

## HR 3336

### Small Business Credit Availability Act

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Agriculture and Food

**Introduced:** Nov 3, 2011

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Agriculture, Nutrition, and F

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry. (Apr 26, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3336>

### Sponsor

**Name:** Rep. Hartzler, Vicky [R-MO-4]

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

### Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Holden, Tim [D-PA-17]	D · PA		Feb 6, 2012
Rep. McIntyre, Mike [D-NC-7]	D · NC		Feb 7, 2012

### Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Discharged from	Jan 25, 2012
Agriculture, Nutrition, and Forestry Committee	Senate	Referred To	Apr 26, 2012

### Subjects & Policy Tags

#### Policy Area:

Agriculture and Food

### Related Bills

Bill	Relationship	Last Action
112 HR 5649	Related bill	<b>May 30, 2012:</b> Referred to the Subcommittee on General Farm Commodities and Risk Management.

Small Business Credit Availability Act - (Sec. 2) Amends the Commodity Exchange Act (as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act [Dodd-Frank]) to exclude from regulation as a swap dealer an insured depository institution, or a U.S. uninsured branch or agency of a foreign bank that has a prudential regulator.

Permits designation of a person as a swap dealer for a single type, class, or category of swap or activity, and yet considered not to be a swap dealer for other types, classes, or categories of swaps or activities.

Excludes from the definition of "swap dealer" a person that enters into swaps for such person's own account: (1) either individually or in a fiduciary capacity, but not as part of specified business activities; (2) in order to either hedge or mitigate commercial risk; or (3) to comply with state or local governmental regulations.

Excludes also from factors determinative of "swap dealer" a swap entered into for a person's own account and that involves a capacity contract, a renewable energy credit, an emissions allowance, or an emissions offset if such instrument is used to meet obligations under state or local governmental regulations.

(Sec. 3) Excludes outright from the meaning of financial entity any small bank, savings association, farm credit system institution, non-profit cooperative lender controlled by electric cooperatives, or credit union if the aggregate uncollateralized outward exposure plus aggregate potential outward exposure with respect to its swaps does not exceed \$1 billion. (Thus exempts such entities from the clearing requirement.)

(Sec. 4) Redefines "major swap participant" to exclude an entity whose primary business is providing financing that facilitates the sale or lease of products by or on behalf of the parent company or its subsidiary, and uses derivatives only for the purpose of hedging underlying commercial risks in a consolidated financing and leasing portfolio at least 90% of which, as of the end of its preceding fiscal year, is qualifying financing (including loans, notes, installment sales contracts, receivables, and operating and financing leases).

Excludes certain captive finance entities from the swap clearing requirement.

(Sec. 5) Declares amendments made by this Act effective as of the enactment of the Wall Street Transparency and Accountability Act of 2010 (title VII of Dodd-Frank).

(Sec. 6) Requires the amendments made by this Act to be implemented: (1) through promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and (2) without regard to specified federal law on coordination of federal information policy, or certain administrative notice and comment requirements.

## Actions Timeline

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- **Apr 26, 2012:** Received in the Senate and Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry.
- **Apr 25, 2012:** Mr. Lucas moved to suspend the rules and pass the bill, as amended.
- **Apr 25, 2012:** Considered under suspension of the rules. (consideration: CR H2095-2099)
- **Apr 25, 2012:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3336.
- **Apr 25, 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.
- **Apr 25, 2012:** Considered as unfinished business. (consideration: CR H2107)
- **Apr 25, 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): 312 - 111 (Roll no. 180).(text: CR H2095-2096)
- **Apr 25, 2012:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 312 - 111 (Roll no. 180). (text: CR H2095-2096)
- **Apr 25, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 8, 2012:** Reported (Amended) by the Committee on Agriculture. H. Rept. 112-390.
- **Feb 8, 2012:** Placed on the Union Calendar, Calendar No. 269.
- **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.
- **Nov 29, 2011:** Referred to the Subcommittee on General Farm Commodities and Risk Management.
- **Nov 3, 2011:** Introduced in House
- **Nov 3, 2011:** Referred to the House Committee on Agriculture.