
Dodd-Frank Rulemaking Progress – 9 Months Later

Presented by

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Davis Polk

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Presenters



Annette L. Nazareth

Annette is a partner in our Financial Institutions Group, practicing in the Washington DC office. She is a former Commissioner of the Securities and Exchange Commission. Annette advises clients across a broad range of complex regulatory matters and transactions and works closely with our SEC enforcement practice, counseling non-financial sector corporations subject to government regulatory and enforcement actions.



Margaret E. Tahyar

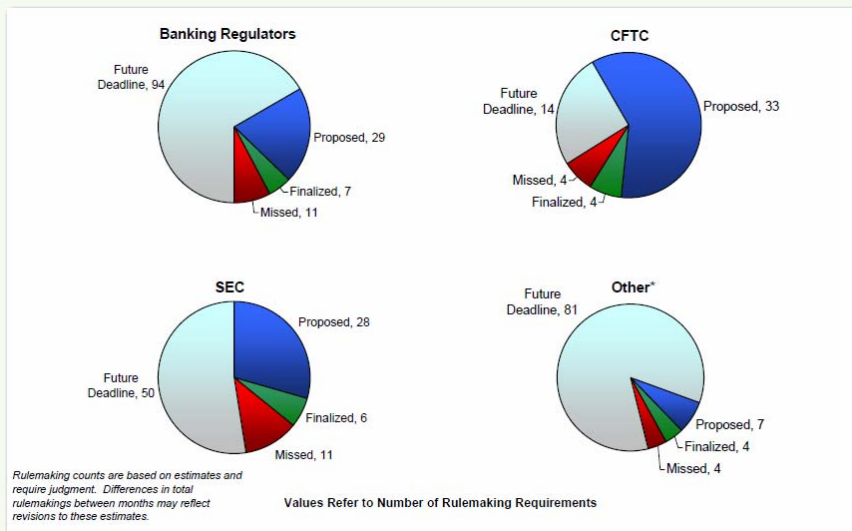
Margaret is a partner in our Financial Institutions Group. Her practice focuses on providing strategic bank regulatory and financial regulatory reform advice and advising on troubled bank M&A and recapitalizations and capital markets transactions where the target or issuer is a financial institution. She also advises on corporate governance and securities settlement systems and payment systems.



Gabriel D. Rosenberg

Gabriel is an associate in our Financial Institutions Group. He advises financial institutions, corporations and industry groups on the requirements, impact and implementation of the Dodd-Frank financial reform legislation, particularly the regulatory treatment, trading and clearing of swaps.

Dodd-Frank Rulemaking Progress Report



The Davis Polk Dodd-Frank Rulemaking Progress Report is a monthly report which uses empirical data to illustrate graphically the progress of the rulemaking work that has been done and is yet to occur under the Dodd-Frank Act.

For more information regarding the Progress Report, or to be added to our mailing list, please contact dodd.frank.progress.report@davispolk.com.

Overview of the Dodd-Frank Act

One Hundred Eleventh Congress
of the
United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Tuesday,
the fifth day of January, two thousand and ten*

An Act

To promote the financial stability of the United States by improving accountability and transparency in the financial system, to end "too big to fail", to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Dodd-Frank Wall Street Reform and Consumer Protection Act".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Severability.
- Sec. 4. Effective date.
- Sec. 5. Regulatory effects.
- Sec. 6. Antitrust savings clause.

TITLE I—FINANCIAL STABILITY

- Sec. 101. Short title.
- Sec. 102. Definitions.

Subtitle A—Financial Stability Oversight Council

- Sec. 111. Financial Stability Oversight Council established.
- Sec. 112. Council authority.
- Sec. 113. Authority to require supervision and regulation of certain nonbank financial companies.
- Sec. 114. Registration of nonbank financial companies supervised by the Board of Governors.
- Sec. 115. Enhanced supervision and prudential standards for nonbank financial companies supervised by the Board of Governors and certain bank holding companies.
- Sec. 116. Reports.
- Sec. 117. Treatment of certain companies that cease to be bank holding companies.
- Sec. 118. Council funding.
- Sec. 119. Resolution of supervisory jurisdictional disputes among member agencies.
- Sec. 120. Additional standards applicable to activities or practices for financial stability purposes.
- Sec. 121. Mitigation of risks to financial stability.
- Sec. 122. GAO Audit of Council.
- Sec. 123. Study of the effects of size and complexity of financial institutions on capital market efficiency and economic growth.

Subtitle B—Office of Financial Research

- Sec. 151. Definitions.
- Sec. 152. Office of Financial Research established.
- Sec. 153. Purpose and duties of the Office.
- Sec. 154. Organizational structure; responsibilities of primary programmatic units.
- Sec. 155. Funding.
- Sec. 156. Transition oversight.

Signed into law July 21, 2010.

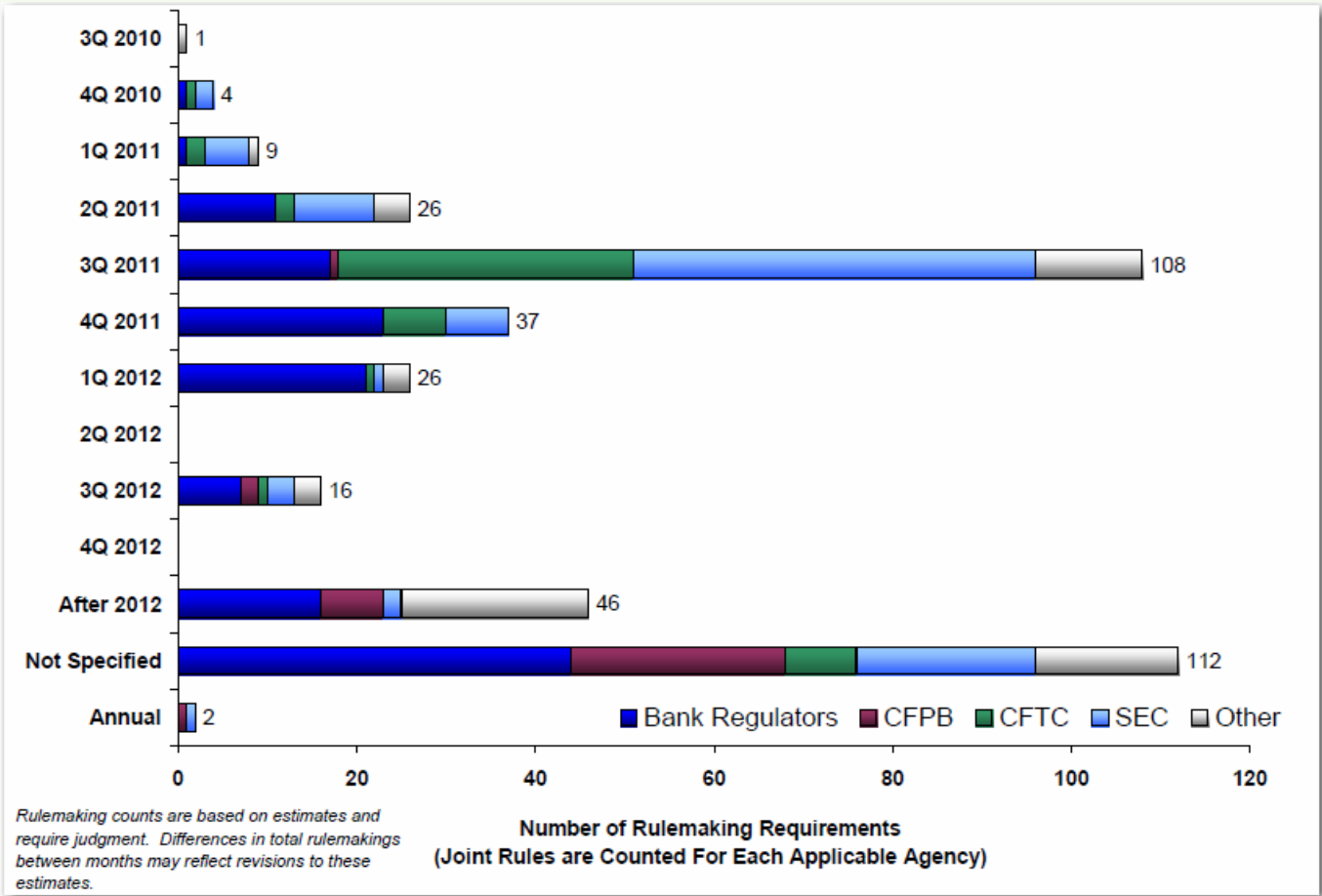
Requires approximately 243 rulemakings.

Regulator Resources

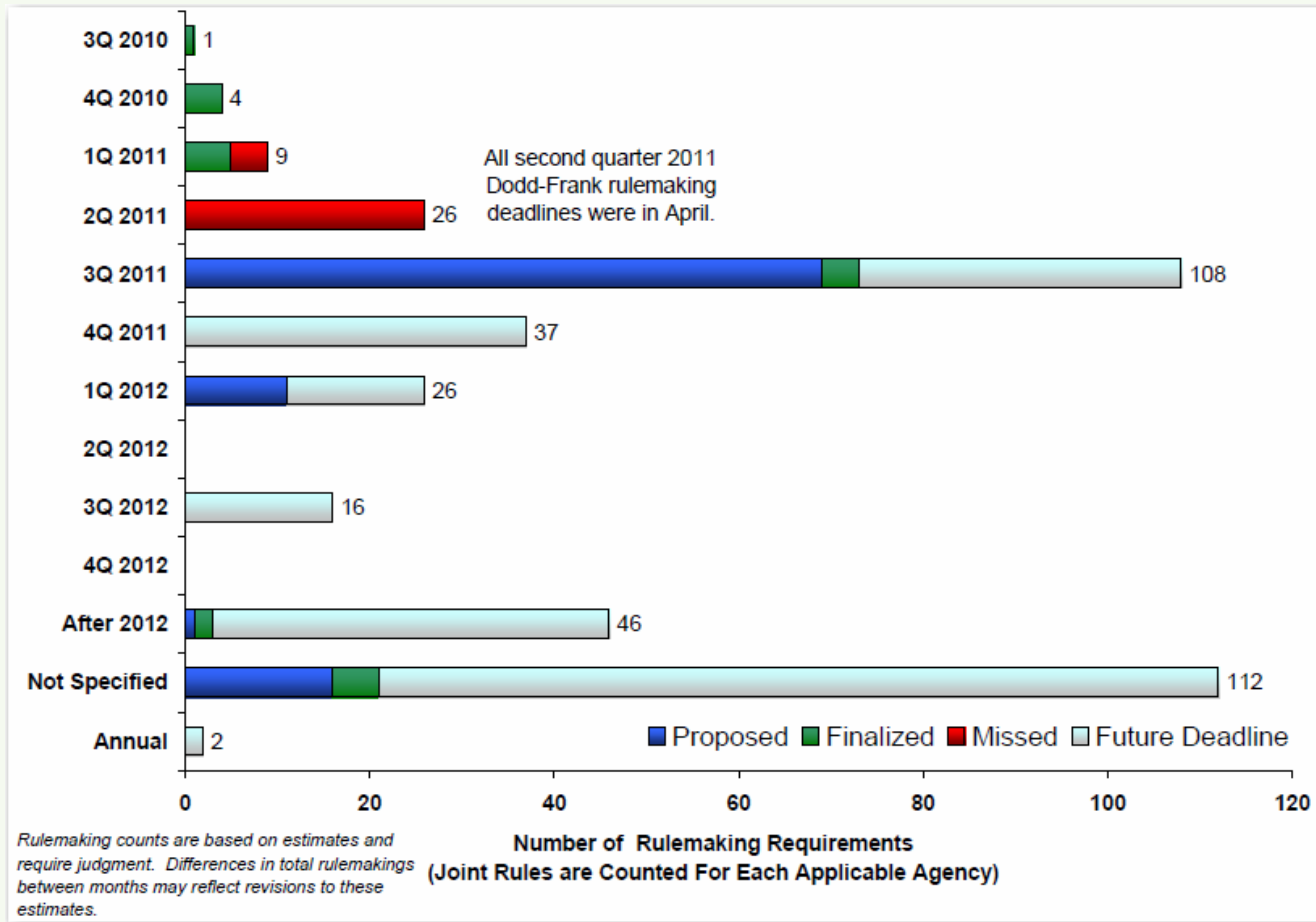


- **CFTC Request: \$106 million budget increase for FY2012, 400 additional staff to implement Dodd-Frank.**
- **SEC Request: \$222 million budget increase for FY2012, 468 additional staff to implement Dodd-Frank.**

Statutory Deadlines for Required Rulemakings

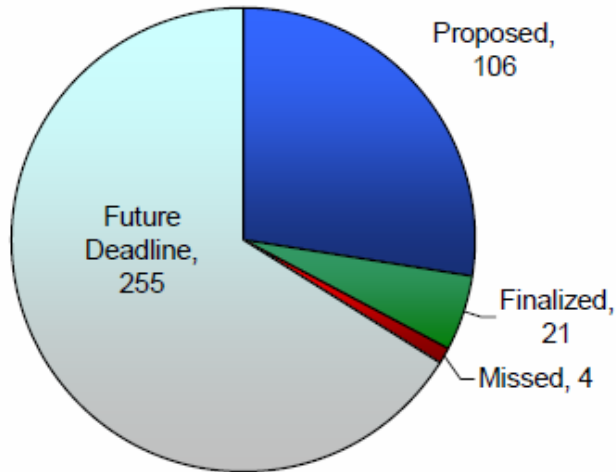


Rulemaking Progress by Due Date

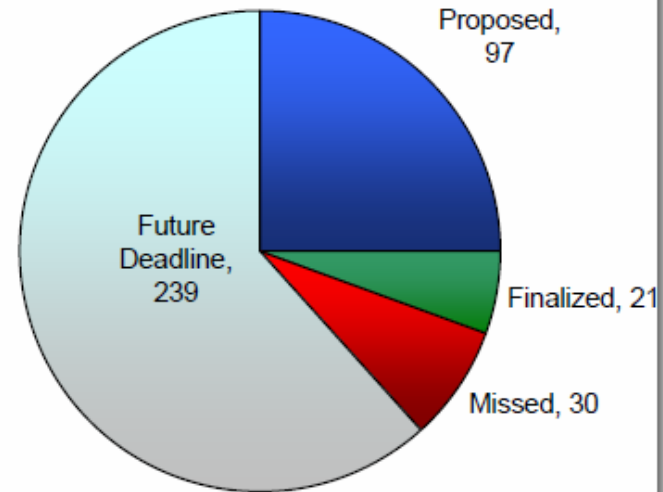


Dodd-Frank Rulemaking Progress

As of April 1, 2011



As of May 1, 2011

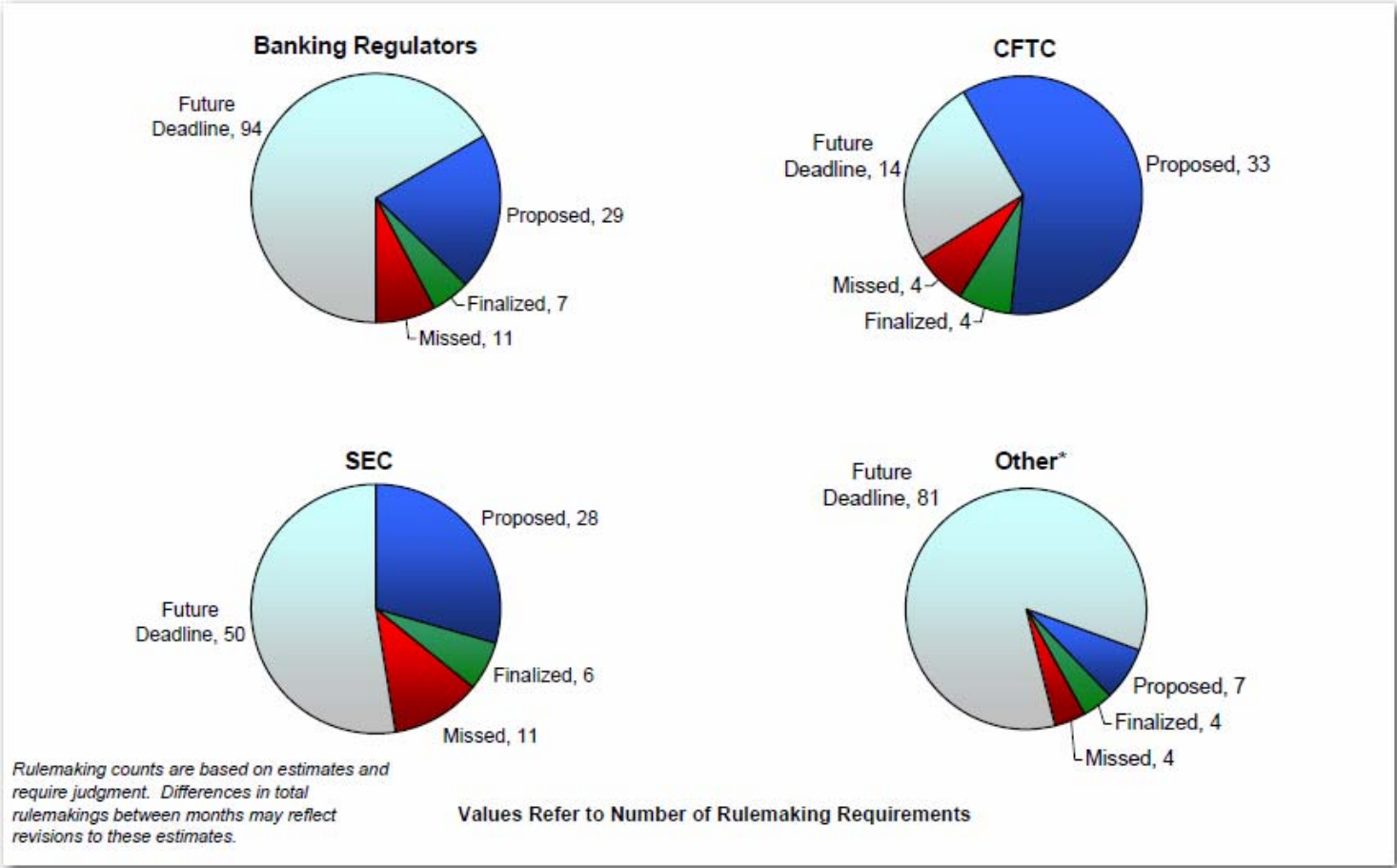


Rulemaking counts are based on estimates and require judgment. Differences in total rulemakings between months may reflect revisions to these estimates.

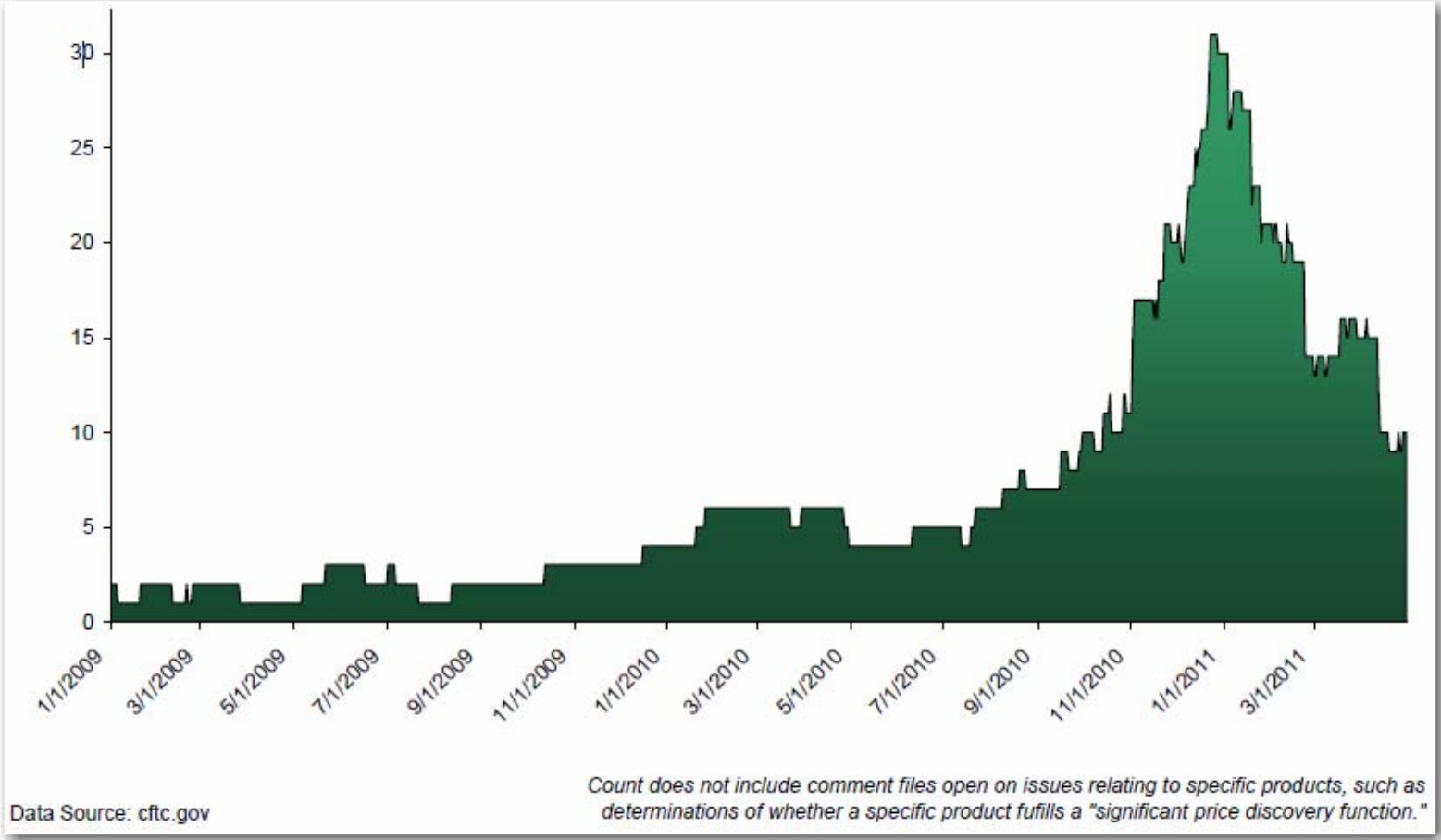
Values Refer to Number of Rulemaking Requirements

The number of "Proposed" rules does not include rulemaking requirements for which the deadline has been missed

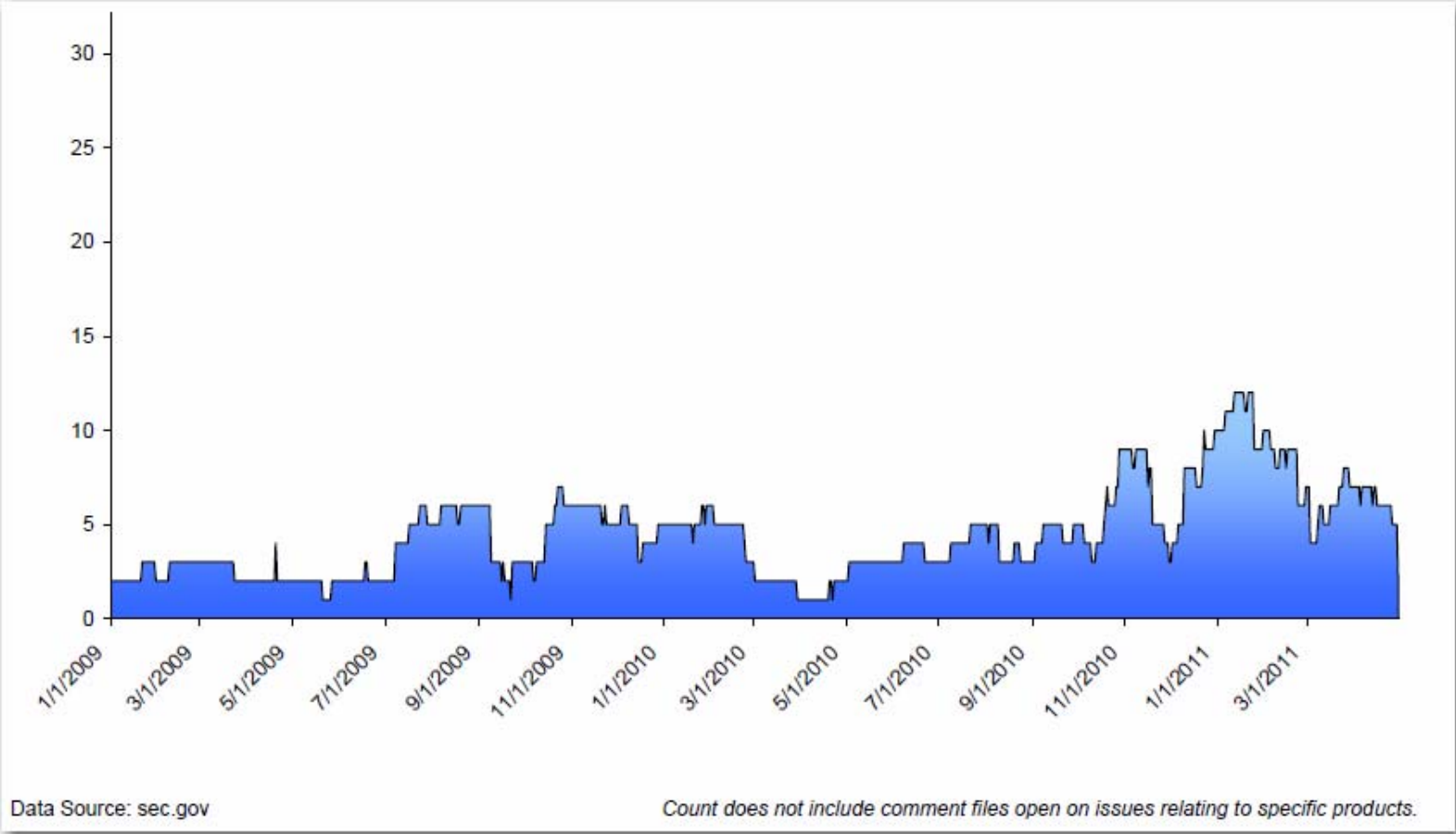
Rulemaking Progress By Regulator



CFTC Proposed Rules and Concept Releases Open for Public Comment: 01/01/09 – 04/30/11



SEC Proposed Rules and Concept Releases Open for Public Comment: 01/01/09 – 04/30/11



Gensler's Suggested Rulemaking Order

Early Group:

- Swap dealer definition and registration rules
- Mandatory clearing

Middle Group:

- Business conduct
- Recordkeeping
- Conflicts of interest and risk management
- Recordkeeping
- Position limits
- Clearinghouses, trade platforms and swap data repositories

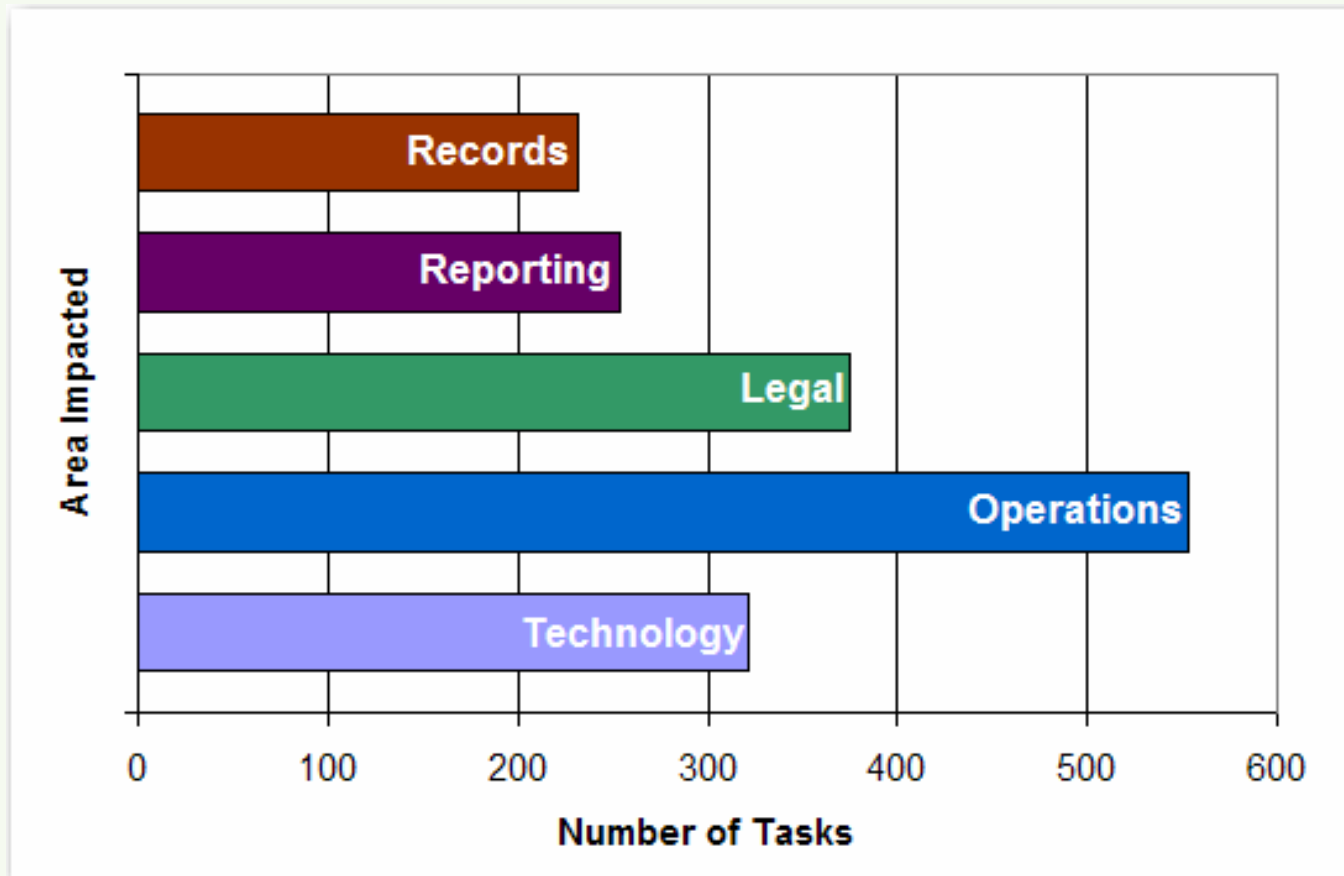
Late Group:

- Product definitions
- Capital and margin

Implications and Lessons

- Missed deadlines aren't necessarily a bad thing
 - Quality over speed
- Don't wait to start your implementation work
 - Use any extra time to plan complex implementation tasks

Implementation Tasks



Presenters Contact Information

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