

113TH CONGRESS
2D SESSION

H. R. 4330

To amend the Commodity Exchange Act to ensure that the treatment of illiquid swaps does not disadvantage certain non-financial end users who use them to manage business risk.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mr. RODNEY DAVIS of Illinois (for himself, Mr. VARGAS, Mr. HUDSON, Mr. VELA, Mr. NEUGEBAUER, and Mr. GALLEGO) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Commodity Exchange Act to ensure that the treatment of illiquid swaps does not disadvantage certain non-financial end users who use them to manage business risk.

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 “Business Risk Plan-
5 ning Act”.

1 **SEC. 2. TREATMENT OF ILLIQUID SWAPS SO AS TO NOT DIS-**
2 **ADVANTAGE CERTAIN NON-FINANCIAL END**
3 **USERS.**

4 Section 2(a)(13) of the Commodity Exchange Act (7
5 U.S.C. 2(a)(13)) is amended—

6 (1) in subparagraph (C), by striking “The
7 Commission” and inserting “Except as provided in
8 subparagraph (D), the Commission”; and

9 (2) by redesignating subparagraphs (D)
10 through (G) as subparagraphs (E) through (H), re-
11 spectively, and inserting after subparagraph (C) the
12 following:

13 “(D) REQUIREMENTS FOR SWAP TRANS-
14 ACTIONS IN ILLIQUID MARKETS.—Notwith-
15 standing subparagraph (C):

16 “(i) The Commission shall provide by
17 rule for the public reporting of swap trans-
18 actions, including price and volume data,
19 in illiquid markets that are not cleared and
20 entered into by a non-financial entity that
21 is hedging or mitigating commercial risk in
22 accordance with subsection (h)(7)(A).

23 “(ii) The Commission shall ensure
24 that the swap transaction information re-
25 ferred to in clause (i) of this subparagraph
26 is available to the public no sooner than 30

1 days after the swap transaction has been
2 executed or at such later date as the Com-
3 mission determines appropriate to protect
4 the identity of participants and positions in
5 illiquid markets and to prevent the elimi-
6 nation or reduction of market liquidity.

7 “(iii) In this subparagraph, the term
8 ‘illiquid markets’ means any market in
9 which there is relatively little volume and
10 infrequent trading in swaps.”

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