

Dan Michael Berkovitz

PROFESSIONAL EXPERIENCE

General Counsel, U.S. Securities and Exchange Commission	Oct. 2021-Jan. 2023
Commissioner, U.S. Commodity Futures Trading Commission Nominated by the President and unanimously confirmed by the Senate.	2018-2021
Partner, Wilmer Cutler Pickering Hale & Dorr	2013-2018
General Counsel, U.S. Commodity Futures Trading Commission	2009-2013
Adjunct Professor of Law, Georgetown University	2012-2018
Counsel, Permanent Subcommittee on Investigations, U.S. Senate	2001-2009
Deputy Assistant Secretary, Office of Environmental Management, U.S. Department of Energy	1995-2001
Counsel, Committee on Environment and Public Works, U.S. Senate	1985-1995
Attorney, U.S. Nuclear Regulatory Commission	1982-1985

OTHER PROFESSIONAL ACTIVITIES

- Co-Chair, Futures and Derivatives Committee, American Bar Association (2016-2018)
- Member, Princeton University Department of History Advisory Committee (2017-2018)

EDUCATION

- Hastings College of the Law, J.D.** San Francisco, CA (now UC Law, San Francisco)
Note and Comment Editor, Hastings Const. Law Quarterly
Extern, Justice Cruz Reynoso, Supreme Court of California
- Princeton University** Princeton, NJ **A.B. cum laude, Physics**
Elected to *Sigma Xi Scientific Research Society*

BAR MEMBERSHIPS

- District of Columbia, California (inactive), U.S. Supreme Court

PUBLICATIONS

Financial Market Trade Publications

Introducing Broker Registration and Regulation, Chapter 17 in *OTC Derivatives Regulation Under Dodd-Frank, A Guide to Registration, Reporting, Business Conduct, and Clearing*, 2017 edition, Thomson Reuters (2017).

WilmerHale Attorneys Detail 2016 CFTC Enforcement Actions and Potential Priorities Under Trump Administration, *The Hedge Fund Law Report*, Vol. 10, No. 7, Feb. 16, 2017.

Federal Reserve Board Seeks New Limits on Bank Activities in Physical Commodities, *The National Law Review*, Oct. 21, 2016.

Swap Dealer Chief Compliance Officer Requirements – Recent Developments, *The Review of Securities & Commodities Regulation*, Vol. 49, No. 4, Feb., 2016.

The Resurrection of CFTC Administrative Enforcement Proceedings: Efficient Justice or a Biased Forum?, 35 *Futures & Derivatives Law Report*, Vol. 2, Mar. 2015.

Swaps Provisions of Dodd-Frank Act: Cost-Benefit Analysis and Judicial Review, *Banking & Financial Services Policy Report*, Vol. 33, No. 9, Sept., 2014.

Swap Dealer Chief Compliance Officer Requirements – First Year in Review, *The Review of Securities & Commodities Regulation*, Vol. 47, No. 15, Sept., 2014.

The CFTC's Implementation of Financial Market Reform: Progress and Legal Challenges, 34 *Futures & Derivatives Law Report*, Vol. 4, Apr., 2014.

Senate Reports

Excessive Speculation in the Wheat Market, Report Prepared by the Staff of the Permanent Subcommittee on Investigations of the Senate Committee on Homeland Security and Governmental Affairs, 111th Cong., 1st Sess. (2009).

Excessive Speculation in the Natural Gas Market, Report Prepared by the Staff of the Permanent Subcommittee on Investigations of the Senate Committee on Homeland Security and Governmental Affairs, reprinted in *Hearing of the Permanent Subcommittee on Investigations of the Senate Committee on Homeland Security and Governmental Affairs, Excessive Speculation in the Natural Gas Market*, 110th Cong., 1st Sess. (June 25 and July 9, 2007).

Bayoil Diversions of Iraqi Oil and Related Oversight Failures, Report Prepared by the Minority Staff of the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs, 109th Cong., 1st Sess. (2005).

U.S. Strategic Petroleum Reserve: Recent Policy Has Increased Costs to Consumers But Not Overall U.S. Energy Security, Report Prepared by the Minority Staff of the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs, S. Prt. 108-18, 108th Cong., 1st Sess. (2003).

Gas Prices: How Are They Really Set? Report Prepared by the Majority Staff of the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs, 107th Cong., 2nd Sess.

(2002).

Law Review Articles

Pariahs and Prophets: Nuclear Energy, Global Warming, and Intergenerational Justice, 17 *Columbia Journal of Environmental Law* 245 (1992).

The Price-Anderson Act: Model Compensation Legislation? -- The 63 Million Dollar Question, 13 *Harvard Environmental Law Review* 1 (1989).

Waste Wars: Did Congress "Nuke" State Sovereignty in the Low-Level Radioactive Waste Policy Amendments Act of 1985? 11 *Harvard Environmental Law Review* 437 (1987); cited by the U.S. Supreme Court in *New York v. United States*, 504 U.S. 144 (1992).

California's Nuclear Power Regulations: Federal Preemption?, 9 *Hastings Constitutional Law Quarterly* 623 (1982).

Other Publications

Modernizing the Atomic Energy Act: Updating the Role of the States in Regulating the Construction and Operation of Nuclear Power Plants and the Disposal of Nuclear Wastes, printed in *State Regulation of Nuclear Power, An Overview of Current State Regulatory Activities*, Committee on Interior and Insular Affairs, U.S. House of Representatives (1992).

Liability and Compensation for Nuclear Accidents at the Savannah River Site, *South Carolina Lawyer* (Jan/Feb 1990).

The Low-Level Radioactive Waste Policy Amendments Act of 1985: Improving Radwaste Disposal Through Increased Application of Federalism, *Proceedings of the Symposium on Waste Management* 87 (1988).

Waste Wars: "Take Title" May Survive in Compact States, *The Radioactive Exchange*, Vol. 11, No. 11, at 6-10 (June 29, 1992).

Reflections on Writing an Unconstitutional Law: The LLRWPA, *The Radioactive Exchange*, Vol. 11, No. 6, at 8 (March 31, 1992).

Comments on the Decision of the U.S. District Court for the Northern District of New York Affirming the Constitutionality of the Low Level Radioactive Waste Policy Act Amendments of 1985, *The Radioactive Exchange*, at 4-5 (December 24, 1990).

March 2023