

117TH CONGRESS
2D SESSION

H. R. 8836

To amend the Commodity Exchange Act to exempt certain small companies that utilize foreign exchange from certain capital and margin requirements in order to enhance opportunities for small businesses to improve trade and export markets, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2022

Mr. OWENS introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Commodity Exchange Act to exempt certain small companies that utilize foreign exchange from certain capital and margin requirements in order to enhance opportunities for small businesses to improve trade and export markets, and for other purposes.

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 “Expanding Possibilities
5 and Opportunities to Reinvigorate Trade Act of 2022” or
6 the “EXPORT Act of 2022”.

1 **SEC. 2. APPLICABILITY OF CAPITAL AND MARGIN RE-**
2 **QUIREMENTS TO COUNTERPARTIES.**

3 Section 4s(e)(4) of the Commodity Exchange Act (7
4 U.S.C. 6s(e)(4)) is amended—

5 (1) by striking “counterparty qualifies” and in-
6 serting the following: “counterparty—

7 “(A) qualifies”;

8 (2) by striking the period at the end and insert-
9 ing “; or”; and

10 (3) by adding at the end the following:

11 “(B) is a money transmitter (as defined in
12 section 1010.100(ff)(5) of title 31, Code of
13 Federal Regulations, or any successor regula-
14 tion) that—

15 “(i) is regulated by a State, the Dis-
16 trict of Columbia, or a territory or posses-
17 sion of the United States for financial ade-
18 quacy;

19 “(ii) is registered in accordance with
20 section 1022.380 of title 31, Code of Fed-
21 eral Regulations, or any successor regula-
22 tion;

23 “(iii) enters only into swaps exclu-
24 sively for the purpose of offsetting risks
25 generated from foreign currency contracts
26 with an entity that is not a financial end

1 user (as defined in section 23.151 of title
2 17, Code of Federal Regulations, or any
3 successor regulation); and

4 “(iv) has total assets of
5 \$1,000,000,000 or less on the last day of
6 its most recent fiscal year.”.

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