



**INSTITUTE OF INTERNATIONAL BANKERS**

PROGRAM

# Section 165 Seminar

March 26, 2014

*Application of Enhanced Prudential Standards  
To Foreign Banking Organizations under Section 165 of DFA*

Offices of Clifford Chance US LLP  
31 West 52<sup>nd</sup> Street | New York City



# INSTITUTE OF INTERNATIONAL BANKERS

## DODD-FRANK SEMINAR

### *Application of Enhanced Prudential Standards To Foreign Banking Organizations under Section 165 of DFA*

**March 26, 2014**

Offices of Clifford Chance US LLP  
31 West 52<sup>nd</sup> Street  
New York City

8:30 a.m. – 8:55 a.m.

**Continental Breakfast**

8:55 a.m. – 9:00 a.m.

**Welcome and Introductory Remarks**

**Sally Miller**

Chief Executive Officer  
Institute of International Bankers

9:00 a.m. – 9:45 a.m.

**Opening Address**

*A representative of the Federal Reserve Board has been invited to give the opening address*

9:45 a.m. – 10:45 a.m.

**Overview**

*This panel will provide an overview of the final implementing regulations applying Section 165 to Foreign Banking Organizations in the context of how the new regime departs from the Federal Reserve’s long-standing regulatory framework for FBOs, the tension it creates with existing international agreements and the home-country supervision of cross-border banking organizations.*

**Thomas C. Baxter**

General Counsel  
Federal Reserve Bank of New York

**Derek Bush**  
(and moderator)

Partner  
Cleary Gottlieb Steen & Hamilton LLP

**H. Rodgin Cohen**

Partner  
Sullivan & Cromwell LLP

**John C. Dugan**

Partner  
Covington and Burling LLP

10:45 a.m. – 11:00 a.m.

**Coffee Break**

11:00 a.m. – 12:15 p.m.

**Intermediate Holding Company Issues**

*This panel will discuss issues associated with the requirement that the largest FBOs move their U.S. broker-dealer and other nonbranch operations under separately capitalized intermediate holding companies (IHCs) that will be subject to U.S. bank capital requirements and liquidity buffers.*

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|--------------------------------------|--|
| <b>Derek Bush</b><br>(and moderator) | Partner<br>Cleary Gottlieb Steen & Hamilton LLP  |
| <b>Bradley Sabel</b>                 | Partner<br>Shearman & Sterling LLP               |
| <b>Jeffrey Samuel</b>                | Director, Regulatory Policy Americas<br>Barclays |
| <b>James Wiener</b>                  | Partner<br>Oliver Wyman                          |

12:15 p.m. – 1:15 p.m.

**Buffet Lunch**

1:15 p.m. – 2:30 p.m.

**Branch Issues**

*While U.S. branches and agencies of FBO's will continue to operate outside of IHC's, they are nevertheless subject to enhanced prudential requirements, including liquidity buffers. This panel will address these and other branch-related issues, including the ability of FBOs to relocate activities into branches, thus separating them from IHC requirements.*

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|--------------------------------------|--|
| <b>Scott Anenberg</b>                | Partner<br>Mayer Brown LLP   |
| <b>Jeff Berman</b>                   | Partner<br>Clifford Chance US LLP  |
| <b>Richard Neiman</b><br>(moderator) | Vice Chairman<br>Global Financial Services Regulatory<br>Practice<br>PwC |
| <b>Susanna Tisa</b>                  | Chief Business Officer<br>Treliant Risk Advisors LLC                     |

2:30 p.m. – 3:30 p.m.

## **Risk Management and Stress-Testing Requirements**

*This panel will discuss the final rule's risk management requirements for all FBOs and IHCs, as well as the stress-testing requirements applicable to those FBOs not required to establish an IHC.*

**John Corston**  
(moderator)

Director  
Deloitte & Touche LLP

**Stephen Cross**

Managing Director  
Alvarez & Marsal LLC

**Luigi De Ghenghi**

Partner  
Davis Polk & Wardwell LLP

**Barbara Mendelson**

Partner  
Morrison & Foerster LLP

3:30 p.m. – 3:45 p.m.

## **Coffee Break**

3:45 p.m. – 4:45 p.m.

## **Capital Allocation Issues**

*Senior bankers and an industry consultant will provide their perspectives on the capital allocation challenges presented by Section 165, including in the context home-country enhanced capital requirements.*

**Roger Blissett**  
(and moderator)

Managing Director, U.S. Strategy  
RBC Capital Markets, LLC

**Patrick Parkinson**

Managing Director  
Promontory Financial Group

**Atsushi Shimizu**

Head of US FBO Regulation Project  
Team  
Mizuho Bank Ltd.

*Another representative of an IIB member bank has been invited to participate on this panel*