

(II) A RULE OR BYLAW OF A NATIONAL SECURITIES EXCHANGE, NATIONAL SECURITIES CLEARING ORGANIZATION, OR SECURITIES CLEARING AGENCY; OR

(III) A RULE, BYLAW, OR RESOLUTION OF THE GOVERNING BODY OF A CONTRACT MARKET OR ITS CLEARING ORGANIZATION.

(4) "FORWARD CONTRACT" MEANS A CONTRACT, OTHER THAN A COMMODITY CONTRACT, FOR THE PURCHASE, SALE, OR TRANSFER OF:

(I) A COMMODITY, AS DEFINED IN § 1 OF THE FEDERAL COMMODITY EXCHANGE ACT; OR

(II) ANY SIMILAR GOOD, ARTICLE, SERVICE, RIGHT, OR INTEREST THAT PRESENTLY IS OR IN THE FUTURE BECOMES THE SUBJECT OF DEALING IN THE FORWARD CONTRACT TRADE, OR A PRODUCT OR BY-PRODUCT THEREOF, WITH A MATURITY DATE MORE THAN 2 DAYS AFTER THE DATE THE CONTRACT IS ENTERED INTO, INCLUDING, BUT NOT LIMITED TO, A REPURCHASE TRANSACTION, REVERSE REPURCHASE TRANSACTION, CONSIGNMENT, LEASE, SWAP, HEDGE TRANSACTION, DEPOSIT, LOAN, OPTION, ALLOCATED TRANSACTION, UNALLOCATED TRANSACTION, OR A COMBINATION OF THESE OR AN OPTION ON ANY OF THEM.

(5) (I) "NETTING AGREEMENT" MEANS A CONTRACT OR AGREEMENT, INCLUDING TERMS AND CONDITIONS INCORPORATED BY REFERENCE IN THE CONTRACT OR AGREEMENT, THAT:

1. DOCUMENTS ONE OR MORE TRANSACTIONS BETWEEN THE PARTIES TO THE CONTRACT OR AGREEMENT FOR OR INVOLVING ONE OR MORE QUALIFIED FINANCIAL CONTRACTS; AND

2. PROVIDES FOR THE NETTING OR LIQUIDATION OF QUALIFIED FINANCIAL CONTRACTS OR THE PRESENT OR FUTURE PAYMENT OBLIGATIONS OR PAYMENT ENTITLEMENTS UNDER QUALIFIED FINANCIAL CONTRACTS, INCLUDING LIQUIDATION OR CLOSE-OUT VALUES RELATING TO THE OBLIGATIONS OR ENTITLEMENTS, AMONG THE PARTIES TO THE NETTING AGREEMENT.

(II) "NETTING AGREEMENT" INCLUDES A MASTER AGREEMENT THAT, TOGETHER WITH ALL SCHEDULES, CONFIRMATIONS, DEFINITIONS, AND ADDENDA TO AND TRANSACTIONS UNDER ANY THEREOF, SHALL BE TREATED AS ONE NETTING AGREEMENT.

(6) "QUALIFIED FINANCIAL CONTRACT" MEANS A COMMODITY CONTRACT, FORWARD CONTRACT, REPURCHASE AGREEMENT, REVERSE REPURCHASE AGREEMENT, SECURITIES CONTRACT, SWAP AGREEMENT, OR ANY SIMILAR AGREEMENT THAT THE COMMISSIONER DETERMINES BY REGULATION OR ORDER TO BE A QUALIFIED FINANCIAL CONTRACT FOR PURPOSES OF THIS SUBTITLE.

(7) (I) "REPURCHASE AGREEMENT" OR "REVERSE REPURCHASE AGREEMENT" MEANS AN AGREEMENT, INCLUDING RELATED TERMS, THAT PROVIDES FOR THE TRANSFER OF CERTIFICATES OF DEPOSIT, ELIGIBLE BANKERS'