

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3336
OFFERED BY MR. LUCAS OF OKLAHOMA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Small Business Credit
3 Availability Act”.

4 SEC. 2. CLARIFICATION OF SWAP DEALER DEFINITION.

5 Section 1a(49)(A) of the Commodity Exchange Act
6 (7 U.S.C. 1a(49)(A)) is amended by striking all that fol-
7 lows clause (iv) and inserting the following flush language:

8 “provided however, in no event shall an insured
9 depository institution or an institution char-
10 tered and operating under the Farm Credit Act
11 of 1971 be considered to be a swap dealer to
12 the extent that it enters into a swap—

13 “(I) with a customer that is seeking
14 to manage risk in connection with an ex-
15 tension of credit by the institution to, on
16 behalf of, or for the benefit of, the cus-
17 tomer; or

1 “(II) to offset the risks arising from
2 a swap that meets the requirement of sub-
3 clause (I).”.

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

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

8 “(ii) EXCLUSION.—Such definition
9 shall not include an entity that is a small
10 bank, savings association, farm credit sys-
11 tem institution, non-profit cooperative
12 lender controlled by electric cooperatives,
13 or credit union if the aggregate
14 uncollateralized outward exposure plus ag-
15 gregate potential outward exposure of the
16 entity with respect to its swaps does not
17 exceed \$1,000,000,000.”.

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

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

