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(Original Signature of Member)

111TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

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IN THE HOUSE OF REPRESENTATIVES

Mr. MEEKS of New York introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

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 “Indexed Annuities and  
5 Insurance Products Classification Act of 2009”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress makes the following  
8 findings:

1           (1) Primary jurisdiction for regulating life in-  
2           surance and annuities is vested with the States and  
3           Territories of the United States and the District of  
4           Columbia.

5           (2) Indexed insurance and annuity products of-  
6           fered by insurance companies are subject to a wide  
7           array of laws and regulations enforced by States and  
8           applicable jurisdictions, including nonforfeiture re-  
9           quirements that provide for minimum guaranteed  
10          values, thereby protecting consumers against market  
11          related losses.

12          (3) Adoption of Rule 151A by the Securities  
13          and Exchange Commission, entitled “Indexed Annu-  
14          ities and Certain Other Insurance Products”, 74  
15          Fed. Reg. 3138 (January 16, 2009), interferes with  
16          State insurance regulation, harms the insurance in-  
17          dustry, reduces competition, restricts consumer  
18          choice, creates unnecessary and excessive regulatory  
19          burdens, and diverts Commission resources, all of  
20          which outweighs any perceived benefits.

21          (b) PURPOSE.—The purpose of this Act is to nullify  
22          rule 151A and clarify the scope of the exemption for annu-  
23          ities and insurance contracts from Federal regulation  
24          under the Securities Act of 1933.

1 **SEC. 3. SCOPE OF EXEMPTION FROM FEDERAL SECURITIES**  
2 **REGULATION.**

3 Section 3(a)(8) of the Securities Act of 1933 (15  
4 U.S.C. 77c (a)(8)) is amended by inserting before the  
5 semicolon the following: “, and any insurance or endow-  
6 ment policy or annuity contract or optional annuity con-  
7 tract (A) the value of which does not vary according to  
8 the performance of a separate account, and (B) which sat-  
9 isfies standard nonforfeiture laws or similar requirements  
10 of the applicable State, Territory, or District of Columbia  
11 at time of issue, or in the absence of applicable standard  
12 nonforfeiture laws or requirements, satisfies the Model  
13 Standard Nonforfeiture Law for Life Insurance or Model  
14 Standard Nonforfeiture Law for Individual Deferred An-  
15 nuities, or any successor model law, as published by the  
16 National Association of Insurance Commissioners.”.

17 **SEC. 4. NULLIFICATION OF CERTAIN FEDERAL SECURITIES**  
18 **REGULATIONS.**

19 Rule 151A promulgated by the Securities and Ex-  
20 change Commission and entitled “Indexed Annuities and  
21 Certain Other Insurance Contracts”, 74 Fed. Reg. 3138  
22 (January 16, 2009), shall have no force or effect.