

115TH CONGRESS
2D SESSION

H. R. 5749

IN THE SENATE OF THE UNITED STATES

JULY 11, 2018

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To require the appropriate Federal banking agencies to increase the risk-sensitivity of the capital treatment of certain centrally cleared exchange-listed options and derivatives, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Options Markets Sta-
3 bility Act”.

4 **SEC. 2. RULEMAKING.**

5 Within 180 days of the date of enactment of this Act,
6 the Board of Governors of the Federal Reserve System,
7 the Federal Deposit Insurance Corporation, and the
8 Comptroller of the Currency shall, jointly, issue a pro-
9 posed rule, and finalize such rule within 360 days of the
10 date of enactment of this Act, to adopt a methodology for
11 calculating the counterparty credit risk exposure, at de-
12 fault, of a depository institution, depository institution
13 holding company, or affiliate thereof to a client arising
14 from a guarantee provided by the depository institution,
15 depository institution holding company, or affiliate thereof
16 to a central counterparty in respect of the client’s per-
17 formance under an exchange-listed derivative contract
18 cleared through that central counterparty pursuant to the
19 risk-based and leverage-based capital rules applicable to
20 depository institutions and depository institution holding
21 companies under parts 3, 217, and 324 of title 12, Code
22 of Federal Regulations. In issuing such rule, the Board
23 of Governors of the Federal Reserve System, the Federal
24 Deposit Insurance Corporation, and the Comptroller of
25 the Currency shall consider—

1 (1) the availability of liquidity provided by mar-
2 ket makers during times of high volatility in the cap-
3 ital markets;

4 (2) the spread between the bid and the quote
5 offered by market makers;

6 (3) the preference for clearing through central
7 counterparties;

8 (4) the safety and soundness of the financial
9 system and financial stability, including the benefits
10 of central clearing;

11 (5) the safety and soundness of individual insti-
12 tutions that may centrally clear exchange-listed de-
13 rivatives or options on behalf of a client, including
14 concentration of market share;

15 (6) the economic value of delta weighting a
16 counterparty's position and netting of a counter-
17 party's position;

18 (7) the inherent risk of the positions;

19 (8) barriers to entry for depository institutions,
20 depository institution holding companies, affiliates
21 thereof, and entities not affiliated with a depository
22 institution or depository institution holding company
23 to centrally clear exchange-listed derivatives or op-
24 tions on behalf of market makers;

1 (9) the impact any changes may have on the
2 broader capital regime and aggregate capital in the
3 system; and

4 (10) consideration of other potential factors
5 that impact market making in the exchange-listed
6 options market, including changes in market struc-
7 ture.

8 **SEC. 3. REPORT TO CONGRESS.**

9 At the end of the 5-year period beginning on the date
10 the final rule is issued under section 2, the Board of Gov-
11 ernors of the Federal Reserve System shall submit to the
12 Committee on Financial Services of the House of Rep-
13 resentatives and the Committee on Banking, Housing, and
14 Urban Affairs of the Senate a report detailing the impact
15 of the final rule during such period on the factors de-
16 scribed under paragraphs (1) through (10) of section 2.

Passed the House of Representatives July 10, 2018.

Attest:

KAREN L. HAAS,

Clerk.