

ten causes of death that cannot be slowed, stopped, or prevented.

The time to take action is now. It is our duty as Members to work on behalf of the families who lose their loved ones to this devastating disease and on behalf of those individuals who slowly lose those pieces of themselves that made up who they once were. No one should have to go through such an emotionally tolling process.

As a member of the Congressional Alzheimer's Caucus, I am devoted to raising awareness and devising solutions to once and for all end Alzheimer's.

Together we can, and must, fight this important fight.

#### SECOND ANNIVERSARY OF THE BLUE LIGHTNING INITIATIVE

(Ms. TITUS asked and was given permission to address the House for 1 minute.)

Ms. TITUS. Mr. Speaker, this week marks the second anniversary of the Blue Lightning Initiative, a DHS and DOT program to equip airline personnel with the tools to identify and save victims of human trafficking.

I represent Las Vegas, which attracts more than 42 million visitors every year. As a premier global destination, we are sadly all too familiar with the impact of this heinous crime.

Clearly, we must engage in an all-hands-on-deck approach to identify and apprehend traffickers, which includes our airline personnel who are on the front line.

That is why I am introducing legislation to ensure all our airlines take on this challenge and close off the skies to those engaged in this modern-day slavery.

Human trafficking is not the only issue that is facing our aviation industry, so I will be hosting industry leaders from across the country at an aviation symposium in my district next week to discuss how we can work together to strengthen our Nation's aviation, create new job opportunities, and foster economic growth.

#### CACHE VALLEY TRANSIT

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, the Cache Valley Transit District in Logan, Utah, has received an Excellence in Motion award by the national Community Transportation Association and has been named as the "Urban Community Transportation System of the Year." Among other criteria, this award is given to a transportation system that demonstrates creative and innovative services that are responsive to community needs and serves an urban area of more than 50,000 people.

The Cache Valley Transit District has a 19-year legacy of fare-free riding, a precedent for the Nation. They have cultivated close relationships in the

community through traditional and nontraditional partnerships, such as support for a community art program, a new medical voucher program, and Call-A-Ride buses which provide curbside service for the elderly and disabled.

For these and other reasons, they certainly merit the Excellence in Motion award.

#### THE VETERAN WELLNESS ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, right before the Memorial Day holiday, Congressman TIM RYAN of Ohio and I introduced H.R. 2555, the Veteran Wellness Act, a bipartisan bill that will improve Veteran Service Organizations' ability to promote good health among our Nation's veterans. This is critical at a time when an average of 22 veterans take their lives by suicide each and every day.

Mr. Speaker, veterans across the country turn to these organizations to participate in a wide variety of programs to build and cultivate a community of support among fellow veterans. These facilities are a place of comfort and familiarity for thousands of men and women and their families.

The Veteran Wellness Act will expand upon what these organizations are currently doing and create a greater number of opportunities for veterans to access wellness programs and therapies.

Mr. Speaker, it is our responsibility to be there for our Nation's heroes as they begin transitioning back to civilian life.

I ask my colleagues to join me and Congressman RYAN in supporting this bipartisan bill. We owe these brave men and women no less.

#### USA FREEDOM ACT

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, yesterday, the President signed into law the USA Freedom Act. It is a bill I oppose because I believe it continues to allow unwarranted intrusions into the innocent lives of Americans in contradiction to the vision of our Founders and our Constitution.

But what is most important to remember about this debate is that even with the reforms in the USA Freedom Act, a provision of law in the Electronic Communications Privacy Act, on the books since 1986, still allows government investigators to read the emails, texts, and information stored in the cloud or on any server of all Americans, at any time, without a warrant, without probable cause, and without any due process.

Our Federal law gives digital communication little to no protections under

the Fourth Amendment, regardless of the reforms signed into law yesterday.

A lot has changed in email communication since 1986, and that is why we must pass the Email Privacy Act, a broad bipartisan bill with over 270 co-sponsors which would give email, digital communication, the same Fourth Amendment protections as paper mail or letters on our desks.

Mr. Speaker, let's pass this legislation. Let's pass H.R. 699, and let's assure the American people that government has moved into the 21st century and not forgotten the Constitution along the way.

#### REMEMBERING HADIYA PENDELTON

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise today in remembrance of Hadiya Pendelton, a young woman from my home State of Illinois who was shot tragically in Chicago when she was only 15.

Hadiya would have been 18 years old yesterday. In her memory, her friends asked their classmates to commemorate her life by wearing orange. Yesterday, I joined with my colleagues in the House to honor her memory in the United States House of Representatives.

Mr. Speaker, every single day in the United States, nearly 300 people are victims of handgun violence. Yesterday, gun owners, sportsmen, lawmakers, faith leaders, teachers, students, and more wore orange to bring attention to the issue of handgun violence.

It is my hope that this nonpartisan unifying action will show that victims of gun violence like Hadiya are not forgotten.

Mr. Speaker, we must set aside our partisan differences so that we may honor the victims of this tragic and unnecessary violence and come together to make our homes, our businesses, schools, and communities safer.

#### PROVIDING FOR CONSIDERATION OF H.R. 2289, COMMODITY END-USER RELIEF ACT

Mr. NEWHOUSE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 288

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2289) to reauthorize the Commodity Futures Trading Commission, to better protect futures customers, to provide end-users with market certainty, to make basic reforms to ensure transparency and accountability at the Commission, to help farmers, ranchers, and end-

users manage risks, to help keep consumer costs low, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-18. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. The Committee on Appropriations may, at any time before 5 p.m. on Friday, June 5, 2015, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2016.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 1 hour.

Mr. NEWHOUSE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. NEWHOUSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1230

Mr. NEWHOUSE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule, H. Res. 288, providing for the consideration of a very impor-

tant piece of legislation, H.R. 2289, the Commodity End-User Relief Act.

The rule provides for the consideration of H.R. 2289 under a structured rule and makes five amendments in order—two Democrat and two Republican, as well as one bipartisan amendment—allowing for a balanced debate on these important issues.

H.R. 2289 is essential to the smooth functioning of the American economy and is long overdue for an enactment into law. This important legislation will reauthorize the Commodity Futures Trading Commission, also known as the CFTC, which had its statutory authority lapse in September of 2013.

The House passed, with strong bipartisan support, a very similar version of this legislation on June 24 of last year. Unfortunately, the Senate failed to take up the House-passed bill despite its strong bipartisan support in the House, leading us to reconsider this legislation again today.

After the financial crisis of 2008, almost everyone agreed that changes needed to be made to our financial services sector in order to protect our economy and prevent another crisis in the future. Like many of my colleagues, I have concerns with some of the reforms that were instituted in response to this financial calamity because they have put overly burdensome restrictions on our business communities.

However, it is important to note that this legislation keeps intact the overarching reforms made in title VII of the Dodd-Frank Act. Every witness who appeared in front of the Agriculture Committee was supportive of the clearing, margining, and execution requirements that are the heart of title VII; yet, like every major comprehensive law—and this was very comprehensive—there are always unintended consequences that need to be addressed, and H.R. 2289 does just that.

For example, the authors of Dodd-Frank would likely argue the law's main purpose is to reduce systemic risk to the economy. However, I don't think anyone would argue that farmers, who are simply trying to lock in a good price for their corn or for their wheat, are a systemic risk to our economy.

It is just as restaurant chains that are looking to make sure they have enough beef or pork or potatoes to sell to their patrons also do not pose a systemic risk. Utility companies that are seeking to ensure that they have enough power to meet the needs and demands of their customers did not cause the financial crisis.

Unfortunately, though, the current law imposes rules that treat all of these entities as major risks to our economy, and it imposes overly burdensome capital and paperwork requirements on them.

Mr. Speaker, critics may claim this bill undermines consumer protections. However, this could not be further from the truth. Title I of H.R. 2289 puts

in place greater consumer protections, like requiring brokerage firms to notify investors before moving funds from one account to another in order to prevent abuses like those that occurred at MF Global prior to its bankruptcy.

It would also require firms that become undercapitalized to immediately report to regulators and work with them to restore adequate capital and financial security. These title I provisions are commonsense reforms that will protect consumers.

Title II would make reforms to the CFTC itself, such as strengthening the cost-benefit analysis the CFTC must perform when considering the impacts of its rules and appointing a chief economist to assist with compiling and analyzing financial data.

Critics may claim that requiring cost-benefit analyses will open up the CFTC to lawsuits, which could be costly. However, such critics also ignore the endless cycle of the proposal and reproposals of rules that are rushed, poorly conceived, and unworkable.

This work requires the CFTC to waste staff time and Commission funds to redraft rules or to provide workarounds for impacted parties. This requirement merely gives the CFTC a standard for writing good rules the first time that will benefit our economy and the users.

Title II would also require the CFTC to take steps to invest in IT to protect sensitive market data against cyber attacks, a very real issue given the recent breaches we have seen at the IRS and at various national retailers. Most importantly, this section reauthorizes the CFTC until 2019, which has been operating without our authorization, to spend money for a year and a half.

Title III now gets to the heart of what I mentioned earlier, providing relief to the end users or the farmers, the restaurants, the manufacturers, the utilities, and other entities that rely on a steady supply of commodities that have been caught up in the unintended consequences of Dodd-Frank's reforms.

These users have a genuine need to use markets to hedge against bad weather, natural disasters, inflation, price shocks, and other unforeseen circumstances that could jeopardize their ability to serve their customers. These entities inherently want to avoid risk and, thus, shouldn't be subjected to the same requirements as financial and investment entities.

Mr. Speaker, title III of H.R. 2289 makes significant reforms to aid these end users, such as preventing utility companies from being inappropriately classified as "financial entities" and being treated like banks under the law.

It exempts end users who are not otherwise regulated by the CFTC from having to keep records of every email, phone call, fax, or letter with regard to every trade, a huge recordkeeping burden. It would prevent nonbank swap dealers from having to hold more capital than banks do, which would put them at an unfair disadvantage in the market.

Additionally, this section would allow end users operating in rarely traded markets not to have to disclose trade data, which can be a serious disadvantage if they must publicly show all of their trading partners what they are buying and selling.

Title III would also require the CFTC to determine if the rules for foreign swaps are equivalent to U.S. rules and create a workable system of substituted compliance for market participants whose activity crosses multiple jurisdictions. This would ensure that businesses which trade internationally do not have to comply with two sets of divergent rules.

Mr. Speaker, the most important thing to remember about H.R. 2289 is that the farmer who grows the food that you eat for dinner did not cause the financial crisis, neither did the people you buy your electricity from or the people who provided the wood for your desk or the metal used in your car. I do not know of any reason we should continue to treat them as if they did, which is what the current law does, and it is what H.R. 2289 is seeking to correct.

Mr. Speaker, this is a good, straightforward rule, allowing for the consideration of important legislation that will help grow our economy. I support its adoption, and I urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. I thank the gentleman from Washington (Mr. NEWHOUSE) for the customary 30 minutes.

Mr. Speaker, I rise in strong opposition to this rule and to the underlying legislation.

Since my friends on the other side of the aisle have assumed the majority, they have made it their mission to undermine the Dodd-Frank Act and hamstringing the ability of our regulators to put in place strong rules to prevent another financial crisis, and this legislation is no exception.

H.R. 2289 reauthorizes the Commodity Futures Trading Commission through 2019 while making substantial changes to the CFTC's internal operations and rolling back key Dodd-Frank provisions intended to strengthen our financial regulatory framework.

I have specific concerns with the new cost-benefit requirements imposed in title II of the legislation. The CFTC already conducts cost-benefit analyses on its rulemakings, and this provision could significantly slow down the rule-making process while also creating openings that will put the CFTC at the risk of increased litigation.

Title II of H.R. 2289 also proposes several unnecessary changes to the Commission's internal operations that can make it more difficult to manage the agency.

According to CFTC Chairman Massad, the provisions contained in title II could weaken the Commission's ability to respond in a timely and effective manner. For example, if these measures were currently in place, it would have made it more difficult for the agency to positively respond over the past 10 months to concerns raised by market participants. Also included in this bill are substantial changes to rulemakings taking place at the Commission under the Dodd-Frank Act.

I am particularly concerned by the cross-border language contained in the bill, which will undercut the efforts already underway by the Commission to negotiate on an international system of safe and robust derivative rules that are necessary to apply to the global derivatives market.

H.R. 2289 requires the CFTC to create a rule that will automatically allow U.S. banks and foreign banks conducting business in the U.S. to do so under the rules imposed by foreign jurisdictions, all of which are currently more lenient than our own. We have seen this kind of race to the bottom before, and we all know how it ends.

Worse yet, Mr. Speaker, is that this legislation hamstringing an agency that is already woefully underfunded. The Congressional Budget Office estimates that the CFTC will need 30 additional personnel annually to handle the increased workload imposed by both the new cost-benefit analysis requirements and the mandated cross-border rule contained in this legislation.

Will my friends on the other side of the aisle provide the necessary funding increases to the CFTC to carry out these requirements? I doubt it.

Dodd-Frank significantly expanded the CFTC's role in overseeing our financial markets, and they have already completed over 80 percent of their required rulemakings, the best rate of any financial regulator. They have done so despite the fact that Congress has not done its part to provide the agency with the resources it needs to police these incredibly complex markets, populated by highly sophisticated and extremely powerful entities.

Remember AIG, the insurer brought down by derivatives trades that the CFTC is now policing? If that memory is fuzzy, I am sure you will remember the funds we provided to bail AIG out, which came to a total of \$67.8 billion. That would be enough to fund the CFTC at the level requested in the President's budget for over 200 years.

The Commission needs a reauthorization, but it certainly doesn't need one saddled with changes that will hamstringing its internal operations, prolong its rulemakings through an inflexible cost-benefit analysis requirement that opens it up to litigation risk, and force it to allow a race to the bottom on international rules governing a global market.

I ask my colleagues to join me in opposing the rule and the underlying legislation, and I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield myself such time as I may consume.

I would just like to make one comment in response to those of my colleague from Massachusetts in considering the underfunding of CFTC.

In the last 5 years, through the reductions of Federal spending and the efforts that have been going on, I think anyone would be hard-pressed to find another agency that has received an almost 50 percent increase in its budget over that period of time.

I will just point out that, certainly, they have received a lot of new responsibilities under Dodd-Frank, but also a large increase in their available resources.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), the chairman of the House Agriculture Committee.

Mr. CONAWAY. Mr. Speaker, I rise in support of the rule to provide for the consideration of H.R. 2289, the Commodity End-User Relief Act.

I want to start by thanking Chairman SESSIONS and the entire Rules Committee for their time and work in preparing this rule. Yesterday's hearing was spirited but fair, and they have produced a rule that reflects the tremendous work the Agriculture Committee has put in on this issue.

Over the past few years, the Agriculture Committee has heard from dozens of witnesses at over 10 hearings. These witnesses, many of whom are market participants struggling to comply with the needlessly burdensome rules and ambiguous portions of the underlying statute, have been consistent in their call to action. To address their concerns, H.R. 2289 makes targeted reforms that fall into three broad categories: customer protections, Commission reforms, and end-user relief.

Title I of the bill protects customers and the margin funds they deposit at their FCMs by codifying critical changes made in the wake of the collapses and bankruptcies of MF Global and Peregrine Financial.

Title II makes meaningful reforms to the operations of the Commission to improve the agency's deliberative process. In doing so, it also requires the Commission to conduct more robust cost-benefit analyses to help get future rulemakings right the first time and to avoid the endless cycle of reproposing and delaying unworkable rules.

□ 1245

While the CFTC is already required to consider costs and benefits of the rules it proposes, this rule attempts to legitimize that practice, a practice that has been called into question. The current practice has been called into question by the Commission's own inspector general, who reported the agency seemed to view the process as more of a legal one than an economic one.

Finally, title III of the bill fixes real problems faced by end users who rely on derivatives markets to manage

their risks. When it is more costly for those who need these markets to use them, it discourages the exact kind of prudent risk management activities Congress intended to protect with the end user exemption in Dodd-Frank.

Accordingly, the bill provides relief to agricultural and commercial market participants struggling to comply with overreaching and costly recordkeeping requirements and allows utility companies to continue using contracts that allow for a change in the volume of the commodity delivered without the worry of needlessly complying with the swaps regulations.

H.R. 2289 will preserve end users' ability to hedge against anticipated business risk by providing a more workable definition of bona fide hedging. The bill also addresses serious concerns regarding the lack of harmony and clarity in global derivatives regulation by requiring the CFTC to publish a rule addressing how the U.S. swaps requirements apply to transactions occurring outside the United States and with non-U.S. persons.

To be clear, H.R. 2289 makes these meaningful improvements for market participants without undermining the basic goals of title VII of Dodd-Frank, the Holy Grail, to bring clearing, reporting, and electronic execution requirements to swaps transactions.

In closing, I would like to thank the members of the Committee on Agriculture who have worked hard, including Mr. NEWHOUSE, to advance this important legislation. I am especially appreciative of Mr. LUCAS, who worked on reauthorization last year, which was our starting point for this year, as well as some of our newest members. I also owe particular thanks to Mr. AUSTIN SCOTT and Mr. DAVID SCOTT, the chairman and ranking member of the subcommittee, respectively, that oversees the CFTC. Both of these gentlemen have joined me as original sponsors and have held a series of hearings on reauthorization.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEWHOUSE. I yield an additional 30 seconds to the gentleman, Mr. Speaker.

Mr. CONAWAY. They did outstanding work helming a new subcommittee focused on these issues, and I look forward to their diligent oversight work throughout the rest of the Congress.

Similar to the CFTC reauthorization bill passed by the House with overwhelming bipartisan support last year, the Commodity End-User Relief Act is comprised of narrowly targeted changes to the Commodity Exchange Act. The committee has again put together a bill that earned the bipartisan support of our members because we brought the right relief to the right people.

With that, Mr. Speaker, I urge the adoption of the rule and support for the underlying act.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, I just want to point out to my colleague from Washington State with regard to the funding of the CFTC that the agency has never received the funding that it has requested, and that is just a fact. Here we are imposing new requirements, new mandates. CBO, as I mentioned in my opening, estimates that the CFTC will need an additional 30 personnel annually to handle the increased workload imposed by the new cost-benefit analysis requirements of the mandated cross-border rule contained in the provisions in this bill, and so we are asking an agency that has never been properly funded to even do more and not provide it with the proper funding. I don't think that is a smart way to move forward when it comes to an issue so important.

I also want to point out to my colleagues that they should have received a letter from the Consumer Federation of America strongly opposing this bill. Let me just read you the first paragraph. It says:

We are writing on behalf of the Consumer Federation of America to ask you to oppose H.R. 2289, which the House is expected to vote on this month. This legislation would hamstring the Commodity Futures Trading Commission from effectively overseeing and regulating commodities and derivatives markets, leaving consumers exposed to fraud, manipulation, and abusive practices, and putting the safety and stability of the U.S. financial system at risk. The language in this bill largely mirrors the language offered in last year's CFTC reauthorization bill, which the Obama administration strongly opposed because it undermined the efficient functioning of the CFTC and offered no solution to address the persistent inadequacy of the agency's funding. We urge you to resist this relentless attack on the CFTC by voting against this misguided and harmful legislation.

I would tell my colleagues who are observing this debate that each one of them received a copy of this letter from the Consumer Federation of America strongly opposing this bill.

Mr. Speaker, I include the statement for the RECORD.

CONSUMER FEDERATION OF AMERICA,

June 2, 2015.

Re Oppose H.R. 2289

DEAR REPRESENTATIVE: We are writing on behalf of the Consumer Federation of America (CFA) to ask you to oppose "The Commodity End User Relief Act" (H.R. 2289), which the House is expected to vote on this month. This legislation would hamstring the Commodity Futures Trading Commission (CFTC) from effectively overseeing and regulating commodities and derivatives markets, leaving consumers exposed to fraud, manipulation, and abusive practices, and putting the safety and stability of the U.S. financial system at risk. The language in this bill largely mirrors the language offered in last year's CFTC reauthorization bill, which the Obama Administration strongly opposed because it undermined the efficient functioning of the CFTC and offered no solution to address the persistent inadequacy of the agency's funding. We urge you to resist this relentless attack on the CFTC by voting against this misguided and harmful legislation.

First, this bill would impose an assortment of new, onerous cost-benefit analysis require-

ments on the CFTC which are likely to delay and obstruct agency action. Under the Commodity Exchange Act, the CFTC already has a statutory mandate to evaluate the costs and benefits of its actions in light of numerous considerations, including the protection of market participants and the public, efficiency, competitiveness, financial integrity, price discovery, and sound risk management practices. This bill would add seven new considerations for the CFTC to undertake. Included in the new economic analysis regime is a requirement for the Commission to assess available alternatives to direct regulation and to determine whether, in choosing among alternative regulatory approaches, those alternatives to direct regulation maximize the net benefits. The practical effect is a further tilting of the regulatory process in favor of adopting an approach that best benefits industry rather than the public.

Essentially, if this bill is adopted, the CFTC will be required to undertake an in-depth, burdensome economic analysis for each regulation it proposes and compare its proposal to every conceivable alternative. Such a framework likely will create insurmountable barriers that cripple the agency from putting forth rule proposals and finalizing them in a timely manner so as to effectively protect market participants and the overall economy. In addition, the CFTC would be required to evaluate the cost to the Commission of implementing the proposed action, including providing a methodology for quantifying the costs. While this provision is clumsily worded, it appears that the practical effect of requiring the CFTC to consider costs to itself and its staff will be to paradoxically add time and costs to the cost side of the equation, thereby hindering rule-making. It is also disturbing that this legislation would require the CFTC to undertake exhaustive cost-benefit analyses without providing the agency with the necessary resources to fulfill those obligations.

The new cost-benefit analysis requirements also are likely to result in increasing opportunities to thwart CFTC regulations through legal challenges. The practical effect of the new heightened requirements will be that any time an industry participant objects to new rules, it will have several new bases for a lawsuit, and it will seek to defeat those rules by claiming that the agency did not undertake a proper economic analysis by considering, and then disposing of, all the possible theoretical alternatives. It is reasonable to believe that armed with such strong ammunition, industry-supported lawsuits seeking to dismantle any new regulations will be successful, a problem again made worse by the agency's lack of funding to effectively defend against such suits.

This legislation also subverts the CFTC's authority to regulate foreign derivatives activities that have a direct and significant effect on U.S. commerce. As our nation has learned painfully and repeatedly from the collapses of Long Term Capital Management, AIG, and Lehman Bros., and from the JPMorgan London Whale trading debacle, even when derivatives contracts are booked through a foreign subsidiary of a U.S. financial institution, the risks of those derivatives often flow back to the United States, threatening the U.S. economy and potentially putting U.S. taxpayers on the hook for any resulting losses. That is why Dodd-Frank gave the CFTC broad authority to regulate overseas derivatives when they put our national economic interests in peril.

Pursuant to that cross-border framework, the CFTC allows a foreign host country's regulations to substitute for U.S. regulations only after the CFTC has made a finding that the foreign host country's regulations are comparable to U.S. rules. However, this bill

would create a presumption that each of the eight foreign jurisdictions with the largest swaps markets automatically have swaps rules that are considered to be comparable to and as comprehensive as U.S. swaps requirements. The bill makes this determination despite the fact that the CFTC has found only six jurisdictions to be comparable for certain entity-level requirements, and has declined to make comparability determinations for transaction-level requirements for jurisdictions other than the European Union and Japan. Switching the presumption will subjugate the CFTC's authority and expertise on the matter. Furthermore, combining the reversed presumption and overwhelming cost-benefit analysis requirements could mean that the CFTC is effectively thwarted from applying the appropriate regulatory safeguards to certain foreign derivatives transactions. As a result, the CFTC's ability to protect the U.S. economy from the dangers resulting from foreign derivatives transactions could be impaired.

Derivatives markets affect the U.S. economy in profound ways, and the risks that derivatives pose to the U.S. economy are well-known. The Dodd-Frank Act brought meaningful reforms to increase transparency and accountability in the derivatives markets and provided the CFTC the necessary authority to properly oversee and regulate the market. However, this legislation would put those reforms at risk and hamper the CFTC's ability to adequately protect consumers, market participants, and the U.S. economy. We cannot afford to suffer the grave consequences of another derivatives-laced financial crisis, but this legislation makes it more likely that we will. Accordingly, we urge you to oppose H.R. 2289.

Sincerely,

MICAH HAUPTMAN,  
*Financial Services  
Counsel.*

BARBARA ROPER,  
*Director of Investor  
Protection.*

Mr. MCGOVERN. I yield 5 minutes to the gentleman from Georgia (Mr. DAVID SCOTT), the ranking member of the Subcommittee on Commodity Exchanges, Energy, and Credit of the Committee on Agriculture.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, first of all let me say that, as the gentleman just mentioned, I do serve as the ranking member of the jurisdictional committee on commodities and futures and trading that the CFTC comes under. I say that only to say that I have been in the vineyards on this issue and have been struggling with it and working on it over many, many years.

The whole derivatives and commodities and futures markets have changed dramatically. We have had a downfall in our economy because of a lot of activity that was wrong going on on Wall Street and in our financial community, out of which we are now emerging.

Mr. Speaker, what is urgent here is the fact that we cannot delay any longer. It is very important for people to understand that no legislation is perfect. I am the first one to say that. This is a glass that looks to be half empty or maybe half full. I look at it as half full.

I look at it as an urgent, urgent issue. We have got to get end-user relief. That is the major component of

this reauthorization for the CFTC because it is the end users—our manufacturers, our farmers, those who produce the products, those who had nothing to do with the downfall of Wall Street, why should they be consistently held to the same intrinsic regulations and rules that our financial institutions have? We have got to have those financial institutions under strong regulation, but it is important that we move, and it is important meat of this bill that we give end-user relief.

Now, I share Mr. MCGOVERN's concerns about the financial situation, but let me just assure everyone, this is a reauthorization piece of legislation. It is not a funding mechanism. That is in the bosom, in the hands of the Committee on Appropriations; and nobody, absolutely nobody, has been a stronger champion, more consistent about getting the CFTC the funding they need. I bring it up all the time. I will still be a champion, but this isn't the bill in which to address that.

The other point is this, Mr. Chairman, once we get the funding out of the way. We talked about the cost-benefit analysis in this. We worked on it. This bill received bipartisan support in the last session. Mr. MCGOVERN brings up a very good point about possible litigation. We address that by adding a Democratic amendment by Ms. DELBENE that addresses that issue to make sure that there is no litigation.

As far as the cost-benefit analysis is concerned, Mr. Speaker, it is important that we put the same sort of cost-benefit analysis into this agency that the Obama administration has in every one of their executive agencies. Furthermore, it is not a mandate; it is an assessment. It is saying to assess the efficiencies, make sure we do it, and it does not put a requirement that any decision on the cost-benefit analysis outweighs one another as a requirement for them to make a decision.

Finally, Mr. Speaker, we must pass this bill, and we need to do it quickly because, in section 300 of this bill—I think it is section 323—we address a crucial issue. The European Union is eating our lunch. All across the world, we are losing our stature as the leading financial industry and system in the world. That affects every ounce of our security. We are number one in the world, and it is about time we stand up and ensure that by making sure that we address the European Union's harsh discrimination against our financial institutions abroad. This is particularly true when it comes to our clearinghouses, the standards that they are using.

Now, Mr. Speaker, yes, we are dealing with eight foreign countries, but they must have similar regimes, what we call equivalency. Now, why is that important, Mr. Speaker?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield an additional 1 minute to the gentleman.

Mr. DAVID SCOTT of Georgia. It is important because it is the CFTC that

must determine if another nation, one of the eight top foreign nations, has an equivalency of a strong regulatory regime as does the United States, then certainly we can do business under their regime, but as long as we don't pass this legislation, the CFTC doesn't have that.

Finally, on all the cross-border situations, we need a definition of what a U.S. person is, and we need to give some backbone to our CFTC Commission to say: Look, why should the United States have to treat a foreign entity in a manner and with the respect that that foreign nation does not treat our industry?

Mr. Speaker, this country, the United States, is losing a tremendous amount of our prestige and our leadership on the world stage, and nowhere is that being pronounced more than in our financial system because for 3 years we have had this laid on the table. I urge a positive vote for this rule.

I thank the gentleman from Massachusetts for yielding me the time.

Mr. NEWHOUSE. Mr. Speaker, I would just like to thank the gentleman from Georgia for his many years of hard work on this very complicated issue. As you can see, he understands it well and understands the importance of passing this reauthorization legislation. I just want to thank him for his comments and hard work.

I yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS), the esteemed former chairman of the Committee on Agriculture.

Mr. LUCAS. Mr. Speaker, I rise today in support of the underlying bill, H.R. 2289, the Commodity End-User Relief Act. This bipartisan bill is the result of a series of hearings in which the Committee on Agriculture heard from stakeholders that do business with the CFTC as well as every CFTC Commissioner.

As chairman of the committee last year, I began the process of CFTC reauthorization, which resulted in the House-passed bipartisan bill, and I laud our committee chairman, Mr. CONAWAY, for his efforts in tackling the same subject and coming to the full House with another bipartisan CFTC reauthorization that passed the committee by a voice vote.

A chief selling point of this bill is its commitment to good governance reforms at the CFTC to increase transparency and efficiency. First, the bill closely follows an executive order by President Obama to improve the cost-benefit analysis performed by the Commission prior to promulgating rules. In addition, the bill would improve this oversight of Commissioners over activities which are outside the normal rulemaking process that still impact many futures market participants. Many of these activities, such as policy statements, guidance, and interpretation rules released by CFTC, would also be subject to public comment under the provisions of the bill when they have

the force of law. Furthermore, H.R. 2289 establishes an office of the chief economist at the CFTC to provide objective economic data and analysis.

The committee also heard from end users during this process and included several provisions to provide relief to those end users, such as a more workable definition of bona fide hedging and relief from burdensome recordkeeping rules for many businesses.

The CFTC has gone unauthorized since 2013, and it is time many CFTC activities were reformed by Congress. This rule will make possible the underlying bill that will improve the CFTC in many important ways. I urge all of my colleagues to support it.

□ 1300

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just want to be clear on one thing. Yes, this is an authorization bill. It is not an appropriations bill. But the issue of funding for the CFTC is relevant in the discussion of this authorization bill because we are essentially proposing that we give additional responsibilities or require additional actions from the CFTC with no guarantee that we are going to provide the resources for them to do their job. We haven't provided them the adequate resources to do what they have been expected to do from the very beginning.

I also want to say that most end user relief in this bill is not objectionable, but the CFTC is already addressing them through rulemaking. A better way to address these concerns than in statute would be more flexibility for them to do rulemaking, which can be adjusted.

In addition to end user provisions, this bill also contains all the problems that we have already identified with regard to cost benefit and cross border. So there are some significant issues here.

The DelBene amendment was mentioned earlier. I want to make it clear that that does not prevent litigation. It just restates the standard of review from the Administrative Procedure Act abuse of discretion.

I will also point out to my colleagues that the cost-benefit analysis is mandated by section 202.

So, again, I would feel better about all of this if we addressed the funding shortfall in the CFTC. We are not doing that. And I don't expect that this majority is going to work with us on that.

I also will insert in the RECORD, Mr. Speaker, a letter that was sent to all Members of the House from Americans for Financial Reform strongly opposing H.R. 2289. Let me just read the opening paragraph:

"On behalf of Americans for Financial Reform, we are writing to express our opposition to H.R. 2289. . . . This legislation would have a severe negative impact on the Commodity Futures Trading Commission and its ability to police commodity and derivatives markets. The new restrictions it places on

the CFTC would require additional years of bureaucratic red tape prior to agency action, would enable numerous industry lawsuits against the agency, and would create inappropriate statutory restrictions on the agency's ability to properly oversee markets crucial to the financial system."

AMERICANS FOR FINANCIAL REFORM,  
Washington, DC, June 3, 2015.

DEAR REPRESENTATIVE: On behalf of Americans for Financial Reform, we are writing to express our opposition to HR 2289, "The Commodity End User Relief Act." This legislation would have a severe negative impact on the Commodity Futures Trading Commission (CFTC) and its ability to police commodity and derivatives markets. The new restrictions it places on the CFTC would require additional years of bureaucratic red tape prior to agency action, would enable numerous industry lawsuits against the agency, and would create inappropriate statutory restrictions on the agency's ability to properly oversee markets crucial to the financial system.

At the same time, this legislation includes no provisions that address the CFTC's most fundamental problem—the lack of resources to accomplish its mission. Due to the agency's massive new responsibilities under the Dodd-Frank Act for hundreds of trillions of dollars in previously unregulated derivatives markets, as well as the growth of traditional commodity markets, the size of CFTC-regulated markets has increased roughly 15-fold over the last decade. But the agency's funding lags far behind. As CFTC chair Tim Massad recently stated:

"The CFTC does not have the resources to fulfill our new responsibilities as well as all the responsibilities it had—and still has—prior to the passage of Dodd Frank in a way that most Americans would expect. Our staff, for example, is no larger than it was when Dodd-Frank was enacted in 2010. . . . Simply stated, without additional resources, our markets cannot be as well supervised; participants and their customers cannot be as well protected; market transparency and efficiency cannot be as fully achieved."

While the CFTC's funding is appropriated, the agency authorization process is an appropriate mechanism for introducing mechanisms that would supplement appropriations with some form of agency self-funding. Such self-funding mechanisms are used by all other financial regulatory agencies and have been endorsed for the CFTC by every administration going back to the Reagan Administration, including the Bush and Obama Administrations.

Instead of addressing the pressing problem of funding, HR 2289 would instead load down the CFTC with additional mandates that would drain resources and act as a roadblock to necessary oversight and enforcement. Section 202 of HR 2289 would more than double the number of cost benefit analyses the agency must perform prior to taking any action. The CFTC already has a statutory requirement to consider the costs and benefits of its actions, and to evaluate these costs and benefits as applied to a number of significant considerations, including market efficiency, price discovery, and protection of the public.

However, Section 202 would massively expand this requirement. The section would enormously expand the number of different factors the CFTC must evaluate in any rulemaking, order, or guidance. It would also change the standard of evaluation from consideration of costs and benefits to a much more extensive and burdensome "reasoned determination" of costs and benefits. The

section includes a particularly sweeping mandate that would require the agency to assess whether an action "maximizes net benefits" compared to all possible regulatory alternatives. This requirement alone, which seems to require comparison of any actual regulation to a potentially vast number of theoretical alternatives, could be read to require dozens of additional agency analyses.

Some of this language does replicate cost-benefit instructions from the Office of Management and Budget that already applies to agencies within the executive branch, although not to independent financial regulatory agencies like the CFTC. However, a crucial difference is that HR 2289 would add this language in statute, meaning that each and every additional instruction regarding cost-benefit analysis could become grounds for a Wall Street lawsuit against a CFTC rule. These extensive new cost-benefit requirements amount to a playbook for industry interests to tie up regulations in endless litigation, delays, and red tape. With critical rulemakings such as position limits to control commodity price manipulation still incomplete almost five years after they were passed, the addition of major new barriers to action would be dramatic movement in the wrong direction.

Section 314 of the legislation would also greatly weaken the authority of the CFTC to properly regulate derivatives transactions booked in foreign subsidiaries of U.S. banks, even when such transactions have a direct and significant connection to the U.S. economy. We need only look at the example of J.P. Morgan's "London Whale" transactions, or the London derivatives transactions of AIG Financial Products which resulted in the largest bailout in U.S. history, to see that derivatives transactions conducted through nominally overseas entities can have a profound impact on the U.S. economy. Over half of Wall Street derivatives transactions are currently booked in nominally foreign subsidiaries, and even more could be transacted in this way if there was an incentive to do so to avoid regulation.

Section 314 would force the CFTC to perform burdensome "determinations" in order to regulate foreign subsidiary transactions. Its discretion in performing these assessments would be limited in numerous ways by the legislation. To take just one example, the agency would be banned from considering the actual physical location of personnel doing swaps trading in determining whether a transaction was conducted inside the United States for the purposes of applying U.S. law. It defies common sense to impose such extraordinary restrictions on the discretion of a regulatory agency charged with oversight of the multi-trillion dollar derivatives market.

HR 2289 also includes many additional changes. Some of them, such as amendments to indemnification requirements for swaps data repositories, are reasonable. However, others create significant statutory loopholes that could permit evasion of derivatives regulations by large banks. For example, Section 301 of the legislation permits large financial institutions affiliated with commercial entities to take advantage of exemptions from key Dodd-Frank risk controls that were intended to apply only to commercial end users. The nonpartisan Congressional Research Service has stated that the language included in Section 301 "could potentially allow large banks to trade swaps with other large banks and not be subject to the clearing or exchange trading requirements as long as one of the banks had a non-financial affiliate."

Some of the other problematic parts of the bill expand the definition of "commercial end user" to include financial entities (Section 306), create sweeping exemptions from

CFTC oversight for broad classes of complex financial instruments (Section 309), weaken Commission authority to require swap dealers to raise equity capital to back up their trades (Section 311), permit marketing of complex institutional commodity pools to retail investors (Section 312), and weaken limits on commodity market speculation (Section 313). All of these sections appear significantly overbroad and could enable evasion of appropriate regulatory oversight.

In general, the “end user” changes in this bill fail to recognize the very substantial administrative exemptions provided to end users by the CFTC. The CFTC has already exempted end users from numerous Dodd-Frank regulations in areas targeted by this bill. By acting through administrative processes the agency has maintained appropriate safeguards as well as the ability to act if market participants use exemptions to evade important risk controls. In contrast, many of the provisions in HR 2289 would provide sweeping statutory exemptions that lack appropriate controls on risk and could easily become dangerous loopholes.

But even before considering these issues, the major new restrictions on the agency created by the cost-benefit and cross-border provisions of this bill create overwhelming reasons to reject this legislation as currently written. So long as those provisions are a part of this legislation, supporting appropriate derivatives regulation requires opposing this bill.

We urge you to vote against HR 2289 and preserve the CFTC’s capacity to properly regulate crucial futures and derivatives markets. For more information please contact AFR’s Policy Director, Marcus Stanley at [marcus@ourfinancialsecurity.org](mailto:marcus@ourfinancialsecurity.org).

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

Mr. McGOVERN. Again, I would urge all my colleagues to look in their mail for the letter from the Americans for Financial Reform strongly opposed to this, and I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield 3 minutes to the good gentleman from Georgia (Mr. AUSTIN SCOTT).

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, I rise today in support of this resolution and the underlying legislation, H.R. 2289, the Commodity End-User Relief Act.

As chairman of the Agriculture Subcommittee on Commodity Exchanges, Energy, and Credit, I want to thank our chairman, Mr. CONAWAY, for his strong leadership and for making this reauthorization process a productive one through the full Ag Committee.

I also want to thank my colleague from Georgia and the ranking member of the Commodity Exchanges, Energy, and Credit Subcommittee, Mr. DAVID SCOTT. He has been a tremendous partner throughout this effort, and we certainly continue to work well together. I thank him for that.

Derivatives markets exist to meet the risk management needs of farmers, ranchers, utilities, manufacturers, and other end users. To be clear, these hedging activities directly benefit the American citizen by helping to keep consumer costs low and reducing the risk of manufacturing in the United States.

The ability of producers and end users to use the derivatives markets to

hedge risk has a direct impact on the cost of living in my district, Georgia’s Eighth Congressional District, and every other district around the country. It is essential that we have strong markets that our farmers, ranchers, and end users can utilize to meet their needs effectively.

Earlier this year, our subcommittee held three very productive hearings that built upon the work done in the past two Congresses on this reauthorization effort. In many hours of testimony we heard diverse perspectives from end users, market participants, and regulators that were instrumental in drafting this legislation. Their testimony included outlooks on the unintentional impacts that the market reforms enacted following the 2008 financial crisis were having on the end user community.

Despite congressional attempts to exempt end users from some of the more costly and cumbersome mandates, end users continue to face unnecessary regulatory burdens and uncertainty. With this legislation we have the opportunity to erase that.

H.R. 2289, the Commodity End-User Relief Act, seeks to clarify congressional intent, minimize regulatory burdens, and most importantly, preserve the ability for those necessary risk management markets to serve those who need them.

I believe we have met these objectives of ensuring that our regulatory framework protects the integrity of our markets while not limiting the ability of end users to access these tools to conduct their business.

I am proud to support both this resolution and the underlying legislation, Mr. Speaker, and I urge my colleagues to join me in so doing.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want to call to the attention of my colleagues the Statement of Administration Policy on H.R. 2289 and just read a little bit of it so that my colleagues understand how strongly the administration is opposed to this:

“The administration strongly opposes the passage of H.R. 2289 because it undermines the efficient functioning of the Commodity Futures Trading Commission . . . by imposing a number of organizational and procedural changes that would undercut efforts taken by the CFTC over the last year to address end user concerns.

“H.R. 2289 also offers no solution to address the persistent inadequacy of the agency’s funding. The CFTC is one of only two Federal financial regulators funded through annual discretionary appropriations, and the funding that Congress has provided for it over the past 5 years has failed to keep pace with the increasing complexity of the Nation’s financial markets.

“The changes proposed in H.R. 2289 would hinder the ability of the CFTC to operate effectively, thereby threatening the financial security of the mid-

dle class by encouraging the same kind of risky, irresponsible behavior that led to the great recession.”

The statement concludes, Mr. Speaker:

“If the President were presented with H.R. 2289, his senior advisers would recommend that he veto the bill.”

STATEMENT OF ADMINISTRATION POLICY

H.R. 2289—COMMODITY END-USER RELIEF ACT

(Rep. Conaway, R-TX, June 2, 2015)

The Administration is firmly committed to strengthening the Nation’s financial system through the implementation of key reforms to safeguard derivatives markets and ensure a stronger and fairer financial system for investors and consumers. The full benefit to the Nation’s citizens and the economy cannot be realized unless the entities charged with establishing and enforcing the rules of the road have the resources to do so.

The Administration strongly opposes the passage of H.R. 2289 because it undermines the efficient functioning of the Commodity Futures Trading Commission (CFTC) by imposing a number of organizational and procedural changes and would undercut efforts taken by the CFTC over the last year to address end-user concerns. H.R. 2289 also offers no solution to address the persistent inadequacy of the agency’s funding. The CFTC is one of only two Federal financial regulators funded through annual discretionary appropriations, and the funding the Congress has provided for it over the past five years has failed to keep pace with the increasing complexity of the Nation’s financial markets. The changes proposed in H.R. 2289 would hinder the ability of the CFTC to operate effectively, thereby threatening the financial security of the middle class by encouraging the same kind of risky, irresponsible behavior that led to the great recession.

Prior to enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the derivatives markets were largely unregulated. Losses connected to derivatives rippled through that hidden network, playing a central role in the financial crisis. Wall Street Reform resulted in significant expansion of the CFTC’s responsibilities, establishing a framework for standardized over-the-counter derivatives to be traded on regulated platforms and centrally cleared, and for data to be reported to repositories to increase transparency and price discovery. The changes proposed in H.R. 2289 would hinder the CFTC’s progress in successfully implementing these critical responsibilities and would unnecessarily disrupt the effective management and operation of the agency without providing the more robust and reliable funding that the agency needs.

In order to respond quickly to market events and market participants, the CFTC needs funding commensurate with its evolving oversight framework. The Administration looks forward to working with the Congress to authorize fee funding for the CFTC as proposed in the FY 2016 Budget request, a shift that would directly reduce the deficit. User fees were first proposed in the President’s Budget by the Reagan Administration more than 30 years ago and have been supported by every Democratic and Republican Administration since that time. Fee funding would shift CFTC costs from the general taxpayer to the primary beneficiaries of the CFTC’s oversight in a manner that maintains the efficiency, competitiveness, and financial integrity of the Nation’s futures, options, and swaps markets, and supports market access for smaller market participants hedging or mitigating commercial or agricultural risk.

If the President were presented with H.R. 2289, his senior advisors would recommend that he veto the bill.

Mr. MCGOVERN. I think that basically says it all.

While I respect the intentions of my colleagues who drafted this bill, I think it is a deeply flawed bill, and it creates hurdles for the CFTC that will not be fully funded and will cause all kinds of problems.

I think we ought to make sure that the CFTC can do its job. I don't want a repeat of the financial crisis that resulted in the Great Recession. And I think the American people don't want a repeat of that.

I get very worried when I see this Congress chipping away at Dodd-Frank and the provisions in Dodd-Frank that get us back to what got us into this mess to begin with. I think we can do a lot better.

I urge my colleagues to vote "no" on the rule and vote "no" on the underlying bill.

With that, I yield back the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield myself the balance of my time.

Let me just say I appreciate the good discussion here today over the past hour. People on both side of the aisles have made very good comments, very good points.

As it relates to the last comment from Mr. MCGOVERN that talked about chipping away at Dodd-Frank, everything we're doing around here is fine-tuning and improving what has been passed in Congress—legislation, laws on the books that need improvement—and I see that as what we are doing here today.

So I appreciate very much the comments. And although we may have some differences, I believe that this rule and the underlying bill are very strong measures that are important to the future of our country.

This rule provides for ample debate on the floor, the opportunity to debate and vote on the bill and numerous amendments, which I would note are divided evenly between Democratic and Republican Members of this Chamber. It reflects the balanced deliberation that this rule will provide. This rule will provide for a smooth and deliberative process for sending this bill over to the Senate for their consideration.

H.R. 2289 is a solid and substantial measure that will address several critical issues that the CFTC and end users are facing.

Mr. Speaker, no one wants to see the complete deregulation of our financial services industry and our commodities and derivative markets. And I appreciate the comments from the gentleman from Massachusetts. However, it is critical that the regulations put in place are appropriate for our economy and as well for the users.

These rules have to provide safeguards and prevent systemic risk but cannot catch our entire economy in a one-size-fits-all regulation.

As we have discussed here today, the current rules place enormous paperwork and financial burdens on small

businesses. And that cannot go unstated. Our small businesses, ranchers, utilities, and manufacturers all face these financial burdens. They take these small, risk-averse entities and place them under the same regulatory scheme as large financial institutions and hedge funds. H.R. 2289 will differentiate and exempt the end users who are not a cause of systemic risk and should not have been lumped into these rules in the first place.

The underlying bill would also make much-needed reforms in the CFTC to strengthen their rulemaking process and add commonsense consumer protections.

Overall, this is a strong rule that provides for consideration of this important legislation. I urge my colleagues to support House Resolution 288 and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LOUDERMILK). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 182, not voting 7, as follows:

[Roll No. 274]

YEAS—243

Abraham	Davis, Rodney	Hill
Aderholt	Denham	Holding
Allen	Dent	Hudson
Amash	DeSantis	Huelskamp
Amodei	DesJarlais	Huizenga (MI)
Babin	Diaz-Balart	Hultgren
Barletta	Dold	Hunter
Barr	Donovan	Hurd (TX)
Barton	Duffy	Hurt (VA)
Benishek	Duncan (SC)	Issa
Bilirakis	Duncan (TN)	Jenkins (KS)
Bishop (MI)	Ellmers (NC)	Jenkins (WV)
Bishop (UT)	Emmer (MN)	Johnson (OH)
Black	Farenthold	Johnson, Sam
Blackburn	Fincher	Jolly
Blum	Fitzpatrick	Jones
Bost	Fleischmann	Jordan
Boustany	Fleming	Joyce
Brady (TX)	Flores	Katko
Brat	Fortenberry	Kelly (PA)
Bridenstine	Fox	King (IA)
Brooks (AL)	Franks (AZ)	King (NY)
Brooks (IN)	Frelinghuysen	Kinzinger (IL)
Buchanan	Garrett	Kline
Buck	Gibbs	Knight
Bucshon	Gibson	Labrador
Burgess	Gohmert	LaMalfa
Byrne	Goodlatte	Lamborn
Calvert	Gosar	Lance
Carter (GA)	Gowdy	Latta
Carter (TX)	Granger	LoBiondo
Chabot	Graves (GA)	Long
Chaffetz	Graves (LA)	Loudermilk
Clawson (FL)	Graves (MO)	Love
Coffman	Griffith	Lucas
Cole	Grothman	Luetkemeyer
Collins (GA)	Guinta	Lummis
Collins (NY)	Guthrie	MacArthur
Comstock	Hanna	Marchant
Conaway	Hardy	Marino
Cook	Harper	Massie
Costello (PA)	Harris	McCarthy
Cramer	Hartzler	McCaull
Crawford	Heck (NV)	McClintock
Crenshaw	Hensarling	McHenry
Culberson	Herrera Beutler	McKinley
Curbelo (FL)	Hice, Jody B.	McSally

Meadows	Rice (SC)	Stivers
Meehan	Rigell	Stutzman
Messer	Roby	Thompson (PA)
Mica	Rogers (AL)	Thornberry
Miller (FL)	Rogers (KY)	Tiberi
Miller (MI)	Rohrabacher	Tipton
Moolenaar	Rokita	Trott
Mooney (WV)	Rooney (FL)	Turner
Mullin	Ros-Lehtinen	Upton
Mulvaney	Roskam	Valadao
Murphy (PA)	Ross	Wagner
Neugebauer	Rothfus	Walberg
Newhouse	Rouzer	Walden
Noem	Royce	Walker
Nugent	Russell	Walorski
Nunes	Ryan (WI)	Walters, Mimi
Olson	Salmon	Weber (TX)
Palazzo	Sanford	Webster (FL)
Palmer	Scalise	Wenstrup
Paulsen	Schweikert	Westerman
Pearce	Scott, Austin	Westmoreland
Perry	Scott, David	Whitfield
Pittenger	Sensenbrenner	Williams
Pitts	Sessions	Wilson (SC)
Poe (TX)	Shimkus	Wittman
Poliquin	Shuster	Womack
Pompeo	Simpson	Woodall
Posey	Sinema	Yoder
Price, Tom	Smith (MO)	Yoho
Ratcliffe	Smith (NE)	Young (AK)
Reed	Smith (NJ)	Young (IA)
Reichert	Smith (TX)	Young (IN)
Renacci	Stefanik	Zeldin
Ribble	Stewart	Zinke

NAYS—182

Aguilar	Gabbard	Neal
Ashford	Gallego	Nolan
Bass	Garamendi	Norcross
Beatty	Graham	O'Rourke
Becerra	Grayson	Pallone
Bera	Green, Al	Pascarell
Beyer	Green, Gene	Payne
Bishop (GA)	Grijalva	Pelosi
Blumenauer	Gutiérrez	Perlmutter
Bonamici	Hahn	Peters
Brady (PA)	Hastings	Peterson
Brown (FL)	Heck (WA)	Pingree
Brownley (CA)	Higgins	Pocan
Bustos	Himes	Polis
Butterfield	Hinojosa	Price (NC)
Capps	Honda	Quigley
Capuano	Hoyer	Rangel
Cárdenas	Huffman	Rice (NY)
Carney	Israel	Richmond
Carson (IN)	Jeffries	Roybal-Allard
Cartwright	Johnson (GA)	Ruiz
Castor (FL)	Johnson, E. B.	Ruppersberger
Castro (TX)	Keating	Rush
Chu, Judy	Kelly (IL)	Ryan (OH)
Ciçilline	Kennedy	Sánchez, Linda
Clark (MA)	Kildee	T.
Clarke (NY)	Kilmer	Sanchez, Loretta
Clay	Kind	Sarbanes
Cleaver	Kirkpatrick	Schakowsky
Clyburn	Kuster	Schiff
Cohen	Langevin	Schrader
Connolly	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Serrano
Cooper	Lawrence	Sewell (AL)
Costa	Lee	Sherman
Courtney	Levin	Sires
Crowley	Lewis	Slaughter
Cuellar	Lieu, Ted	Smith (WA)
Cummings	Lipinski	Speier
Davis (CA)	Loeb sack	Swalwell (CA)
Davis, Danny	Lofgren	Takai
DeFazio	Lowenthal	Takano
DeGette	Lowey	Thompson (CA)
Delaney	Lujan Grisham	Thompson (MS)
DeLauro	(NM)	Titus
DelBene	Luján, Ben Ray	Tonko
DeSaulnier	(NM)	Torres
Deutch	Lynch	Tsongas
Dingell	Maloney,	Van Hollen
Doggett	Carolyn	Vargas
Doyle, Michael	Maloney, Sean	Veasey
F.	Matsui	Vela
Duckworth	McCollum	Velázquez
Edwards	McDermott	Visclosky
Ellison	McGovern	Walz
Engel	McNerney	Wasserman
Eshoo	Meeks	Schultz
Esty	Meng	Waters, Maxine
Farr	Moore	Watson Coleman
Fattah	Moulton	Welch
Foster	Murphy (FL)	Wilson (FL)
Frankel (FL)	Nadler	Yarmuth
Fudge	Napolitano	

NOT VOTING—7

Adams Forbes McMorris  
Boyle, Brendan Jackson Lee Rodgers  
F. Kaptur Roe (TN)

□ 1340

Messrs. FARENTHOLD, HANNA, McCLINTOCK, and WEBSTER of Florida changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The SPEAKER pro tempore (Mr. FLEISCHMANN). Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2578.

Will the gentleman from Georgia (Mr. LOUDERMILK) kindly take the chair.

□ 1342

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2578) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes, with Mr. LOUDERMILK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Georgia (Mr. AUSTIN SCOTT) had been disposed of, and the bill had been read through page 98, line 20.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. PITTENGER of North Carolina.

Amendment by Mr. NADLER of New York.

Amendment by Mr. FARR of California.

Amendment No. 1 by Mrs. BLACKBURN of Tennessee.

Amendment by Mr. FOSTER of Illinois.

Amendment No. 9 by Ms. BONAMICI of Oregon.

Amendment by Mr. ELLISON of Minnesota.

Amendment by Mr. GRAYSON of Florida.

Amendment by Mr. ROHRABACHER of California.

Amendment by Mr. GRAYSON of Florida.

Amendment by Mr. McCLINTOCK of California.

Amendment by Mr. PERRY of Pennsylvania.

Amendment by Mr. GARRETT of New Jersey.

The Chair will reduce to 2 minutes the time for any electronic vote in this series.

AMENDMENT OFFERED BY MR. PITTENGER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PITTENGER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 263, not voting 6, as follows:

[Roll No. 275]

AYES—163

Allen	Grothman	Pearce
Amash	Hardy	Perry
Amodei	Harris	Pittenger
Babin	Hartzler	Pitts
Barletta	Hensarling	Pompeo
Barr	Hice, Jody B.	Posey
Benishek	Hill	Price, Tom
Bilirakis	Holding	Ratcliffe
Bishop (UT)	Hudson	Reed
Black	Huelskamp	Ribble
Blackburn	Huizenga (MI)	Rice (SC)
Brady (TX)	Hultgren	Roby
Brat	Hunter	Rogers (AL)
Bridenstine	Hurd (TX)	Rohrabacher
Brooks (AL)	Hurt (VA)	Rokita
Brooks (IN)	Issa	Roskam
Bucshon	Jenkins (KS)	Rothfus
Burgess	Johnson (OH)	Rouzer
Byrne	Johnson, Sam	Russell
Carter (GA)	Jordan	Ryan (WI)
Carter (TX)	Kelly (PA)	Salmon
Chabot	King (IA)	Sanford
Chaffetz	King (NY)	Scalise
Clawson (FL)	Kinzinger (IL)	Schweikert
Coffman	Kirkpatrick	Scott, Austin
Collins (GA)	Kline	Sensenbrenner
Collins (NY)	Knight	Sessions
Comstock	Labrador	Shuster
Conaway	LaMalfa	Sinema
Cook	Lamborn	Smith (NE)
Cramer	Latta	Smith (TX)
Crawford	LoBiondo	Stewart
Curbelo (FL)	Loudermilk	Stutzman
Dent	Love	Thornberry
DeSantis	Luetkemeyer	Tipton
DesJarlais	Marchant	Talbot
Duffy	Marino	Walberg
Duncan (SC)	McCarthy	Walorski
Fincher	McCaul	Walters, Mimi
Fleming	McHenry	Weber (TX)
Flores	Meadows	Wenstrup
Forbes	Messer	Westerman
Fortenberry	Mica	Westmoreland
Fox	Miller (FL)	Whitfield
Franks (AZ)	Miller (MI)	Williams
Garrett	Mooney (WV)	Wilson (SC)
Gibbs	Mullin	Wittman
Goodlatte	Mulvaney	Womack
Gosar	Neugebauer	Woodall
Gowdy	Newhouse	Yoder
Graham	Nunes	Yoho
Granger	Olson	Young (IN)
Graves (GA)	Palazzo	Zeldin
Graves (LA)	Palmer	Zinke
Graves (MO)	Paulsen	

NOES—263

Abraham	Galleo	Nolan
Aderholt	Garamendi	Norcross
Aguilar	Gibson	Nugent
Ashford	Gohmert	O'Rourke
Barton	Grayson	Pallone
Bass	Green, Al	Pascrell
Beatty	Green, Gene	Payne
Becerra	Griffith	Pelosi
Bera	Grijalva	Perlmutter
Beyer	Guinta	Peters
Bishop (GA)	Guthrie	Peterson
Bishop (MI)	Gutiérrez	Pingree
Blum	Hahn	Pocan
Blumenauer	Hanna	Poe (TX)
Bonamici	Harper	Poliquin
Bost	Hastings	Polis
Boustany	Heck (NV)	Price (NC)
Brady (PA)	Heck (WA)	Quigley
Brown (FL)	Herrera Beutler	Rangel
Brownley (CA)	Higgins	Reichert
Buchanan	Himes	Renacci
Buck	Hinojosa	Rice (NY)
Bustos	Honda	Richmond
Butterfield	Hoyer	Rigell
Calvert	Huffman	Rogers (KY)
Capps	Israel	Rooney (FL)
Capuano	Jeffries	Ros-Lehtinen
Cárdenas	Jenkins (WV)	Ross
Carney	Johnson (GA)	Roybal-Allard
Carson (IN)	Johnson, E. B.	Royce
Cartwright	Jolly	Ruiz
Castor (FL)	Jones	Ruppersberger
Castro (TX)	Joyce	Rush
Chu, Judy	Katko	Ryan (OH)
Cicilline	Keating	Sánchez, Linda
Clark (MA)	Kelly (IL)	T.
Clarke (NY)	Kennedy	Sanchez, Loretta
Clay	Kildee	Sarbanes
Cleaver	Kilmer	Schakowsky
Clyburn	Kind	Schiff
Cohen	Kuster	Schrader
Cole	Lance	Scott (VA)
Connolly	Langevin	Scott, David
Conyers	Larsen (WA)	Serrano
Cooper	Larson (CT)	Sewell (AL)
Costa	Lawrence	Sherman
Costello (PA)	Lee	Shimkus
Courtney	Levin	Simpson
Crenshaw	Lewis	Sires
Crowley	Lieu, Ted	Slaughter
Cuellar	Lipinski	Smith (NJ)
Culberson	Loeback	Smith (WA)
Cummings	Lofgren	Speier
Davis (CA)	Long	Stefanik
Davis, Danny	Lowenthal	Stivers
Davis, Rodney	Lowey	Swalwell (CA)
DeFazio	Lucas	Takai
DeGette	Lujan Grisham	Takano
Delaney	(NM)	Thompson (CA)
DeLauro	Luján, Ben Ray	Thompson (MS)
DelBene	(NM)	Thompson (PA)
Denham	Lummis	Tiberi
DeSaulnier	Lynch	Titus
Deutch	MacArthur	Tonko
Diaz-Balart	Maloney,	Torres
Dingell	Carolyn	Trott
Doggett	Maloney, Sean	Tsongas
Dold	Massie	Turner
Donovan	Matsui	Upton
Doyle, Michael	McClintock	Valadao
F.	McCollum	Van Hollen
Duckworth	McDermott	Vargas
Duncan (TN)	McGovern	Veasey
Edwards	McKinley	Vela
Ellison	McMorris	Velázquez
Ellmers (NC)	Rodgers	Visclosky
Emmer (MN)	McNerney	Wagner
Engel	McSally	Walden
Eshoo	Meehan	Walker
Esty	Meeks	Walz
Farenthold	Meng	Wasserman
Farr	Moolenaar	Schultz
Fattah	Moore	Waters, Maxine
Fitzpatrick	Moulton	Watson Coleman
Fleischmann	Murphy (FL)	Webster (FL)
Foster	Murphy (PA)	Welch
Frankel (FL)	Nadler	Wilson (FL)
Frelinghuysen	Napolitano	Yarmuth
Fudge	Neal	Young (AK)
Gabbard	Noem	Young (IA)

NOT VOTING—6

Adams	Jackson Lee	Smith (MO)
Boyle, Brendan	Kaptur	
F.	Roe (TN)	