

SEC Fall 2022 RegFlex Agenda – ESG-related Rulemaking (released Jan. 4, 2023)

	Rulemaking	Next Action From SEC	Anticipated Timing	Regulation Identifier Number (RIN)	Change from Spring 2022 SEC Reg Flex Agenda	Notes (SEC information submitted October 2022, though OIRA only published the agenda in January 2023)
1	Certain Information Providers Acting as Investment Advisers	Undetermined	TBD	3235-AM95	N/A	The SEC has not stated whether it will pursue this rulemaking further.
2	Cybersecurity (distinct from cybersecurity risk governance rules; see notes)	Propose new rules	April 2023	3235-AN15	Delayed from October 2022 to April 2023	Proposed requirements for cybersecurity risk disclosures, including amendments to Regulations S-P and SCI
3	Digital Engagement Practices for Investment Advisers	Propose new rules	April 2023	3235-AN14	New to regulatory agenda	“Rules related to the use of predictive data analytics, differential marketing, and behavior prompts.”
4	Human Capital Management	Propose new rules	April 2023	3235-AM88	Delayed from October 2022 to April 2023	-
5	Outsourcing by Investment Advisers	Propose new rules	April 2023	3235-AN18	New to regulatory agenda.	“Rules related to the oversight of third-party service providers.” It is unclear whether this is related to 3235-AM95 .
6	Corporate Board Diversity	Propose new rules	October 2023	3235-AL91	Delayed from April 2023 to October 2023	-
7	Disclosure of Payments by Resource Extraction Issuers	Propose new rules	October 2023	3235-AM06	New to regulatory agenda.	Rules under Dodd-Frank Act §1504 regarding payments to US and non-US governments related to commercial development of oil, gas, and mineral resources (this RIN was reopened; previous final rule from Jan. 15, 2021)
8	Climate Change Disclosure	Adopt new finalized rules	April 2023	3235-AM87	Delayed from October 2022 to April 2023	Proposing release here . Latham summary/analysis here and here .
9	Cybersecurity Risk Governance – Registrants	Adopt new finalized rules	April 2023	3235-AM89	Final action planned on relatively same timeframe as Spring 2022 agenda.	Proposing release here .
10	Cybersecurity Risk Governance – Investment Companies and Investment Advisers	Adopt new finalized rules	April 2023	3235-AN08	Final action planned on relatively same timeframe as Spring 2022 agenda.	Proposing release here . Latham summary/analysis here .
11	Amendments to Fund Names Rule	Adopt new finalized rules	October 2023	3235-AM72	N/A	Proposing release here . Latham summary/analysis here .
12	Investment Companies and Investment Advisers – ESG Factors	Adopt new finalized rules	October 2023	3235-AM96	Delayed from October 2022 to October 2023	Proposing release here . Latham summary/analysis here .
13	Rule 14a-8 Shareholder Proposal Amendments	Adopt new finalized rules	October 2023	3235-AM91	N/A	Proposing release here .