

(Pub. L. 111-203, title V, § 532, July 21, 2010, 124 Stat. 1595.)

### § 8223. Definitions

For purposes of this subchapter, the following definitions shall apply:

#### (1) Ceding insurer

The term “ceding insurer” means an insurer that purchases reinsurance.

#### (2) Domiciliary State

The terms “State of domicile” and “domiciliary State” mean, with respect to an insurer or reinsurer, the State in which the insurer or reinsurer is incorporated or entered through, and licensed.

#### (3) NAIC

The term “NAIC” means the National Association of Insurance Commissioners or any successor entity.

#### (4) Reinsurance

The term “reinsurance” means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

#### (5) Reinsurer

##### (A) In general

The term “reinsurer” means an insurer to the extent that the insurer—

- (i) is principally engaged in the business of reinsurance;
- (ii) does not conduct significant amounts of direct insurance as a percentage of its net premiums; and
- (iii) is not engaged in an ongoing basis in the business of soliciting direct insurance.

##### (B) Determination

A determination of whether an insurer is a reinsurer shall be made under the laws of the State of domicile in accordance with this paragraph.

#### (6) State

The term “State” includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

(Pub. L. 111-203, title V, § 533, July 21, 2010, 124 Stat. 1595.)

## SUBCHAPTER III—RULE OF CONSTRUCTION

### § 8231. Rule of construction

Nothing in this chapter or the amendments made by this subtitle<sup>1</sup> shall be construed to modify, impair, or supersede the application of the antitrust laws. Any implied or actual conflict between this chapter and any amendments to this chapter and the antitrust laws shall be resolved in favor of the operation of the antitrust laws.

(Pub. L. 111-203, title V, § 541, July 21, 2010, 124 Stat. 1596.)

#### REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle B (§§ 511-542) of title V of Pub. L. 111-203, which enacted

<sup>1</sup> See References in Text note below.

this chapter and provisions set out as notes under section 8201 of this title. Subtitle B did not make any amendments.

### § 8232. Severability

If any section or subsection of this chapter, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, and the application of the provision to any other person or circumstance, shall not be affected.

(Pub. L. 111-203, title V, § 542, July 21, 2010, 124 Stat. 1596.)

## CHAPTER 109—WALL STREET TRANSPARENCY AND ACCOUNTABILITY

### SUBCHAPTER I—REGULATION OF OVER-THE-COUNTER SWAPS MARKETS

#### PART A—REGULATORY AUTHORITY

Sec.	
8301.	Definitions.
8302.	Review of regulatory authority.
8303.	Abusive swaps.
8304.	Authority to prohibit participation in swap activities.
8305.	Prohibition against Federal Government bailouts of swaps entities.
8306.	Determining status of novel derivative products.
8307.	Studies.
8308.	Memorandum.

#### PART B—REGULATION OF SWAP MARKETS

8321.	Authority to define terms.
8322.	Authority of FERC.
8323.	Rulemaking on conflict of interest.
8324.	Savings clause.
8325.	International harmonization.

### SUBCHAPTER II—REGULATION OF SECURITY-BASED SWAP MARKETS

8341.	Authority to further define terms.
8342.	Savings clause.
8343.	Rulemaking on conflict of interest.
8344.	Other authority.

### SUBCHAPTER I—REGULATION OF OVER-THE-COUNTER SWAPS MARKETS

#### PART A—REGULATORY AUTHORITY

### § 8301. Definitions

In this subtitle, the terms “prudential regulator”, “swap”, “swap dealer”, “major swap participant”, “swap data repository”, “associated person of a swap dealer or major swap participant”, “eligible contract participant”, “swap execution facility”, “security-based swap”, “security-based swap dealer”, “major security-based swap participant”, and “associated person of a security-based swap dealer or major security-based swap participant” have the meanings given the terms in section 1a of title 7, including any modification of the meanings under section 8321(a) of this title.

(Pub. L. 111-203, title VII, § 711, July 21, 2010, 124 Stat. 1641.)

#### REFERENCES IN TEXT

This subtitle, referred to in text, is subtitle A (§§ 711-754) of title VII of Pub. L. 111-203, July 21, 2010, 124 Stat. 1641, which enacted this subchapter, section