides funding for the IASB, also plays the same role for the International Sustainability Standards Board (ISSB) and stated that this dual role "cannot divert [the IFRS Foundation's] focus from its long-standing core responsibility of funding the IASB." He warned that insufficient funding for the IASB could result in the SEC reconsidering its decision to allow foreign private issuers to use IFRS without reconciliation to US GAAP.

5 Enforcement

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The Enforcement Division is perhaps the most visible arm of the SEC. Its work makes headlines and can move markets. It is indispensable to our mission of rooting out fraud and manipulation [...]. But our enforcement program is also an exercise of government power that must be tempered by fair process, good judgement, integrity, and rectitude.

Chairman Atkins, [Keynote Address at the 25th Annual A.A. Sommer, Jr. Lecture on Corporate, Securities, and Financial Law](#), October 2025

Overview

Atkins has said he wants the SEC enforcement program to focus more on traditional fraud and investor harm, moving away from his predecessor's actions in areas such as crypto, books and records and off-channel communications violations. The current Commission also is expected to scrutinize individual accountability and impose lower corporate penalties compared to previous commissions, as Atkins and the other commissioners view high corporate penalties as unfairly punishing a company's shareholders for the misconduct of employees.



Former military Judge Margaret Ryan joined the SEC as Director of Enforcement in September, shortly before the October government shutdown. In announcing her appointment, Atkins stated that she “will lead the Division guided by Congress’ original intent: enforcing the securities laws, particularly as they relate to fraud and manipulation.” In January, the Commission announced two Deputy Directors, Paul Tzur and David Morrell. Both Tzur and Morrell were in private practice before joining the SEC. Previous professional roles for Tzur include Assistant US Attorney for the Northern District of Illinois in the Securities and Commodity Fraud section and for Morrell include Deputy Assistant Attorney General in the Department of Justice Civil Division.

EXPECTED ACTIVITY IN 2026:**Focus on fraud, market manipulation and investor harm**

Atkins has emphasized that the Division of Enforcement will prioritize fraud and market manipulation rather than what he deems as technical violations or novel legal theories. In his view, this shifts away from the previous Commission's enforcement approach, which various Republican commissioners had criticized as "regulation through enforcement." Atkins has stated, "We must go after cases of genuine harm and bad acts, but we must view cases of benign or innocent actions differently. In the past, we have seen examples of enforcement actions in areas, such as retention of books and records, that consumed excessive Commission resources not commensurate with any measure of investor harm." Atkins has cast the shift as in part a response to market criticisms of the previous Commission, noting, "What I am trying to address is a market perception that [...] there was a lack of due process, a lack of notice, a lack of rule of law."¹²

Shift away from crypto enforcement

Perhaps no other area has seen a more pronounced shift in enforcement approach than crypto assets. As noted above, the Commission's focus is on providing "rules of the road" for crypto and supporting innovative products where possible. Atkins pointedly [criticized](#) the prior Commission for having "pursued a shoot-first-and-ask-questions-later approach of regulation through enforcement" on crypto.

Cross-Border Task Force to combat fraud

The SEC launched a new Cross-Border Task Force in September 2025. The SEC [indicated](#) the task force will "focus initially on investigating potential US federal securities law violations related to foreign-based companies, including potential market manipulation" as well as "gatekeepers" that assist such companies in accessing US markets. The task force also aims to "examine potential securities law violations related to companies from foreign jurisdictions, such as China, where governmental control and other factors pose unique investor risks."

Review of enforcement metrics and procedures

Atkins has [emphasized](#) the need for fairness, transparency and predictability in the SEC's enforcement of the securities laws. He has signaled plans to move away from measuring the success of the enforcement program with metrics such as the number of cases brought and the amount of penalties collected. Rather, he plans to focus on rewarding enforcement staff for "follow[ing] the evidence and the law wherever it leads," including when that means not recommending an enforcement action. He also has indicated plans to "revisit and refresh" the Wells process, through which potential defendants are able to hear and respond to the SEC's evidence against them, among other procedural changes.



Conclusion

In 2026, we expect the SEC to take bold action through its regulatory agenda on issues that will impact both public and private companies. Significant revisions to rules are on the horizon aimed at facilitating capital formation, expanding investor access to private markets and establishing a regulatory framework for crypto assets. The Commission has emphasized that it will focus on traditional fraud and market manipulation in enforcement cases. Given this broad agenda, market participants should monitor developments closely, consider providing input to the SEC on its rulemaking and prepare for change.

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¹ Trump, Donald J., *Truth Social*, September 15, 2025, <https://truthsocial.com/@realDonaldTrump/posts/115208219886830624>

² Paul Atkins, *Mornings with Maria*, December 3, 2025.

³ 15 U.S.C. § 78d(a)

⁴ SEC Chairman Atkins, interviewed by CNBC's Andrew Sorkin, *CNBC's full interview with SEC Chairman Paul Atkins*, September 19, 2025, via CNBC, © 2025 Versant Media, LLC.

⁵ SEC Commissioner Hester Peirce, interviewed by Bloomberg TV's Katie Greifeld, *SEC's Peirce on Tokenization, Bitcoin in 401(k) Accounts*, 12 August 2025, via Bloomberg Government, ©2025 BGOV LLC.

⁶ Atkins also has argued that the "accretive rulemakings" from previous commissions have done more to "obscure than to illuminate" material information for investors and are costly for public companies to prepare.

⁷ Politico, *SEC's Atkins aims to release earnings reporting proposal by early '26*, September 29, 2025.

⁸ Paul Atkins, *Mornings with Maria*, December 3, 2025.

⁹ *Proxy Advisor Regulation: Recent Litigation, State Law Developments, and Federal Legislation*, Congressional Research Service, 2025.

¹⁰ US Securities and Exchange Commission, *Statement on Certain Liquid Staking Activities*, August 5, 2025; US Securities and Exchange Commission, *Statement on Certain Protocol Staking Activities*, May 29, 2025; US Securities and Exchange Commission, *Statement on Stablecoins*, April 4, 2025; US Securities and Exchange Commission, *Statement on Certain Proof-of-Work Mining Activities*, March 20, 2025; US Securities and Exchange Commission, *Staff Statement on Meme Coins*, February 27, 2025.

¹¹ SEC Chairman Paul Atkins, interviewed by Fox News' Maria Bartiromo, *Mornings with Maria*, August 15, 2025.

¹² Palma, Stefania and Stafford, Philip, "Donald Trump's new SEC appointee scraps aggressive enforcement agenda," *Financial Times*, September 15, 2025.

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