



Commodity Futures Trading Commission

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Interim Final Rule Regarding Reporting of Certain Post-Enactment Swap Transactions

The Commodity Futures Trading Commission (CFTC) is announcing the publication in the Federal Register of an interim final rule governing the reporting of “transition” swaps—swaps entered into on or after the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) and prior to the effective date of swap data reporting rules to implement Section 2(h)(5) of the CEA—to a registered swap data repository (SDR) or the Commission.

The Dodd-Frank Act established obligations related to the reporting of transition swaps to a registered swap data repository or to the Commission

On July 21, 2010, Congress passed the Dodd-Frank Act, which amended the Commodity Exchange Act (CEA).

Section 723 of the Dodd-Frank Act added Section 2(h)(5)(B) of the CEA to require that data related to transition swaps must be reported to a registered swap data repository or to the Commission on the later of 90 days after the effective date of such rules or at such other time after entering into the swap that the Commission may prescribe by rule or regulation.

The Commission’s interim final rule governs the reporting requirements and implicit record retention obligations with respect to transition swaps.

The interim final rule, § 44.03 of the Commission’s regulations, establishes a reporting requirement for transition swaps that will remain in effect until permanent reporting rules are promulgated by the Commission pursuant to Section 2(h)(5)(B) of the CEA. The interim final rule:

- identifies the reporting timetable specified in Section 2(h)(5)(B) of the CEA
- defines the term “transition swap” as used in the Part 44 rules
- describes the information that should be preserved by counterparties until reporting can be effected under the permanent rules to be promulgated by the Commission pursuant to CEA Section 2(h)(5).