

[DISCUSSION DRAFT]

112TH CONGRESS
1ST SESSION

H. R. _____

To ensure the exclusion of small lenders from certain regulations of the
Dodd-Frank Act.

IN THE HOUSE OF REPRESENTATIVES

Mrs. HARTZLER introduced the following bill; which was referred to the
Committee on _____

A BILL

To ensure the exclusion of small lenders from certain
regulations of the Dodd-Frank 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. SHORT TITLE.**

4 This Act may be cited as the “: Small Business Cred-
5 it Availability Act”.

6 **SEC. 2. CLARIFICATION OF SWAP DEALER DEFINITION.**

7 Section 1a(49)(A) of the Commodity Exchange Act
8 (7 U.S.C. 1a(49)(A)) is amended by striking all that fol-
9 lows clause (iv) and inserting the following flush language:

1 “provided however, in no event shall an insured
2 depository institution or an institution char-
3 tered and operating under the Farm Credit Act
4 of 1971 be considered to be a swap dealer to
5 the extent that it enters into a swap—

6 “(I) with a customer that is seeking
7 to manage risk in connection with an ex-
8 tension of credit by the institution to, on
9 behalf of, or for the benefit of, the cus-
10 tomer; or

11 “(II) to offset the risks arising from
12 a swap that meets the requirement of sub-
13 clause (I).”.

14 **SEC. 3. EXCLUSIONS FROM FINANCIAL ENTITY DEFINITION.**

15 Section 2(h)(7)(C)(ii) of the Commodity Exchange
16 Act (7 U.S.C. 2(h)(7)(C)(ii)) is amended to read as fol-
17 lows:

18 “(ii) EXCLUSION.—Such definition
19 shall not include an entity that is a small
20 bank, savings association, farm credit sys-
21 tem institution, or credit union if—

22 “(I) the total assets of the entity
23 are \$30,000,000,000 or less; or

24 “(II) the aggregate
25 uncollateralized outward exposure plus

1 aggregate potential outward exposure
2 of the entity with respect to its swaps
3 does not exceed \$1,000,000,000.”.

4 **SEC. 4. EFFECTIVE DATE.**

5 The amendments made by this Act shall take effect
6 as if they had been included in subtitle A of title VII of
7 the Dodd-Frank Wall Street Reform and Consumer Pro-
8 tection Act.