

113TH CONGRESS
1ST SESSION

H. R. 742

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2013

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

AN ACT

To amend the Securities Exchange Act of 1934 and the
Commodity Exchange Act to repeal the indemnification
requirements for regulatory authorities to obtain access
to swap data required to be provided by swaps entities
under such Acts.

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 “Swap Data Repository
3 and Clearinghouse Indemnification Correction Act of
4 2013”.

5 **SEC. 2. REPEAL OF INDEMNIFICATION REQUIREMENTS.**

6 (a) DERIVATIVES CLEARING ORGANIZATIONS.—Sec-
7 tion 5b(k)(5) of the Commodity Exchange Act (7 U.S.C.
8 7a–1(k)(5)) is amended to read as follows:

9 “(5) CONFIDENTIALITY AGREEMENT.—Before
10 the Commission may share information with any en-
11 tity described in paragraph (4), the Commission
12 shall receive a written agreement from each entity
13 stating that the entity shall abide by the confiden-
14 tiality requirements described in section 8 relating to
15 the information on swap transactions that is pro-
16 vided.”.

17 (b) SWAP DATA REPOSITORIES.—Section 21(d) of
18 the Commodity Exchange Act (7 U.S.C. 24a(d)) is amend-
19 ed to read as follows:

20 “(d) CONFIDENTIALITY AGREEMENT.—Before the
21 swap data repository may share information with any enti-
22 ty described in subsection (c)(7), the swap data repository
23 shall receive a written agreement from each entity stating
24 that the entity shall abide by the confidentiality require-
25 ments described in section 8 relating to the information
26 on swap transactions that is provided.”.

1 (c) SECURITY-BASED SWAP DATA REPOSITORIES.—
2 Section 13(n)(5)(H) of the Securities Exchange Act of
3 1934 (15 U.S.C. 78m(n)(5)(H)) is amended to read as
4 follows:

5 “(H) CONFIDENTIALITY AGREEMENT.—
6 Before the security-based swap data repository
7 may share information with any entity de-
8 scribed in subparagraph (G), the security-based
9 swap data repository shall receive a written
10 agreement from each entity stating that the en-
11 tity shall abide by the confidentiality require-
12 ments described in section 24 relating to the in-
13 formation on security-based swap transactions
14 that is provided.”.

15 (d) EFFECTIVE DATE.—The amendments made by
16 this Act shall take effect as if enacted as part of the Dodd-
17 Frank Wall Street Reform and Consumer Protection Act
18 (Public Law 111–203) on July 21, 2010.

Passed the House of Representatives June 12, 2013.

Attest:

KAREN L. HAAS,

Clerk.