

## HR 2779

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

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Finance and Financial Sector

**Introduced:** Aug 1, 2011

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 343.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 343. (Mar 28, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/2779>

### Sponsor

**Name:** Rep. Stivers, Steve [R-OH-15]

**Party:** Republican • **State:** OH • **Chamber:** House

### Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Fudge, Marcia L. [D-OH-11]	D · OH		Aug 1, 2011
Rep. Moore, Gwen [D-WI-4]	D · WI		Nov 1, 2011
Rep. Dold, Robert J. [R-IL-10]	R · IL		Nov 30, 2011
Rep. Gibson, Christopher P. [R-NY-20]	R · NY		Jan 23, 2012

### Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Discharged from	Jan 25, 2012
Financial Services Committee	House	Reported by	Nov 15, 2011

### Subjects & Policy Tags

#### Policy Area:

Finance and Financial Sector

### Related Bills

No related bills are listed.

(Sec. 1) Amends the Commodity Exchange Act (CEA), as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank), to exclude from the meaning of the term "swap," for purposes of clearing and execution requirements, capital and margin requirements, and for purposes of defining a swap dealer or major swap participant, any agreement, contract, or transaction that: (1) would otherwise be included as a "swap"; and (2) is entered into by parties that report information or prepare financial statements on a consolidated basis, or for which a company affiliated with both parties reports information or prepares financial statements on a consolidated basis.

Requires that such exempted agreements, contracts, or transactions be reported to either a swap data repository, or, if no such repository would accept them, to the Commodity Futures Trading Commission (CFTC) within the time period prescribed by the CFTC.

Retains federal or state regulatory authority to protect the integrity of an insurance fund or guaranty fund. Prohibits the regulator of such a fund, however, from subjecting agreements, contracts, or transactions between affiliated companies to specified clearing, capital and margin requirements, or reporting requirements of the Wall Street Transparency and Accountability Act of 2010 (WSTAA) (title VII of Dodd-Frank).

States that such transactions, however, are not exempt from regulation under the Federal Reserve Act (FRA) with respect to transactions among banking affiliates.

Preserves the safety-and-soundness authorities of the federal banking agencies, other than the authorities set forth in WSTAA.

Authorizes the CFTC to prescribe rules that include in the definition of swaps any agreement, contract, or transaction that has been structured to evade CEA requirements applicable to swaps.

Amends the Securities Exchange Act of 1934 (SEA), as amended by Dodd-Frank, to exclude from the meaning of the term "security-based swap," for purposes of clearing and execution requirements, capital and margin requirements, and for purposes of defining a security-based swap dealer or major security-based swap participant, any agreement, contract, or transaction that: (1) would otherwise be included as a "security-based swap"; and (2) is entered into by parties that report information or prepare financial statements on a consolidated basis, or for which a company affiliated with both parties reports information or prepares financial statements on a consolidated basis.

Requires that such exempted agreements, contracts, or transactions be reported to either a security-based swap data repository, or, if no such repository would accept them, to the Securities and Exchange Commission (SEC) within the time period prescribed by the SEC.

States that such transactions, however, are not exempt from regulation under the FRA with respect to transactions among banking affiliates.

Retains federal or state regulatory authority to protect the integrity of an insurance fund or guaranty fund. Prohibits the regulator of such a fund, however, from subjecting security-based swap transactions between affiliated companies to specified clearing and execution requirements, capital and margin requirements, or reporting requirements of the WSTAA.

Preserves the safety-and-soundness authorities of the federal banking agencies or state insurance regulators to impose

capital requirements with regard to security-based swaps, other than the authorities set forth in WSTAA.

Authorizes the SEC to prescribe rules that include in the definition of security-based swaps any agreement, contract, or transaction that has been structured to evade SEA requirements applicable to security-based swaps.

(Sec. 2) Requires that the amendments to CEA made by this Act be implemented: (1) without regard to federal information policy requirements or the notice and comment requirements of federal administrative procedure; and (2) through promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued.

Limits the disregard of such federal information policy and notice and comment requirements solely to changes to rules and regulations, or proposed rule and regulations, that are limited to, and directly a consequence of, the amendments to CEA made by this Act.

## **Actions Timeline**

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- **Mar 28, 2012:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 343.
- **Mar 27, 2012:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Mar 26, 2012:** Mr. Garrett moved to suspend the rules and pass the bill, as amended.
- **Mar 26, 2012:** Considered under suspension of the rules. (consideration: CR H1548-1551)
- **Mar 26, 2012:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2779.
- **Mar 26, 2012:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Mar 26, 2012:** Considered as unfinished business. (consideration: CR H1556-1557)
- **Mar 26, 2012:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 357 - 36 (Roll no. 127).(text: CR H1548-1549)
- **Mar 26, 2012:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 357 - 36 (Roll no. 127). (text: CR H1548-1549)
- **Mar 26, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 8, 2012:** Reported (Amended) by the Committee on Agriculture. H. Rept. 112-344, Part II.
- **Feb 8, 2012:** Placed on the Union Calendar, Calendar No. 268.
- **Feb 1, 2012:** House Committee on Agriculture Granted an extension for further consideration ending not later than Feb. 8, 2012.
- **Jan 25, 2012:** Subcommittee on General Farm Commodities and Risk Management Discharged.
- **Jan 25, 2012:** Committee Consideration and Mark-up Session Held.
- **Jan 25, 2012:** Ordered to be Reported (Amended) by Voice Vote.
- **Dec 23, 2011:** Reported (Amended) by the Committee on Financial Services. H. Rept. 112-344, Part I.
- **Dec 23, 2011:** House Committee on Agriculture Granted an extension for further consideration ending not later than Feb. 1, 2012.
- **Nov 30, 2011:** Committee Consideration and Mark-up Session Held.
- **Nov 30, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 53 - 0.
- **Nov 15, 2011:** Subcommittee Consideration and Mark-up Session Held.
- **Nov 15, 2011:** Forwarded by Subcommittee to Full Committee by the Yeas and Nays: 23 - 6 .
- **Oct 14, 2011:** Subcommittee Hearings Held.
- **Sep 13, 2011:** Referred to the Subcommittee on General Farm Commodities and Risk Management.
- **Aug 22, 2011:** Referred to the Subcommittee on Capital Markets and Government Sponsored Enterprises.
- **Aug 1, 2011:** Introduced in House
- **Aug 1, 2011:** 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.