

Securities Alert

January 13, 2015

SECURITIES

SEC Adopts Regulation Systems Compliance and Integrity

A. Executive Summary

On November 19, 2014, the Securities and Exchange Commission ("Commission" or "SEC") voted unanimously to adopt proposed Regulation Systems Compliance and Integrity ("Reg SCI") under the Securities Exchange Act of 1934 ("Exchange Act"), as well as certain conforming amendments to Regulation ATS ("Reg ATS").¹ Reg SCI is intended "to strengthen the technology infrastructure of the U.S. securities markets, to improve its resilience, and to enhance the Commission's ability to oversee it."² The adoption of Reg SCI represents the Commission's latest action in its broader, ongoing efforts to strengthen and reform U.S. equity market structure.³ As explained by SEC Chair Mary Jo White, Reg SCI "provide[s] greater accountability for those responsible for our critical market systems, helping ensure that such systems operate effectively and that any issues are promptly corrected and communicated to market participants and the Commission."⁴

As it explained when proposing Reg SCI in 2013, the Commission believes that high-speed, automated trading that occurs on national securities exchanges and alternative trading systems ("ATSs") has increased the potential for technological problems to broadly impact the equity markets.⁵ The ramifications of such problems have been manifested in recent market events, the occurrence of which further encouraged the Commission to revisit U.S. equity market structure.⁶ The Proposing Release outlined a framework that would replace the voluntary requirements of the SEC's existing Automation Review Policy ("ARP Program"),⁷ and the system capacity, integrity, and security requirements of Rule

¹ Securities Exchange Act Release No. 73639 (Nov. 19, 2014), 79 Fed. Reg. 72252 (Dec. 5, 2014) (the "Adopting Release"). See also Securities Exchange Act Release No. 69077 (Mar. 8, 2013), 78 Fed. Reg. 18084 (Mar. 25, 2013) (proposing Reg SCI) (the "Proposing Release").

² Statement at Open Meeting on Regulation SCI, Mary Jo White, SEC Chair (Nov. 19, 2014).

³ See Enhancing Our Equity Market Structure, Mary Jo White, SEC Chair (June 5, 2014) (outlining the SEC's efforts to enhance U.S. equity market structure by addressing market stability, high frequency trading, market transparency, broker conflicts, and market issues faced by small companies).

⁴ SEC Adopts Rules to Improve Systems Compliance and Integrity, SEC Press Release 2014-260 (Nov. 19, 2014).

⁵ Opening Statement at the SEC Open Meeting, Elise Walter, SEC Chairman (Mar. 7, 2013) (discussing the proposal of Reg SCI).

⁶ Such events included, among others: the Flash Crash of May 6, 2010; systems issues that affected the initial public offerings of BATS Global Markets, Inc. and Facebook, Inc.; the hacking of systems of NASDAQ OMX Group; and the two-day market closure due to superstorm Sandy.

⁷ The ARP Program, established by the Commission's two policy statements, each entitled "Automated Systems of Self-Regulatory Organizations," issued in 1989 and 1991, is a voluntary technology review program ("ARP I" and "ARP II," respectively). ARP I stated that SROs should establish comprehensive planning and assessment programs to test systems capacity and vulnerability, including annual reviews by an independent reviewer. In ARP II, the SEC further articulated its views on how SROs should conduct independent reviews. ARP II also addressed how SROs should notify the SEC of material systems changes and significant systems problems, and suggested the development of standards for meeting the ARP policy statements. The ARP Inspection Program was developed by the SEC to implement the ARP policy statements. All active registered clearing agencies, national securities exchanges, FINRA, one exempt clearing agency and one ATS participate in the program. See Securities Exchange Act Release Nos. 27445 (Nov. 16, 1989), 54 Fed. Reg. 48703 (Nov. 24, 1989) ("ARP I") and 29185 (May 1, 1991), 56 Fed. Reg. 22490 (May 15, 1991) ("ARP II").

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The Consideration of Regulatory Relief Proposals United States. Congress. Senate. Committee on Banking, Housing, and Urban Affairs, 2007

Understanding Regulatory Compliance James Fulton, Understanding Regulatory Compliance is a comprehensive guide that delves into the complexities of compliance frameworks across various industries The book explores the fundamental principles of regulatory requirements emphasizing the importance of adhering to laws and standards to mitigate risks and enhance corporate governance Through practical examples and case studies it illustrates how organizations can implement effective compliance programs navigate regulatory environments and cultivate a culture of compliance among employees Ultimately the book serves as a valuable resource for compliance professionals business leaders and anyone seeking to understand the critical role of regulatory adherence in fostering sustainable business practices

Departments of Commerce, Justice, Science, and Related Agencies Appropriations for Fiscal Year ... United States. Congress. Senate. Committee on Appropriations, 2007

Regulation of Money Managers Tamar Frankel, Arthur B.

Laby, Ann Taylor Schwing, 2015-09-16 The Regulation of Money Managers with the original subtitle The Investment Company Act and The Investment Advisers Act was published in 1978 and 1980 The Second Edition subtitled Mutual Funds and Advisers was published in 2001 and has been annually updated since then It is a comprehensive and exhaustive treatise on investment management regulation The treatise covers federal and state statutes their legislative history common law judicial decisions rules and regulations of the Securities and Exchange Commission staff reports and other publications dealing with investment advisers and investment companies The treatise touches on other financial institutions such as banks insurance companies and pension funds The work also discusses the economic business and theoretical aspects of the investment management industry and their effects on the law and on policy The treatise contains detailed analysis of the history and development of the Investment Company Act and the Investment Advisers Act It examines the definitions in the Acts including the concept of investment adviser affiliates and interested persons It outlines the duties of investment company directors the independent directors and other fiduciaries of investment companies The treatise deals with the SEC's enforcement powers and private parties' rights of action Law and Practice of Liability Management Apostolos Ath.

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Legal Looseleafs in Print ,1982 **Regulatory reform compliance guide requirement has had little effect on agency practices.** ,2001 Section 212 does not appear to have had much of an impact in the agencies and years that we examined and its implementation has varied across and sometimes within the agencies The statute gives agencies broad discretion to decide which of their rules require compliance guides what has to be in the guides how they are developed when they have to be published and how they are distributed to affected small entities Using that discretion an agency could legally exclude all of its rules from coverage by the statute designate a previously published document as its small entity compliance guide or develop and publish a guide with no input from small entities years after the covered rule takes effect Some of the ineffectiveness and inconsistency in the implementation of section 212 are traceable to the broad discretion provided to agencies in the RFA regarding the term significant economic impact on a substantial number of small entities Although a single rigid definition of this term may not be feasible we believe that some additional clarity can be provided Other problems with the compliance guide requirement are traceable to section 212 itself We offer suggestions on how Congress may wish to amend the statute to make clear when agencies must prepare a compliance guide under section 212 and the meaning of key terms in the statute

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In an electronic era where connections and knowledge reign supreme, the enchanting power of language has are more apparent than ever. Its capability to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Regulation Of Securities Sec Compliance And Practice**," written by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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