

112TH CONGRESS
1ST SESSION

H. R. 2779

To exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2011

Mr. STIVERS (for himself and Ms. FUDGE) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To exempt inter-affiliate swaps from certain regulatory requirements put in place by the Dodd-Frank Wall Street Reform and Consumer Protection Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TREATMENT OF AFFILIATE TRANSACTIONS.**

4 (a) COMMODITY EXCHANGE ACT AMENDMENTS.—
5 Section 1a(47) of the Commodity Exchange Act (7 U.S.C.
6 1(a)(47)), as added by section 721(a)(21) of the Dodd-
7 Frank Wall Street Reform and Consumer Protection Act,
8 is amended by adding at the end the following:

1 “(G) TREATMENT OF AFFILIATE TRANS-
2 ACTIONS.—

3 “(i) IN GENERAL.—The term ‘swap’
4 does not include any agreement, contract,
5 or transaction that—

6 “(I) would otherwise be included
7 as a ‘swap’ under subparagraph (A);
8 and

9 “(II) is entered into by a party
10 that is controlling, controlled by, or
11 under common control with its
12 counterparty.

13 “(ii) REPORTING.—All agreements,
14 contracts, or transactions described in
15 clause (i) shall be reported to either a
16 swap data repository, or, if there is no
17 swap data repository that would accept
18 such swaps, to the Commission pursuant
19 to section 4r within such time period as
20 the Commission may by rule or regulation
21 prescribe.”.

22 (b) SECURITIES EXCHANGE ACT OF 1934 AMEND-
23 MENTS.—Section 3(a)(68) of the Securities Exchange Act
24 of 1934 (15 U.S.C. 78c(3)(a)(68)), as added by section
25 761(a)(6) of the Dodd-Frank Wall Street Reform and

1 Consumer Protection Act, is amended by adding at the
2 end the following:

3 “(F) TREATMENT OF AFFILIATE TRANS-
4 ACTIONS.—

5 “(i) IN GENERAL.—The term ‘secu-
6 rity-based swap’ does not include any
7 agreement, contract, or transaction that—

8 “(I) would otherwise be included
9 as a ‘security-based swap’ under sub-
10 paragraph (A); and

11 “(II) is entered into by a party
12 that is controlling, controlled by, or
13 under common control with its
14 counterparty.

15 “(ii) REPORTING.—All agreements,
16 contracts, or transactions described in
17 clause (i) shall be reported to either a se-
18 curity-based swap data repository, or, if
19 there is no security-based swap data repos-
20 itory that would accept such security-based
21 swaps, to the Commission pursuant to sec-
22 tion 13A within such time period as the
23 Commission may by rule or regulation pre-
24 scribe.”.

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