The Investor Protection Act of 2009 Takes Aim at Strengthening Disclosure and Enforcement Under the Federal Securities Laws

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On Friday July 10, 2009, the White House and the Treasury Department delivered to Capitol Hill proposed legislation known as the Investor Protection Act of 2009 (the "Proposed Legislation"). This comes nearly a month after the Treasury Department released the white paper on Financial Regulatory Reform (the "White Paper"). The White Paper broadly laid out numerous regulatory objectives of the President's plan to reform, modernize and protect the integrity of the financial system. These objectives include (i) promoting robust supervision and regulation of financial firms, (ii) establishing comprehensive regulation of financial markets, (iii) protecting consumers and investors from financial abuse, (iv) providing the government with the tools it needs to manage financial crises and (v) raising international regulatory standards and improving international cooperation. The Proposed Legislation addresses the first three objectives laid out in the White Paper by strengthening disclosure requirements and enforcement and remedies available under each of the Securities Act of 1933 (the "Securities Act"), the Securities Exchange Act of 1934 (the "Exchange Act"), the Investment Company Act of 1940 (the "Company Act") and the Investment Advisers Act of 1940 (the "Advisers Act" and, collectively, the "Acts").